

EXEMPT 23

From: Knight, Samantha
Sent: Friday, August 17, 2018 2:45 PM
To: Simmons, Kathy (Attorney General)
Cc: Smith, Allan Wayne; Caines, Wayne M.; DelValle, Kristina
Subject: RE: Meeting with ~~EXEMPT~~

Good day AG,

Minister Caines is back in office and would like to meet with you at 3:30pm in his office to discuss your strategy for the meeting at 4pm.

Please let me know if you are available.

Thank you and kind regards,

Samantha



Samantha M. Knight, MSc

Operations Consultant and
Attache' to the Minister of National Security
Government of Bermuda | **Ministry of National Security**
Global House | 43 Church Street | Hamilton, Bermuda HM 12

Direct Telephone: 441 294 9283 Email: sknight2@gov.bm
Ministry of National Security | Direct Line: 441 297 7819
www.gov.bm

From: Simmons, Kathy (Attorney General)
Sent: Friday, August 17, 2018 9:17 AM
To: Knight, Samantha <sknight2@gov.bm>
Cc: Smith, Allan Wayne <awbsmith@gov.bm>; Caines, Wayne M. <wmcaines@gov.bm>
Subject: Re: Meeting with ~~EXEMPT~~

Thank you for your prompt response.

Please have the Minister contact me when he is in office.

Regards,

A-G

Sent from my iPhone

On 17 Aug 2018, at 9:10 AM, Knight, Samantha <sknight2@gov.bm> wrote:

Good morning AG,

Yes, I just got off the phone with ~~EXEMPT~~ and ~~EXEMPT~~ will meet with you and the Minister at 4pm in the National Security HQ.

Please let me know if I can be of further assistance.

Kind regards,

Samantha

From: Simmons, Kathy (Attorney General)
Sent: Friday, August 17, 2018 9:04 AM
To: Knight, Samantha <sknight2@gov.bm>; Smith, Allan Wayne <awbsmith@gov.bm>
Subject: Re: Meeting with ~~EXEMPT~~

Good morning Samantha,

Please advise whether ~~EXEMPT~~ has confirmed the availability of the Union representatives to meet at 4pm today.

Regards,

A-G

Sent from my iPhone

On 16 Aug 2018, at 5:29 PM, Knight, Samantha <sknight2@gov.bm> wrote:

Good day ~~EXEMPT~~.

Unfortunately, Minister Caines is flying back to Bermuda tomorrow will not be on island until tomorrow afternoon. The earliest available time that he and AG Simmons can both meet with ~~EXEMPT~~ is 4pm tomorrow.

Please confirm that all parties are available to meet at this time. If not, the meeting will have to be rescheduled for next week.

I apologize for any inconvenience this may have caused.

Thank you and kind regards,

Samantha

<image001.jpg>

Samantha M. Knight, MSc

Operations Consultant and
Attache' to the Minister of National Security
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Global House | 43 Church Street | Hamilton, Bermuda HM 12

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From: ~~EXEMPT~~ s 23
Sent: Thursday, August 16, 2018 4:22 PM
To: Knight, Samantha <sknight2@gov.bm>; Hayward, Jean-Ann M. <jamhayward@gov.bm>
Cc: DelValle, Kristina <kdelvall@gov.bm>; Jeffers, Karen R. <krjeffers@gov.bm>
Subject: RE: Meeting with ~~EXEMPT~~

Thank you Ms. Knight.

~~EXEMPT~~ will be accompanied by ~~EXEMPT~~ and ~~EXEMPT~~
~~EXEMPT~~ s 23

From: Knight, Samantha [<mailto:sknight2@gov.bm>]
Sent: Thursday, August 16, 2018 4:08 PM
To: ~~EXEMPT~~; Hayward, Jean-Ann M.
Cc: DelValle, Kristina; Jeffers, Karen R.
Subject: RE: Meeting with ~~EXEMPT~~

Good day ~~EXEMPT~~

Minister Caines and AG Simmons are available to meet tomorrow at 11am at the Ministry of National Security Headquarters, 3rd Floor Global House.

I will wait for your response to confirm.

