

**Protests at House of Assembly  
Hamilton, Bermuda  
Friday 2<sup>nd</sup> December 2016**



## **Contents**

**Executive Summary**

**Recommendations**

**1. Introduction**

**2. Planning**

**3. Command**

**4. Tactics**

**Appendix A - Terms of Reference**

**Appendix B - Review Team**



## **Executive Summary**

On the 02 December 2016, the Bermuda Police Service (BPS) policed a protest that took place outside the House of Assembly (HOA) in Hamilton.

During the week of 28th November 2016, open source information indicated that members of the public opposed to the One Bermuda Alliance (OBA) Government's plans for the re-development of the L.F. Wade International Airport, planned to hold a protest on the grounds of the HOA on Friday 2nd December 2016. The protest was in response to a planned debate on the Airport Redevelopment Concession Act 2016.

It was unknown how many protestors would attend, but previous protests in March 2016 saw protestors numbering circa 2,000. The March protests were largely peaceful, although they disrupted normal activity with the House being disturbed during its sitting on 4th March, and being prevented from sitting on three planned occasions between 7th and 11th March.

A public meeting was held on the evening of Thursday 1st December by the People's Campaign where the discussion included the Government's plans for the re-development of the airport. Information from the meeting indicated that protestors would start to gather at the HOA early on Friday morning.

Further information indicated that the Opposition Progressive Labour Party (PLP) made a general appeal on Thursday evening (1<sup>st</sup> December) to encourage people to assemble on Friday at the HOA grounds to protest the proposed airport bill. Other social media postings encouraged people to block access to the HOA.

Public order policing is challenging, requires experience and those involved need to stay flexible and resilient. It is seldom aesthetically pleasing and will quite often appear chaotic. This is simply because no matter how good the planning has been, when faced with a committed group(s) of protestors, the plan will need to be adapted to reflect the dynamics of the crowd and to react to their activities. Thus was the scenario facing the BPS on the 2<sup>nd</sup> December 2016.

On the day at about 0800 hours small groups of people began to gather at the main entrance to the HOA on Parliament Street, and at the three ancillary gates. At about 0830 hours an OBA MP attempted to enter the main gate but was physically blocked by protestors. The BPS informed the protestors of their rights to protest but that they could not lawfully block access to the HOA. The protestors were told they have 15 minutes to move but they shouted that they were not willing to move or allow MPs access, locking arms and standing in a line across the gates.

The number of protestors steadily grew and during the following hours the BPS contacted the Speaker of the House to discuss alternative dates and times for the session. It was initially agreed that the time and date could be changed but the venue needed to remain the same. The Speaker also stated that he would cancel the session if the MPs were not in the chamber by 1000 hours. The BPS immediately commenced a process to adjust tactics to achieve the goal but immediately before the plan could be executed just minutes before the deadline, the Speaker confirmed that the sitting was cancelled. He later made contact again to inform the BPS that he had amended the session commencement time to 1300 hours.



The BPS continued to advise protestors blocking the gates that they were committing offences and encouraged them to stop, continually reminding protestors and organizers that their actions must be lawful, and they must not intrude on the rights of others. A designated liaison officer also attempted to negotiate an end to the protest with the protest leaders. When informed that they would be liable to arrest unless they allowed access to the gates, the crowd surged and some of the police officers were assaulted. At approximately 1310 hours, police in protective equipment attempted a 'bubble tactic' to gain access through the main gate. They met resistance from the crowd and some officers were assaulted. Some officers deployed incapacitant spray and a call for urgent assistance was made. The officers withdrew and the operation was stood down after the Speaker decided that the HOA would not sit that day.

This report contains an independent assessment made by an experienced public order practitioner of the three key areas of the policing operation: the planning, command, and the use of the tactics employed. Although other areas of the operation have inevitably been touched upon, focus has been retained in these areas as they represent the key building blocks for a successful policing operation.

The key findings are as follows:

- Planning for this operation needed to have commenced earlier and been better informed through the provision of an appropriate, detailed threat assessment that enabled commanders to plan effectively and generate appropriate and proportionate tactical plans and contingencies.
- Appropriate protestor and stakeholder engagement strategies need to be adopted by BPS for all issues that may potentially result in protest.
- The ability of the BPS to exert effective command in potentially confrontational public order operations is limited by lack of exposure to this type of event and the availability of appropriate command training.

