

Dublin-Swan, Denyelle

From: Simmons, Glenisha T.
Sent: Tuesday, November 9, 2021 10:33 AM
To: Scott, Juanee; Dublin-Swan, Denyelle
Subject: RE: recent PATI request received 21 Oct 2021
Attachments: 190214 Ministerial Statement December 2nd Settlement.docx

Good morning,

I have had a search of my computer and located the attached document. It is not complete and was last edited on 14 Feb 2019. That is likely because I was directed to stop work on it.

I hope this is helpful.

Best regards,

Glenisha

From: Scott, Juanee
Sent: Tuesday, November 9, 2021 10:23 AM
To: Simmons, Glenisha T. <gtsimmons@gov.bm>
Subject: FW: recent PATI request received 21 Oct 2021

Hi Glenisha,

As I mentioned to you before. I have been trying to locate this statement for Denyelle to provide for the PATI request. I have looked through P Safety in the 2019 folder and it was not there. I would not have a copy of it as I arrived in the Ministry in April of that year.

I also reached out to the HOA to see if they had any records of it. Would you be able to look in your emails to see if you had any copies of it please?

Regards,
JS



Juanee Scott – Executive Aide and Political Attaché to the Minister of National Security

GOVERNMENT OF BERMUDA | Ministry of National Security
43 Church Street | Hamilton, Bermuda HM12
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Telephone: 441-294-9283

Please help to conserve our planet, only print if absolutely necessary. Thank you

From: Dublin-Swan, Denyelle **On Behalf Of** National Security
Sent: Monday, October 25, 2021 1:51 PM
To: Scott, Juanee <jscott@gov.bm>
Subject: RE: recent PATI request received 21 Oct 2021

Hi Juanee,

See below PATI request which I received on Thursday 21st October. Please provide any info you can or point me in the direction of where or who I can get this info.

Please consider this email to be a PATI request for the following records:

The statement of the Minister of National Security which was due to be delivered in the House of Assembly on February 15, 2019 on payments to the December 2, 2016 protestors. The statement is mentioned in this article:

<https://www.royalgazette.com/politics/news/article/20190216/pepper-spray-payouts-statement-postponed/>

I will need a copy of this referenced Ministerial Statement by 9th November so I can meet the deadline to respond to the requestor.

Regards,



Denyelle Dublin-Swan

Office Manager | PATI Information Officer

GOVERNMENT OF BERMUDA | Ministry of National Security

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Ministerial Statement

By

The Hon. Wayne Caines, JP, MP
Minister of National Security

Ministry of National Security December 2nd Settlement

15th January 2019

Mr. Speaker, I rise today to provide clarity around recent happenings regarding the unfortunate events of December 2nd, 2016. Honourable Members will recall that date as the climax of ongoing protests of the One Bermuda Alliance's - then the Government – airport redevelopment plan.

Mr. Speaker, by all accounts, December 2nd, 2016 was a bad day for Bermuda. Several officers were injured, 14 members of the public were charged with offences, and 27 individuals raised complaints against the conduct of police with the Police Complaints Association. For those of us who witnessed the events first-hand, or through various media sources after the fact, the day is remembered as an unsightly blemish on Bermuda's normally peaceful reputation.

Mr. Speaker, Honourable Members will be aware that Government House commissioned a review by the National Police Coordination Centre (NPoCC) of the events of the day. That report highlighted twenty-six oversights in the planning and communication of the BPS policing plan to control the crowd on the day.

Similarly, **Mr. Speaker**, following the receipt of twenty-seven individual complaints, the Police Complaints Association (PCA) issued a report on its findings of the conduct of Bermuda Police Service (BPS) Officers on

the day. While the report found “no instances of misconduct that could be attributed to Officers at the Parliamentary grounds”, the report did find that mistakes at the senior levels of the BPS did have a negative effect on the outcome of the day.

Mr. Speaker, I believe that the BPS has acknowledged their opportunities for service improvement. During my time as Minister of National Security, I have worked with the BPS to ensure that we have looked at each one of the identified failings and put a plan in place to rectify the shortcomings. I also believe that the protesters who were present that day are cognizant of the lasting effect the day’s events have had on the community. Therefore **Mr. Speaker**, I do not intend to spend much time here today replaying the events of December 2nd, in order to assign blame to one segment or another.

Rather, **Mr. Speaker**, I would like to take some time to offer clarity and transparency on the Ministry of National Security’s decision to use a pro gratia payment for full and final settlement with the 27 individuals who had their complaints turned down by the PCA. This decision was not taken lightly. The Government spent a lengthy period considering a number of social and financial factors. Ultimately, the decision to settle at this juncture was based on financial prudence.

Mr. Speaker, the Government was aware that the 27 individuals were not prepared to accept the PCA’s decision to dismiss the complaints as final. In fact, these individuals intended to bring the matter for judicial review. Honourable Members will be aware that the PCA is appointed by His Excellency, the Governor, with the Ministry of National Security having administrative and financial responsibility. This means that the Ministry of National Security would be responsible for the cost of legal representation for the PCA.

Further, **Mr. Speaker**, the Ministry of National Security has administrative and financial responsibility for the BPS. This would have

been another significant cost for the Ministry as the fees associated with legal counsel for each officer would need to be funded by the Ministry. When considering the public purse, and faced with the reality of at least twenty-six shortcomings, as identified by the NPoCC report, by the police on the day, the Ministry could not support the likely insurmountable legal cost of an estimated nine month matter in the Supreme Court.

Mr. Speaker, the total \$225,000.00 pro gratia payment to these individuals represents one of many steps that this Government intends to take in order to bring closure to the events of December 2nd, 2016. There is currently a bi-partisan sub-committee that has been tasked with reviewing the