Thank you and kind regards,

Samantha

<image001.jpg> **Samantha M. Knight, MSc**
Operations Consultant and
Attache' to the Minister of National Security
Government of Bermuda | **Ministry of National Security**
Global House | 43 Church Street | Hamilton, Bermuda HM 12

Direct Telephone: 441 294 9283 Email: sknight2@gov.bm
Ministry of National Security | Direct Line: 441 297 7819
www.gov.bm

From: ~~EXEMPT~~ s 23
Sent: Thursday, August 16, 2018 2:10 PM
To: Hayward, Jean-Ann M. <jamhayward@gov.bm>
Cc: Knight, Samantha <sknight2@gov.bm>; DelValle, Kristina <kdelvall@gov.bm>

Jeffers, Karen R. <krieffers@gov.bm>

Subject: RE: Meeting with ~~EXEMPT~~

Thank you Ms. Hayward. I didn't contact you because I thought you were still out of office.

Hopefully the meeting can be scheduled for tomorrow morning as ~~EXEMPT~~ has called a meeting with those persons who were pepper-sprayed for tomorrow afternoon.

~~EXEMPT~~, 23, 23

From: Hayward, Jean-Ann M. [mailto:jamhayward@gov.bm]

Sent: Thursday, August 16, 2018 2:00 PM

To: ~~EXEMPT~~

Cc: Knight, Samantha; DelValle, Kristina; Jeffers, Karen R.

Subject: Meeting with ~~EXEMPT~~

Good Afternoon ~~EXEMPT~~

Owen spoke with the Premier regarding ~~EXEMPT~~ request to meet with him to discuss the 'pepper spray incident'. The Premier has requested that ~~EXEMPT~~ meet with the Hon. Wayne Caines, JP, MP and the Attorney General as they are the ones dealing with the matter.

I have included their assistants on this e-mail so that this can be scheduled with them.

Regards,

<image002.jpg> **Jean-Ann Hayward, MSW**
Special Aide to the Premier
Government of Bermuda | The Cabinet Office
105 Front Street | Hamilton HM 12 | Bermuda
Direct: 441 294-0470
Cell: 441 707-0360
Email: jamhayward@gov.bm

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EXEMPT 523

From: Dill-Francois, Shakira J.
Sent: Thursday, August 16, 2018 8:52 AM
To: Caines, Wayne M .
Cc: Smith, Allan Wayne; Simmons, Kathy (Attorney General); Douglas, Melvin
Subject: RE: Pepper-spray matter

Noted Minister.

I will advise accordingly.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643

Direct Telephone: 441 297 7643 | Cell: 441 595 6767 | Email: sjdill@gov.bm

Attorney-General's Chambers Direct Line: 441 292 2463

www.gov.bm

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From: Caines, Wayne M .
Sent: Wednesday, August 15, 2018 5:42 PM
To: Dill-Francois, Shakira J.
Cc: Smith, Allan Wayne; Simmons, Kathy (Attorney General); Douglas, Melvin
Subject: Re: Pepper-spray matter

My DSG,

This settlement is in full and final settlement for all outstanding matters.

EXEMPT 523
's stance will affect everyone.

Not one penny is to be given until everyone was signed.

The management of the process belongs to them.

We will not be dealing with people on an individual basis. They did not approach individually.

I suspect the others will ensure gets into lockstep

EXEMPT
523

WC

The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda (441) 7048900

On Aug 15, 2018, at 1:59 PM, Dill-Francois, Shakira J. <sjdill@gov.bm> wrote:

Good day Minister & PS,

I just got off the phone with ~~EXEMPT~~. Basically there is the possibility that one of the Applicants (~~EXEMPT~~) could hold out in signing the agreement; the others have begun to sign but is saying that needs to still look at it.

My view is that if they do not all agree, then this could potentially affect the whole settlement as the action would still be before the court.

~~EXEMPT~~ is asking what our position is in this respect; would we still proceed with the payout for the 27 that agree, or would the agreement be off if 1 does not agree.

Apparently the union may call another meeting with regard to this issue and would like to know what the Ministry's position is.

Can you please advise? I am free to discuss further if need be.

Regards,

<image001.jpg> **Shakira J. Dill-Francois B.A, LL.B, LL.M**
Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

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EXEMPT 23

From: Dill-Francois, Shakira J.
Sent: Thursday, August 9, 2018 11:37 AM
To: Smith, Allan Wayne
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Morning,

Can you give me a call when you get a chance.