In conclusion this was a challenging day for the Bermuda Police Service where the officers and staff found themselves facing hitherto unexperienced levels of determination for which they are not adequately trained for. They were confronted by determined protestors, some of whom were intent on disruption. Within this context, the BPS officers showed resilience and a willingness to succeed despite the adversity they faced.

Of course no public order operation is ever perfect and there are always lessons to be learnt and improvements that could be made. This is because, if for no other reason, protestor tactics are continually evolving and the police have to respond. This operation is no different and the report makes several recommendations and highlights some areas for further internal review.

Gauging success in public order operations is often difficult with a variety of opinions routinely expressed by commentators post event. To overcome this, public order policing doctrine places success in the context of the outcome achieved for the overall operation. At the outset the Gold (strategic) Commander will establish what outcomes he/she wants to achieve and places them on the continuum of 'preferred', 'acceptable' and 'unacceptable'. Given the complexities of fulfilling the often competing obligations of facilitating peaceful protest whilst upholding the rights of



individuals whom the protest may impact upon, describing what you are trying to achieve in terms of outcomes seems an effective way to determine whether success has been achieved.

In this instance the preferred and acceptable outcomes established by the Gold Commander were not achieved, and clearly there are improvements that can be made to enable greater success in the future. Consequently the findings of this review should be viewed as an opportunity to develop enhanced -capability and capacity within BPS.



## Recommendations

1. It is recommended that an appropriate planning process is established for all public order events well in advance of the event commencement date. The process should incorporate the establishment of a strategy, an appropriate and effective command structure and the development of suitable contingency plans. (2.1, 2.5, 3.4 & 3.5)
2. It is recommended that an overarching strategy be established and appropriately briefed to commanders for all long running disputes. (2.2)
3. It is recommended that clear guidance regarding record keeping and what policy logs should be maintained throughout the planning and implementation of public order events and introduce an audit process to ensure the direction is adhered to. (2.13)
4. To facilitate an effective response to future events, public order command training should be delivered to those who are likely to be placed in command positions. It is also recommended that the Force establishes the required numbers of trained commanders and the succession arrangements going forward, to help maintain resilience. (3.6)
5. It is recommended that consideration be given to reviewing how the BPS allocates command roles for public order events to ensure the most appropriate and experienced commanders are utilised in the most demanding roles (3.7).
6. It is recommended that consideration be given to the lobbying for additional appropriate legislation to assist in the management of protest and fill existing legislative gaps (4.5).
7. It is recommended that BPS review its approach to the use of threat and risk assessments to ensure greater specificity and enable them to inform the planning for public order and public safety events (4.8).
8. It is recommended that the BPS invest in protest liaison training and ensure a 'no surprises' communication strategy is adopted for future public order events (4.9).
9. It is recommended that consideration be given to the delivery of appropriate tactical training to the PSU and other appropriate personnel (4.15).
10. It is recommended that the application of public order tactics by the PSUs is reviewed and any lessons learnt incorporated into future training (4.15).



## **1. Introduction:**

1.1 The Bermuda police Service operation on Friday 2<sup>nd</sup> December 2016 was in response to a planned protest around the House of Assembly in Hamilton. The timing of the protest coincided with a scheduled meeting in the House to debate the Airport Redevelopment Concession Act. The most recent similar demonstrations prior to 02nd December 2016 took place in March 2016 and had attracted approximately 2000 protestors in total and although peaceful, had proved disruptive.

1.2 The events on the 02<sup>nd</sup> December resulted in some injuries to members of the public and police officers and numerous complaints regarding the actions of the BPS. His excellency the Governor and the Commissioner of Police have jointly initiated an independent review of the policing operation (see appendix A) with a view to:

- Assessing the event planning and management, and
- Identifying any lessons to be learnt that will assist in the policing of future events.

1.3 The review has included analysis of all pertinent documentation, open source video material and a structured de-brief of key personnel involved. It has addressed the following areas:

- Planning,
- Command, and
- Tactics.