Thanks



Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643
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From: Smith, Allan Wayne
Sent: Wednesday, August 8, 2018 5:18 PM
To: Caines, Wayne M .; Dill-Francois, Shakira J.
Cc: Simmons, Kathy (Attorney General); Douglas, Melvin
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Noted with thanks.

From: Caines, Wayne M .
Sent: Wednesday, August 8, 2018 5:17 PM
To: Dill-Francois, Shakira J. <sjdill@gov.bm>
Cc: Smith, Allan Wayne <awbsmith@gov.bm>; Simmons, Kathy (Attorney General) <klsimmons@gov.bm>; Douglas, Melvin <mdouglas@gov.bm>
Subject: Re: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Thank you

The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda (441) 7048900

On Aug 8, 2018, at 1:05 PM, Dill-Francois, Shakira J. <sjdill@gov.bm> wrote:

Good day Minister & A/PS,

Please see the e-mail below regarding the delisting of the pepper-spray matter which was due to be heard tomorrow; the matter has been relisted for next week Thursday.

I will be in contact with A/PS Smith later this afternoon or tomorrow morning to finalise the agreements.

Regards,

<image003.jpg> **Shakira J. Dill-Francois B.A, LL.B, LL.M**
Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

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From: Wheatley, Alexandra N. **On Behalf Of** Supreme Court
Sent: Wednesday, August 8, 2018 12:48 PM
To: *EXEMPT 623*
Cc: *Shakira* Dill-Francois, Shakira J.; Supreme Court
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good day Counsel,

I refer to your e-mail below.

The matter has been relisted as requested.

Please note that moving forward the requisite forms must be filed for the relisting of a matter.

Best regards,

<image001.png> **Alexandra Wheatley**
ACTING REGISTRAR FOR THE COURTS OF BERMUDA
GOVERNMENT ADMINISTRATION BUILDING 2ND FLOOR
30 Parliament Street | Hamilton, Bermuda HM 12

anwheatley@gov.bm / www.gov.bm

Tel: 441 2921350

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From: EXEMPT s23
Sent: Wednesday, August 08, 2018 12:17 PM
To: Supreme Court
Cc: Dill-Francois, Shakira J.
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good day

We write once again with respect to the above matter.

The parties are very close to concluding a settlement and require a further 7 days to bring same to conclusion. In the circumstances, we respectfully request that this matter once again be delisted for Thursday 9 August 2018 and relisted for the following Thursday, that is 16 August 2018, if indeed that date is available to the Court.

We apologise for any inconvenience caused and look forward to the new mention date.

Thank you for your ongoing assistance.

Yours sincerely

EXEMPT s23

<image002.jpg>

EXEMPT s23

Paralegal
Litigation Department

Trott & Duncan Building
17A Brunswick Street
Hamilton HM 10
Bermuda

EXEMPT s23

www.td.bm

From: Chico, Fatima [<mailto:fchico@gov.bm>] **On Behalf Of** Supreme Court
Sent: Thursday, June 28, 2018 10:02 AM
To: ; Supreme Court

EXEMPT
s23

Cc: ~~EXEMPT~~

Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good Day,

This email refers to the above matter which was scheduled for Thursday, June 28th at 9:30am has been delisted. I do want to note that we are unable to accommodate Thursday, July 19th. The earliest date is Thursday, August 9th. May you please confirm this a mutually agreed date.

Regards,
F. Chico

From: ~~EXEMPT~~ 23

Sent: 27 June, 2018 4:26 PM

To: Supreme Court

Cc:

Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Importance: High

Good day

We refer to this matter once again, and write to request that the matter be delisted again for Thursday 28 June 2018 for a three week period, that is, until 19 July 2018.

We apologise for any inconvenience, and look forward to receipt of confirmation of the relisted hearing date.

We have not attached delist and relist forms, but if you require them, we shall provide same.

Thank you for your assistance.

Kind regards

~~EXEMPT~~ 23

From: Chico, Fatima [<mailto:fchico@gov.bm>] On Behalf Of Supreme Court

Sent: Thursday, June 07, 2018 4:21 PM

To: ~~EXEMPT~~ 23 Supreme Court <supremecourt@gov.bm>

Cc: ~~EXEMPT~~ 23

Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good Day,

This email refers to the above matter which was scheduled for Thursday, June 7th at 9:30am has been delisted and relisted for Thursday, June 28th at 9:30am.

Please acknowledge receipt of this email.

Regards,
F. Chico

From: EXEMPT s 23
Sent: 06 June, 2018 4:40 PM
To: Supreme Court
Cc: EXEMPT s 23
Subject: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Dear Madam Registrar

We write to respectfully request that the mention of this matter for tomorrow, 7 June 2017 at 9:30 am be delisted for a period of three weeks. In that regard, we attach a Delist Form.

We would be most grateful if the matter could be relisted for Thursday 28 June 2018 and enclose a Form 31 TC.

We look forward to hearing from you and thank you for your assistance in this matter.

Yours sincerely

EXEMPT

<image002.jpg>

EXEMPT

1/1

1/1

EXEMPT

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EXEMPT 423

From: Smith, Allan Wayne
Sent: Wednesday, August 8, 2018 5:18 PM
To: Caines, Wayne M.; Dill-Francois, Shakira J.
Cc: Simmons, Kathy (Attorney General); Douglas, Melvin
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Noted with thanks.

From: Caines, Wayne M.
Sent: Wednesday, August 8, 2018 5:17 PM
To: Dill-Francois, Shakira J. <sjdill@gov.bm>
Cc: Smith, Allan Wayne <awbsmith@gov.bm>; Simmons, Kathy (Attorney General) <klsimmons@gov.bm>; Douglas, Melvin <mdouglas@gov.bm>
Subject: Re: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Thank you

The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda (441) 7048900

On Aug 8, 2018, at 1:05 PM, Dill-Francois, Shakira J. <sjdill@gov.bm> wrote:

Good day Minister & A/PS,

Please see the e-mail below regarding the delisting of the pepper-spray matter which was due to be heard tomorrow; the matter has been relisted for next week Thursday.

I will be in contact with A/PS Smith later this afternoon or tomorrow morning to finalise the agreements.

Regards,

<image003.jpg> **Shakira J. Dill-Francois B.A, LL.B, LL.M**
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From: Wheatley, Alexandra N. **On Behalf Of** Supreme Court
Sent: Wednesday, August 8, 2018 12:48 PM
To: ~~EXEMPT~~ 523
Cc: ~~EXEMPT~~ ; Dill-Francois, Shakira J.; Supreme Court
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good day Counsel,

I refer to your e-mail below.

The matter has been relisted as requested.

Please note that moving forward the requisite forms must be filed for the relisting of a matter.

Best regards,

<image001.png> **Alexandra Wheatley**
ACTING REGISTRAR FOR THE COURTS OF BERMUDA
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Tel: 441 2921350

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From: ~~EXEMPT~~ 523
Sent: Wednesday, August 08, 2018 12:17 PM
To: Supreme Court
Cc: ~~EXEMPT~~ ; Dill-Francois, Shakira J.
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good day

We write once again with respect to the above matter.

The parties are very close to concluding a settlement and require a further 7 days to bring same to conclusion. In the circumstances, we respectfully request that this matter once again be delisted for Thursday 9 August 2018 and relisted for the following Thursday, that is 16 August 2018, if indeed that date is available to the Court.

We apologise for any inconvenience caused and look forward to the new mention date.

Thank you for your ongoing assistance.

Yours sincerely

EXEMPT

523

<image002.jpg>

EXEMPT

523

EXEMPT 523

523

From: Chico, Fatima [<mailto:fchico@gov.bm>] **On Behalf Of** Supreme Court
Sent: Thursday, June 28, 2018 10:02 AM
To: EXEMPT ; Supreme Court 523
Cc: EXEMPT
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good Day,

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Regards,
F. Chico

From: EXEMPT 523
Sent: 27 June, 2018 4:26 PM 523
To: Supreme Court
Cc: EXEMPT 523)
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority
Importance: High

Good day

We refer to this matter once again, and write to request that the matter be delisted again for Thursday 28 June 2018 for a three week period, that is, until 19 July 2018.

We apologise for any inconvenience, and look forward to receipt of confirmation of the relisted hearing date.

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Thank you for your assistance.