Inevitably other areas have been touched upon such as intelligence and organisational resilience. Comment has been made where appropriate however the thrust of the review has been centred on these three key areas.

1.4 The review has been conducted by a public order commander from the National Police Coordination Centre (NPoCC) in London who is experienced at Gold, Silver and Bronze levels of command. Details can be found in Appendix B.





## 2. Planning:

- 2.1 The exact date that police planning for the operation commenced remains unclear. It is apparent however that the BPS were aware that there was a protest being held at the HOA on Monday 21st November 2016 by a group known as MOVE for which an operation order was produced. The debate itself was originally planned for Wednesday 23<sup>rd</sup> November and was postponed until Friday 25<sup>th</sup>, postponed again to Wednesday 30<sup>th</sup> and then finally being scheduled for Friday 02 December. An operation order was completed for the 25<sup>th</sup> November and this appears to be the first documentation that refers to the anticipated protests associated with the debate itself. It is reasonable to expect that the planning for the event commenced prior to 23<sup>rd</sup> November however the review has failed to identify any documentation to substantiate this other than the 25<sup>th</sup> November order. The recognised event planning documentation in use within the BPS appears to largely consist of an Operation Order. The Operation Order for this event appears to have been commenced on the 30<sup>th</sup> November and then updated on the 2<sup>nd</sup> December once the event started to prove problematic. The success of any public order operation is often largely contingent on the thoroughness and timeliness of the operation's planning. This is particularly the case when resources are likely to be limited as will always be the case for the BPS with a strength of circa 400 officers. Appropriate tactical options need to be considered well in advance to allow commanders to decide on those most appropriate and prepare adequately for implementation. For this event, planning should have commenced well before the 23<sup>rd</sup> November as that was the original scheduled date for the debate. It is recommended that an appropriate planning process is established and implemented for all public order events well in advance of the event commencement date.
- 2.2 It is recognised that planning can only commence once the police become aware that the event will take place. On occasion this will mean that the police have to react quickly to developing events. Where a dispute is long running and may include multiple protests spread over weeks, months or even years, the police can be assisted by establishing an overarching strategy for the dispute. Whilst each individual event will require the strategy to be reviewed, it provides a framework within which spontaneous or short notice events can be responded to. This is advantageous when there has not been sufficient time to plan adequately. It is therefore recommended that an overarching strategy be established and appropriately briefed to commanders for all long running disputes. On this occasion, it is apparent that the debate had been postponed on several occasions and therefore by the time the protest actually materialised the planning should have been well established
- 2.3 At the start of the planning process, the Gold Commander should establish a strategy for the management of the event. The strategy acts as a framework within which the Silver Commander should develop tactical plans for the Gold to approve prior to implementation. The strategy should dictate behaviour during the entirety of the event including the approach to the event, the event itself and the aftermath.