Kind regards

EXEMPT s23

From: Chico, Fatima [mailto:fchico@gov.bm] On Behalf Of Supreme Court

Sent: Thursday, June 07, 2018 4:21 PM

To: EXEMPT s23 ; Supreme Court <supremecourt@gov.bm>

Cc: EXEMPT s23 EXEMPT s23

EXEMPT s23 1>

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Regards,

F. Chico

From: EXEMPT s23 1

Sent: 06 June, 2018 4:40 PM

To: Supreme Court

Cc:

Subject: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

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EXEMPT s23

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EXEMPT s23

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EX EMP 123

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EXEMPT 523

From: Simmons, Kathy (Attorney General)
Sent: Wednesday, August 8, 2018 4:35 PM
To: Dill-Francois, Shakira J.
Cc: Caines, Wayne M.; Smith, Allan Wayne; Douglas, Melvin
Subject: Re: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Noted.

A-G

Sent from my iPhone

On 8 Aug 2018, at 1:05 PM, Dill-Francois, Shakira J. <sidill@gov.bm> wrote:

Good day Minister & A/PS,

Please see the e-mail below regarding the delisting of the pepper-spray matter which was due to be heard tomorrow; the matter has been relisted for next week Thursday.

I will be in contact with A/PS Smith later this afternoon or tomorrow morning to finalise the agreements.

Regards,

<image003.jpg> **Shakira J. Dill-Francois B.A, LL.B, LL.M**
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Government of Bermuda | **Attorney-General's Chambers**
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From: Wheatley, Alexandra N. On Behalf Of Supreme Court
Sent: Wednesday, August 8, 2018 12:48 PM
To: EXEMPT 523
Cc: Dill-Francois, Shakira J.; Supreme Court
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good day Counsel,

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Best regards,

<image001.png> **Alexandra Wheatley**
ACTING REGISTRAR FOR THE COURTS OF BERMUDA
GOVERNMENT ADMINISTRATION BUILDING 2ND FLOOR
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anwhcatley@gov.bm / www.gov.bm

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Sent: Wednesday, August 08, 2018 12:17 PM
To: Supreme Court
Cc: *EXEMPT*; Dill-Francois, Shakira J.
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good day

We write once again with respect to the above matter.

The parties are very close to concluding a settlement and require a further 7 days to bring same to conclusion. In the circumstances, we respectfully request that this matter once again be delisted for Thursday 9 August 2018 and relisted for the following Thursday, that is 16 August 2018, if indeed that date is available to the Court.

We apologise for any inconvenience caused and look forward to the new mention date.

Thank you for your ongoing assistance.

Yours sincerely

EXEMPT 23

<image002.jpg>

EXEMPT 23

T ~~EXEMPT~~ PT s23

s23

From: Chico, Fatima [mailto:fchico@gov.bm] **On Behalf Of** Supreme Court
Sent: Thursday, June 28, 2018 10:02 AM
To: ~~EXEMPT~~ ; Supreme Court s23
Cc: ~~EXEMPT~~
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good Day,

This email refers to the above matter which was scheduled for Thursday, June 28th at 9:30am has been delisted. I do want to note that we are unable to accommodate Thursday, July 19th. The earliest date is Thursday, August 9th. May you please confirm this a mutually agreed date.

Regards,
F. Chico

From: ~~EXEMPT~~ s23
Sent: 27 June, 2018 4:26 PM
To: Supreme Court
Cc: ~~EXEMPT~~ s23
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority
Importance: High

Good day

We refer to this matter once again, and write to request that the matter be delisted again for Thursday 28 June 2018 for a three week period, that is, until 19 July 2018.

We apologise for any inconvenience, and look forward to receipt of confirmation of the relisted hearing date.

We have not attached delist and relist forms, but if you require them, we shall provide same.

Thank you for your assistance.

Kind regards

~~EXEMPT~~ s23

From: Chico, Fatima [mailto:fchico@gov.bm] On Behalf Of Supreme Court

Sent: Thursday, June 07, 2018 4:21 PM

To: Supreme Court <supremecourt@gov.bm>

Cc:

Subject: RE: CIVIL Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Good Day,

This email refers to the above matter which was scheduled for Thursday, June 7th at 9:30am has been delisted and relisted for Thursday, June 28th at 9:30am.