- 2.4 For this event the Gold Commander had established a strategy which was documented in the Operation Order. The strategy consisted of seven strategic intentions and preferred, acceptable and unacceptable outcomes. The use of 'strategic intentions' and 'outcomes' is recognised as best practice and should be encouraged. The 'intentions' set direction and specifically provide the framework within which the command team operates whilst the 'outcomes' are intended to inform what tone, look, feel and legacy the Gold Commander wants to achieve for the event.
- 2.5 Although a strategy was set, there were some significant omissions that would, had they been included, have proved beneficial on the day of the protest. The strategy did not include strategic intentions in relation to the lawful gathering of intelligence, having a 'no surprises' communication strategy, ensuring business continuity or enhancing or maintaining public confidence. All of these, if considered during the planning stages, would have enabled BPS to be less reactive in the policing of the protest and it is recommended they are considered for inclusion in future strategies.
- 2.6 For example at no time in the command structure was a Bronze Intelligence role appointed. It is impossible to say whether additional intelligence would have been obtained regarding numbers or protestor intentions etc., but the presence of this role would ensure a focus on intelligence gathering at all stages of the event. That said, it is acknowledged that intelligence was received late in the evening on the 1<sup>st</sup> December which was passed to the Gold and Silver Commander. The intelligence informed them of the likelihood of large numbers and the intention to block access however, no change in the plans were made in response to this intelligence. Intelligence collection and dissemination systems are a prerequisite in any public order operation. Despite the late intelligence received, it is unclear that appropriate systems were established for this operation, possibly due to the omission of a specific intention in the strategy.
- 2.7 Similarly, not having a 'no surprises' communication strategy potentially hampered police efforts on the day. The approach of being open and transparent is deemed best practice in public order policing and has two aspects. Firstly there is the public messaging aspect that 'warns and informs' the public on what to expect on the lead up to and during any event. Warnings of disruption, road closures, conditions on a procession etc. are all things that might be included. The second aspect is more direct and involves the engagement of protestors and organisers by a police liaison team (PLT). Notwithstanding that a PLT was not appointed, it is clear that the Commissioner of Police did in fact make contact with protest organisers to make clear police expectations for lawful conduct. The Commissioner met personally with a group led by Bermuda Industrial Union President, Mr. Chris Furbert, following this up by summarising the content of that meeting in an email to Mr. Furbert in early November.
- 2.8 The PLT consists of police liaison trained officers (PLOs) who actively engage with protestors and organisers to as far as possible establish their intentions and also provide clarity on what the police intend to do. Liaison between the PLT and the Gold and Silver Commander is essential during the preparation for the event and the information obtained by the PLT is often a vital source of intelligence to both triangulate other



sources and also, provide a rationale for police action. This can be crucial when it becomes necessary to utilise more intrusive tactics.

- 2.9 For this event, the absence of a strategic intention mandating a 'no surprises' communication strategy meant that the initial command structure did not contain a PLT/PLO role. On the day itself when problems were encountered, a police liaison role was established but all the advantages of having early engagement to gauge attitude and inform planning had been lost.
- 2.10 Due to size alone, business continuity will always be a challenge for the BPS whenever they face a significant event. It would therefore be prudent to always consider early the resources required to manage the event itself whilst maintaining other essential services. To ensure this focus is maintained, this aspect should always be included in the strategic intentions.
- 2.11 The ability to provide a rationale for police action for this event is hampered by a haphazard approach to the recording of decisions or the keeping of policy logs. Indeed the strategy itself does not provide a rationale for the inclusion of each of the strategic intentions. It is not documented separately from the operation order and although that document incorporates the strategic intentions, best practice would suggest there is a separate strategy document that includes the rationale, outcomes, relative responsibilities of different organisations etc.
- 2.12 During the structured de-brief, both the Gold and Silver Commanders asserted that there had been numerous planning meetings on the approach to the event. However, neither have made any official record of the meetings or the decisions made. To the Gold Commanders' credit, on the day of the event he ensured he had a 'scribe' who recorded the meetings he attended and some of the options considered. The records however do not provide clarity on what direction was given regarding which tactics to use nor a clear rationale as to why a particular tactic was chosen or decision made. Conversely, a formal policy log was completed by the Public Order tactical advisor regarding the options and advice he provided to the command team.
- 2.13 Accurate policy logs are essential to enable any post incident review, whether it is an internal review or a public or judicial enquiry, to determine what knowledge was in the possession of decision makers at the time they made their decisions. Perhaps more importantly, the maintenance or enhancement of public confidence will be contingent on the police ability to be transparent and demonstrate that their actions were proportionate and necessary based on what they knew at the time their decisions were made. It is therefore recommended that the BPS provide clear guidance as to the record keeping and policy logs that should be maintained throughout the planning and implementation of public order events and introduce an audit process to ensure this direction is adhered to.
- 2.14 Throughout the documentary review and the post event de-brief, no mention was made of any contingency plans should the original plan or tactics prove ineffective or



impracticable. Indeed the operation order does not mention contingencies and when raised in the de-brief, none of the command team had considered them (see 3.5).

### 3. Command:

- 3.1 The operation order completed on the 30<sup>th</sup> November articulates the command structure for the event. In the second part of the order commenced on the 2<sup>nd</sup> December, there is a much expanded command structure documented. This was established after the protest had commenced and far too late to enable the relevant commanders to familiarise themselves with the intelligence held or planning that may have been completed. This was apparent in the de-brief when several commanders made reference to being brought into the operation too late.
- 3.2 The original command structure contained a Gold, Silver and two Bronze Commanders, one each for the early and late shifts. The latter appeared to be the relevant shift commanders that were on duty that day. For an operation that had the potential to be large scale and volatile, this structure was inadequate. Additional roles that may have been considered include an Intelligence Bronze (see 2.6), Contingency Bronze, Logistics Bronze, Custody Bronze, Investigation Bronze/SIO and a PLT/PLO. Indeed many of these roles were included in the subsequent command structure although there were still some omissions.
- 3.3 In the second command structure, there was also the inclusion of the role “Bronze mass arrests”. This is not usual terminology and it does not ordinarily appear in public order plans. In this event it is likely the terminology was used as the BPS has a ‘mass arrests policy’ which is a contingency plan to enable the procurement of additional cell space should the need exceed BPS capacity. Consequently the term appears to have been considered transferrable to the public order context. This should be avoided for a variety of reasons, the most notable being that it could be interpreted as suggesting an intention to make multiple arrests which is not conducive to the principle of the minimum use of force, or as suggesting an intention to curtail or prevent peaceful protest which is of course a qualified right under Human Rights legislation. The review established that within the context of this event the term was not intended to carry such connotations but instead was describing a role akin to an amalgamation of the Bronze Custody and Investigation roles. Under normal circumstances the amalgamation of the two roles should be avoided as the former is largely a logistical exercise of potentially managing a significant number of detainees from the point when they were arrested to the point that they are discharged from custody. The investigative role is about the collation, assessment and presentation of evidence and will continue well after the event has concluded. It is accepted however that with restricted personnel, on occasion it will be necessary to ‘double hat’ and perform more than one role simultaneously. If this should happen, there needs to be absolute clarity on what each role requires and the role holder needs to be suitably trained and equipped to perform the allotted tasks. Indeed this is the case for all command roles and for this event there was a lack of the required clarity and knowledge.



3.4 Many in the commanders felt that they were unclear as to what was expected from them and their colleagues. This was as a result of being brought into the planning late,

lack of situational awareness and not having a full knowledge of the plan, neither the original nor the evolving plan as the situation deteriorated on the day. Many of the difficulties encountered could have been alleviated by having an appropriate command structure in place throughout the event planning phase and this is recommended for all future events.

3.5 As a result of their late introduction, the Bronze Commanders had no time to consider any form of contingency plan for their area of responsibility. During the approach to any event, it is essential to consider reasonably foreseeable scenarios and develop contingencies should those scenarios actually occur. This enables a flexible, timely response should the operation not go according to the original plan. Had adequate contingency planning been conducted throughout the planning phase, this may have enabled effective mitigating action to have been taken the night before the protest when intelligence suggested that there was likely to be large numbers and a non-compliant attitude from the protestors.

3.6 A recurring theme throughout this review has been the paucity of appropriate training that has been undertaken by the Commanders for public order/event policing. Indeed this accounts for many of the learning points that have been highlighted in the planning process and the overall approach to the event on the 2<sup>nd</sup> December. Although many BPS senior officers have attended the Bramshill International courses run by the College of Policing, this does not qualify or equip them adequately for public order command. This was personified on the day of the event when at a briefing the Bronze Commanders were being considered as Silver Commanders, highlighting a basic misunderstanding of command structures. This continued until one of the Bronze Commanders challenged the practice and even during the structured de-brief, at least one of the commanders who performed a Bronze role was still confused and thought of himself as the Silver. It is clear that to facilitate an effective response to future events, public order command training should be delivered to those who are likely to be placed in command positions.

3.7 To their credit, all those who assumed a command position on the day of the event accepted their responsibilities and fully committed to the operation despite a number of them strongly feeling that they were not the most appropriate person for the role, and nearly all of them feeling that they were ill equipped in terms of training to perform their allotted function. During the review it became apparent that there were some more suitably experienced personnel who could have taken the more challenging roles and consequently consideration should be given to reviewing how the BPS allocates command roles for public order events.

3.8 In the vicinity of the House of Assembly on the day, there were too many commanders. Having so many commanders in such close proximity and without effective briefing or command protocols established beforehand will inevitably lead to confusion both for

Commanders and officers alike and it is felt by some that this is what happened on the day.