Please acknowledge receipt of this email.

Regards,
F. Chico

From:

Sent: 06 June, 2018 4:40 PM

To: Supreme Court

Cc:

Subject: Civil Jurisdiction 2018 : No 25 - Wales et al v Police Complaints Authority

Dear Madam Registrar

We write to respectfully request that the mention of this matter for tomorrow, 7 June 2017 at 9:30 am be delisted for a period of three weeks. In that regard, we attach a Delist Form.

We would be most grateful if the matter could be relisted for Thursday 28 June 2018 and enclose a Form 31 TC.

We look forward to hearing from you and thank you for your assistance in this matter.

Yours sincerely

EXEMPT

<image002.jpg>

EXEMPT

E
T
I

EXEMPT

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EXEMPT 23

From: Smith, Allan Wayne
Sent: Tuesday, August 7, 2018 4:48 PM
To: Dill-Francois, Shakira J.
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

I've read it.

You still coming.

I'm here for a bit.

From: Dill-Francois, Shakira J.
Sent: Tuesday, August 7, 2018 2:05 PM
To: Smith, Allan Wayne <awbsmith@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

The Minister would have had the draft.

See the attached; they are all pretty much the same, only the name and amount may be different.

However, when you come for the meeting we can discuss that aspect.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643
Direct Telephone: 441 297 7643 | Cell: 441 595 6767 | Email: sjdill@gov.bm
Attorney-General's Chambers Direct Line: 441 292 2463
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From: Smith, Allan Wayne
Sent: Tuesday, August 7, 2018 2:02 PM
To: Dill-Francois, Shakira J.
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

I have not reviewed the draft agreements.

Who would have sent them?

I don't see them in my email.

From: Dill-Francois, Shakira J.
Sent: Tuesday, August 7, 2018 12:24 PM
To: Smith, Allan Wayne <awbsmith@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day A/PS,

Kindly advise if you will be free this afternoon to discuss this matter. The settlement agreements will need to be signed. I understand that you have reviewed the draft agreements; can you kindly confirm.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
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From: Smith, Allan Wayne
Sent: Monday, August 6, 2018 5:48 PM
To: Dill-Francois, Shakira J.; *EXEMPT 523*
Cc: Douglas, Melvin
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good Day *EXEMPT 523* and Ms. Dill-Francois.

This matter has been long outstanding.

I'm happy and available to speak to either or both of you on this matter any day this week if deemed necessary.

Regards and thanks to both of you for working to resolve this issue.

Wayne Smith.

From: Dill-Francois, Shakira J.
Sent: Monday, August 6, 2018 5:27 PM
To: *EXEMPT 523*

Cc: Douglas, Melvin <mdouglas@gov.bm>; Smith, Allan Wayne <awbsmith@gov.bm>

Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day *EXEMPT 523*

This e-mail is to confirm that the PCA has not objection to the Ministry of National Security seeking to settle the above captioned matter with a view to the matter being Discontinued by the Applicants with no admission of liability by the PCA. It should be noted that the proposed settlement agreement will be confidential.

Kindly confirm your agreement with same.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General

Government of Bermuda | **Attorney-General's Chambers**

Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643

Direct Telephone: 441 297 7643 | Cell: 441 595 6767 | Email: sjdill@gov.bm

Attorney-General's Chambers Direct Line: 441 292 2463

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EXEMPT 23

From: Smith, Allan Wayne
Sent: Tuesday, August 7, 2018 2:03 PM
To: Dill-Francois, Shakira J.
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Awesome.

Can you send me the agreements to review please?

From: Dill-Francois, Shakira J.
Sent: Tuesday, August 7, 2018 2:02 PM
To: Smith, Allan Wayne <awbsmith@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Ok noted.

We can aim for 4:15 .

I am in court at 2:30 but expect to be back before then.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M
Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643
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From: Smith, Allan Wayne
Sent: Tuesday, August 7, 2018 1:59 PM
To: Dill-Francois, Shakira J.
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good Day Mrs. Dill-Francois,

I have a 3 p m meeting.

I could do 4:15 pm or 4:30 pm?

Thanks.