3.9 The role of Platinum was referenced numerous times during the review. During the event there was liaison between the Commissioner and other senior stakeholders and where appropriate, the Commissioner passed on the intentions of the Speaker of the HOA regarding session commencement times to the Gold and Silver commander to enable them to plan accordingly. The Platinum role however is not one that is recognised in public order command with the most strategic recognised role being that of Gold. However it is reasonable to assume that where the Gold Commander is not the Commissioner or Chief Constable of a police force, that person may wish to provide advice and support to the Gold Commander before or during the event. Care does however need to be taken to ensure that role responsibility within the command structure is not confused. Platinum does not become the de facto Gold Commander should he or she provide advice and support and the Gold and Silver Commander need to remain cognisant that have the most senior command roles for the operation and should not perceive any support provided as being an instruction. For this event the Gold Commander amended his strategy to just three strategic intentions from the original seven based on his perception and it highlights that amongst the existing command structure, there was a clear misunderstanding of roles and responsibilities, reinforcing the need for appropriate training.

## **4. Tactics:**

- 4.1 There is a range of legislation available to police to assist in the management of protests. The starting point is the Bermuda Constitution Order 1968 which is composed of a series of sections that have the effect of codifying basic Human Rights into law. Plainly put, the Act sets out the fundamental rights and freedoms that individuals have access to.
- 4.2 The rights are divided into 'absolute' and 'qualified' rights which means that although public bodies such as the police have to comply with the protection of rights, some rights can be restricted in certain circumstances, for example in the interest of public order, public safety or to protect the rights of others. Any such interference however will always need to be tested against the principles of proportionality, legality, accountability, necessity and whether it is ethical, particularly when the use of force is necessary to achieve that interference.
- 4.3 Whilst all the rights may at some point be pertinent in the policing of protests, the most commonly engaged are the 'freedom of conscience' (which includes thought, belief and religion' (protection 8), 'freedom of expression' (protection 9), and 'freedom of assembly and association' (protection 10). Taken collectively these rights provide a positive obligation on the police to facilitate peaceful protest and there would need to be strong grounds to interfere with these rights.
- 4.4 Recognition of the police obligation was reflected in the Gold Commanders' strategy with a specific strategic intention of "facilitate the exercise of a person's democratic right to protest peacefully and lawfully" being included. Care needs to be taken however





regarding the notion of 'lawfully'. The strategic intention as articulated could result in Silver and Bronze commanders using more force than is reasonable in the circumstances to ensure protests remain lawful. The principles test outlined at 4.2 above, particularly in relation to proportionality and necessity, mandates that some breaches of the law may need to be tolerated as the level of force required to prevent or stop them would not be proportionate to the criminality in question. Simultaneously, Commanders need to balance the right of others to go about their lawful business and the level of gravity attached to unlawful actions must always be judged in the context of the prevailing circumstances. Such is the complex backdrop in which public order Commanders must operate, thus reinforcing the need for appropriate command training and careful crafting of strategic intentions to avoid potential unintended consequences.

4.5 Having established that the Police must facilitate the right to peacefully protest, consideration needs to be given as to what legislation can be utilised to moderate the impact of a protest if that becomes necessary and appropriate. The Public Order Act 1963 enables the placing of some restrictions on public processions when the Deputy Governor grants a permit with conditions. There is no similar legislation however that enables conditions to be utilised for assemblies. In England and Wales, S.12 & 14 Public Order Act 1986 provide the police with a range of powers to deal with marches and static demonstrations. Under section 12 of the Act, the police may impose conditions on marches to prevent serious public disorder, serious damage to property, serious disruption to the life of the community, or intimidation of others. The conditions can relate to the route, number of protesters, duration and restrictions on entry to a public place. Under section 14, the police may impose conditions on static demonstrations to prevent serious public disorder, serious damage to property, serious disruption to the life of the community, or intimidation of others. The conditions can relate to the location of the protest, the maximum duration, and the maximum number of participants. These conditions can be imposed pre-event on the authority of a Chief Officer but perhaps more importantly, they can be imposed by the senior officer present at the time, regardless of rank should the relevant criteria be met. Although no procession was involved, this ability would have proved beneficial on the 2<sup>nd</sup> December. Due to the numbers involved, it would have potentially allowed the exertion of a degree of control over protestors as the situation would have clearly met the serious disruption criteria. Even if there was little impact at the time, the ability to demonstrate warnings are given and subsequent non-compliance would represent best evidence to underpin prosecutions and provide a longer term deterrence, particularly when dealing with long term disputes. It is therefore recommended that consideration be given to the lobbying for additional appropriate legislation to assist in the management of protest and fill existing legislative gaps.