Wayne

From: Dill-Francois, Shakira J.
Sent: Tuesday, August 7, 2018 12:24 PM
To: Smith, Allan Wayne <awbsmith@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day A/PS,

Kindly advise if you will be free this afternoon to discuss this matter. The settlement agreements will need to be signed. I understand that you have reviewed the draft agreements; can you kindly confirm.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M

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Government of Bermuda | **Attorney-General's Chambers**
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From: Smith, Allan Wayne
Sent: Monday, August 6, 2018 5:48 PM
To: Dill-Francois, Shakira J.; *EXEMPT 423* *523*
Cc: Douglas, Melvin
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good Day *EXEMPT* *523* and Ms. Dill-Francois.

This matter has been long outstanding.

I'm happy and available to speak to either or both of you on this matter any day this week if deemed necessary.

Regards and thanks to both of you for working to resolve this issue.

Wayne Smith.

From: Dill-Francois, Shakira J.
Sent: Monday, August 6, 2018 5:27 PM

To: L. *EXEMPT 523* 1> *523*
Cc: Douglas, Melvin <mdouglas@gov.bm>; Smith, Allan Wayne <awbsmith@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day *EXEMPT 523*

This e-mail is to confirm that the PCA has not objection to the Ministry of National Security seeking to settle the above captioned matter with a view to the matter being Discontinued by the Applicants with no admission of liability by the PCA. It should be noted that the proposed settlement agreement will be confidential.

Kindly confirm your agreement with same.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
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EXEMPT 523

From: Smith, Allan Wayne
Sent: Tuesday, August 7, 2018 2:02 PM
To: Dill-Francois, Shakira J.
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

I have not reviewed the draft agreements.

Who would have sent them?

I don't see them in my email.

From: Dill-Francois, Shakira J.
Sent: Tuesday, August 7, 2018 12:24 PM
To: Smith, Allan Wayne <awbsmith@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day A/PS,

Kindly advise if you will be free this afternoon to discuss this matter. The settlement agreements will need to be signed. I understand that you have reviewed the draft agreements; can you kindly confirm.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643
Direct Telephone: 441 297 7643 | Cell: 441 595 6767 | Email: sidill@gov.bm
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From: Smith, Allan Wayne
Sent: Monday, August 6, 2018 5:48 PM
To: Dill-Francois, Shakira J.; **EXEMPT**
Cc: Douglas, Melvin
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good Day **EXEMPT** and Ms. Dill-Francois.

This matter has been long outstanding.

I'm happy and available to speak to either or both of you on this matter any day this week if deemed necessary.

Regards and thanks to both of you for working to resolve this issue.

Wayne Smith.

From: Dill-Francois, Shakira J.

Sent: Monday, August 6, 2018 5:27 PM

To: *EXEMPT 23*

Cc: Douglas, Melvin <mdouglas@gov.bm>; Smith, Allan Wayne <awbsmith@gov.bm>

Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day *EXEMPT 23*

This e-mail is to confirm that the PCA has not objection to the Ministry of National Security seeking to settle the above captioned matter with a view to the matter being Discontinued by the Applicants with no admission of liability by the PCA. It should be noted that the proposed settlement agreement will be confidential.

Kindly confirm your agreement with same.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General

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EXEMPT 523

From: 
Sent: Monday, August 6, 2018 9:11 PM
To: Dill-Francois, Shakira J.
Cc: Douglas, Melvin; Smith, Allan Wayne
Subject: Re: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Hi Shakira. Thank you for your email. The PCA will be pleased when the matter is terminated and I can confirm that we have no objection to the Ministry resolving the matter on its confidential terms.

All the best,

On Aug 6, 2018, at 5:27 PM, Dill-Francois, Shakira J. <sjdill@gov.bm> wrote:

Good day

This e-mail is to confirm that the PCA has no objection to the Ministry of National Security seeking to settle the above captioned matter with a view to the matter being Discontinued by the Applicants with no admission of liability by the PCA. It should be noted that the proposed settlement agreement will be confidential.

Kindly confirm your agreement with same.

Regards,

<image001.jpg> **Shakira J. Dill-Francois B.A., LL.B, LL.M**
Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643
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EXEMPT 523

From: Smith, Allan Wayne
Sent: Tuesday, April 17, 2018 11:17 PM
To: ~~Blomert~~
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Thanks Jeff.