4.6 The initial tactics for this operation were limited to the Night duty officers on the 1<sup>st</sup> December paying passing attention during their patrols to the HOA, and for two day duty officers to be positioned at the public entrance door to the House from 0800 hours.

Additionally the operation order mandates that the Silver Commander deploys officers at the perimeter of the grounds of the HOA to be ready to respond although it is not clear whether these officers were in addition to the two at the door, and if so how many of them there were and where exactly they were to be positioned. Special Branch officers



were also to be present at the HOA to assist in identifying offenders should criminality occur. The updated version of the operation order completed on the 2<sup>nd</sup> December included the new intelligence received late on the evening of the 1<sup>st</sup> and incorporated the additional deployment of a double crewed unit to be static at the HOA for the night shift.

4.7 These tactics proved to be inadequate for the scale of protest that materialised, despite the documented risk assessment providing a grade of medium risk. This grading is almost meaningless as it is far too broad to enable the accurate anticipation as to what is likely to occur. The risk assessment does reference a sensitive political climate and increased anti-government sentiment being expressed through graffiti. However, an updated version of the risk assessment was not provided, even after the receipt of the late intelligence on the 1<sup>st</sup>.

4.8 Risk or threat assessments for public order operations need to be constantly reviewed and detailed enough to enable an accurate anticipation of the threats posed. This means all potential eventualities need to be broken down and considered individually to avoid masking potentially real threats through the application of a generic grading. It is therefore recommended that BPS review its approach to the use of threat and risk assessments to ensure greater specificity and enable them to inform the planning for public order and public safety events.

4.9 To support a detailed threat assessment, effective early liaison with protest organisers to establish intentions and triangulate information and intelligence is essential to fully inform Commanders. The use of a Police Liaison team (PLT) is a recognised public order tactic that if used effectively adds value and insight for Commanders. PLT officers are valuable sources of information, particularly as events unfold. They allow commanders to triangulate what police are actually experiencing on the ground with what organisers are saying. Discrepancies or indeed congruity can be used to inform action, escalate/deescalate tactics or provide rationale for a particular course. The PLT informing organisers of requirements and potential options for police can often be a good tactic to curtail inappropriate protestor activity and reduce the need for police intervention. Similarly early stakeholder engagement with key people, such as the speaker of the HOA, to discuss alternatives and contingencies is always advisable. Lack of these arrangements and the absence of a specific threat assessment, coupled with a degree of over confidence resulting from previously compliant protests resulted in the BPS not being tactically prepared for the scale and determined nature of this protest. Consequently the BPS was not able to control the numbers or achieve some of their strategic intentions. It is recommended that the BPS invest in police liaison training and ensure a 'no surprises' communication strategy is adopted for future public order events.

4.10 Had a more thorough approach been taken from the outset to establish the risk and communicate effectively with the organisers and other stakeholders, numerous tactical options would have been apparent. These range from the utilisation of an alternative venue through to taking the ground early and the establishment of appropriate barrier plans to secure access and egress routes. In all cases appropriate contingency plans need to be considered, documented and understood by all concerned.





- 4.11 Having not planned in enough detail initially, the BPS found themselves facing what was in effect a large scale spontaneous protest with significant numbers of protestors blockading the entrances to the HOA. The Gold and Silver Commander requested tactical advice and were provided with the options of do nothing, utilise a bubble tactic or to utilise the Police Support Unit (PSU) with full protective equipment and shields. The tactical advisor also provided the relative advantages and disadvantages of each option.
- 4.12 Understandably, the decision to utilise the 'bubble tactic' was deemed the only alternative by the Command Team if they were to achieve their strategic intention of enabling access for the legislature to the HOA. Given this lawful desire, they attempted to gain access to the HOA using the 'bubble tactic'. The protestors response was to become more aggressive and actively resist, leading to a further deterioration in police and protestor relations at the scene.
- 4.13 Given the numbers of protestors present, their demeanour and relative lack of BPS resources, the use of the 'bubble tactic' was always likely to be unsuccessful and indeed this was flagged by at least one of the Bronze Commanders on the ground who voiced his reservations. Given the pressure the command team were undoubtedly feeling to enable the House to sit, coupled with the lack of experience and training for dealing with this type of event, the commanders' concerns were not heard. To utilise full shield tactics would have represented a wholly disproportionate response to the criminality that was being experienced and with the 'bubble' unlikely to be effective, the only realistic alternative at this stage was to abandon the debate and for the police to take no further action (other than to gather evidence to substantiate subsequent prosecutions).
- 4.14 It is not entirely clear what the 'bubble tactic' was trying to achieve. Normally a bubble protects people within it for movement through a crowd, for example an arrest team to get them to a point in a crowd to enable the apprehension of a specific offender. In this case, there was no-one in the 'bubble' and therefore it can only be assumed that they were trying to get to the gate to secure it and facilitate access. The reality of the situation however meant that even if they had been able to secure the gate, the protestors were in such numbers that they could easily have moved to block access further away from the gate. In essence, there were no resources securing any ground the PSU may have managed to take and therefore the tactic was futile.
- 4.15 The ability of the PSU to achieve the desired outcome is also worthy of consideration. For any dynamic and potentially confrontational tactic to be successful, the personnel involved need to be trained and practice the tactic regularly. The training of the PSU is beyond the purview of this review but it is recommended that

consideration is given to the delivery of appropriate tactical training to the PSU and other appropriate personnel. This could be achieved through the UK based College of Policing training team. It is recommended that the application of public order tactics by the PSUs is reviewed and any lessons learnt incorporated into future training.



Chris Shead  
Assistant Chief Constable  
National Police Coordination Centre



**Terms of Reference**  
**Protest at the House of Assembly, Hamilton, Bermuda**  
**2nd December 2016**

During the week of 28th November 2016, open source information indicated that members of the public opposed to the Government's plans for the re-development of the L.F. Wade International Airport planned to hold a protest on the grounds of the House of Assembly (HOA) on Friday 2nd December, 2016. The Legislature was scheduled to debate the Airport Redevelopment Concession Act 2016 during a scheduled sitting of the HOA on that date.

On Friday 2nd December a crowd gathered at the House of Assembly and physically blocked access to the gates, preventing MPs from entering the building or grounds. Police intervened in an attempt to secure access but were resisted by the growing crowd. Over several hours, the crowd increased and police attempted to negotiate with the protestors. As the police attempted to gain entry to the HOA, several officers were assaulted and incapacitant (captor) spray was used by police.

Following the event, His Excellency the Governor and the Commissioner of Police have agreed that the police response to the protests on 2nd December should be independently reviewed. The review will be led by Assistant Chief Constable Chris Shead from the National Police Coordination Centre.

The aim of the review is:

- Provide His Excellency the Governor and the Commissioner of Police a means by which they can assess the planning and response to the protest.
- To transfer learning from the event into future policing operations, thereby ensuring that appropriate and proportionate policing responses to other such operations are maintained or enhanced.
- To review the arrangements for the planning and command of the operation, and tactics used.
- To provide a public facing report identifying lessons learnt from the operation.



## **Review Team**

**Assistant Chief Constable Chris Shead**

Thames Valley Police (currently seconded to NPoCC)

Pertinent qualifications: Public Order Gold Commander, CBRN Gold Commander, Strategic Firearms Commander, Counter Terrorism Commander

ACC Shead has commanded a wide variety of public order/public safety events including English Defence League marches, Animal Rights protests, Football matches, industrial disputes, music festivals and other high profile sporting events.

ACC Shead is also a national assessor on the Gold Public Order Command Course and Strategic Firearms Command Course.