Will review tomorrow.

All the best to you as well.....

Wayne.

From: EXEMPT 523
Sent: Tuesday, April 17, 2018 11:12 PM
To: Smith, Allan Wayne
Subject: Fwd: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Wayne. As discussed

All the v best, Jeff

Begin forwarded message:

From: "Dill, Shakira J." <sjdill@gov.bm>
Date: March 22, 2018 at 7:33:30 AM GMT+11
To: "EXEMPT 523"
Cc: "Telemaque, Marc" <mtelemaque@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day EXEMPT 523

Further to your e-mail, I can advise that the decision has been taken that Chambers will not represent the Authority; as an independent body they will need to obtain their own counsel.

I trust that this clarifies the matter.

Regards,

Shakira J. Dill-Francois B.A, LL.B, LL.M
Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

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From: ~~EXEMPT~~ 5 23
Sent: Wednesday, March 21, 2018 2:45 PM
To: Dill, Shakira J.
Cc: Telemaque, Marc
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA
Importance: High

5 23

Madam Attorney General

It is some months since your appointment and may I extend my warm personal congratulations to you on that.

I write to you in my capacity as Chairman of the Police Complaints Authority, a body established under the Police Complaints Authority Act 1998, the members of which are appointed by the Governor in consultation with the Minister of National Security. I write seeking representation of the Authority in connection with proceedings brought against the Authority concerning the issue of the Decision on 10th August 2017 on the complaints of 26 members of the public against members of the police. The members of the Authority at the time of the issue of the Decision, which was sent at the time to each complainant by email or mail and which was also publically available, were me as chairman, Michelle Simmons, William Francis, Barrett Dill, Andrew Bermingham and Winston Esdaille.

Trott and Duncan wrote on 20th November 2017 setting out complaints on behalf of their clients in relation to the form of the Decision and the alleged failures to do certain things – pages 5, 6 and 7 of their letter attached refers.

Our response to them of 29th November 2017 sets out our disagreement with the basis of complaint and also refers to the statutory protection given to the Authority under section 26 of the 1998 Act.

We have as of yesterday, 20th March 2018, received by email a copy of a Notice of Originating Motion relating to Judicial Review setting the matter down for hearing on 2nd April 2018. We have received no other papers other than what is contained in the attached pdf as sent by Trott and Duncan.

We have raised the issue with the Governor as to legal representation for the Authority and he has asked us to write to you to seek your representation. I appreciate from discussion with the Deputy Solicitor General that independent bodies will not necessarily be represented by your Chambers. It may be that you consider it appropriate to appoint outside counsel on our behalf or perhaps direct us to obtain our own counsel, the latter course which would involve by necessity the Minister of National Security's office in relation to funding the litigation, which is why I am copying in Mr Telemaque, PS to the Minister.

In any event, I look forward to your response as soon as it is conveniently possible for you.

With kind regards, ~~EXEMPT~~ 5 23 5 23

~~EXEMPT~~ 5 23
~~EXEMPT~~ 5 23

From: Swan, Juliana [<mailto:jvswan@gov.bm>]
Sent: Tuesday, March 20, 2018 3:15 PM
To: ~~EXEMPT~~
Cc: ~~EXEMPT~~
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA
Importance: High

Good Day

I have just received the attached documents from ~~EXEMPT~~

I will acknowledge electronic receipt and the correct location address.

Regards,
Juliana Swan

Juliana V. Swan - Administrative Assistant
GOVERNMENT OF BERMUDA | Ministry of National Security
Police Complaints Authority
Telephone: 441-279-2848
49 King Street | Hamilton, Bermuda HM12
P.O. Box HM 1364 | Hamilton, Bermuda HM FX
Direct Email: jvswan@gov.bm

From: ~~EXEMPT~~ s 23
Sent: Tuesday, March 20, 2018 3:01 PM
To: ~~EXEMPT~~
Cc: Swan, Juliana; ~~EXEMPT~~
Subject: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Dear ~~EXEMPT~~

Please see attached. Original will be hand delivered.

Kind regards

~~EXEMPT~~ s 23

~~EXEMPT~~ s 23

~~EXEMPT~~ s 23

EXEMPT 23

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EXEMPT s 23

From: EXEMPT s 23
Sent: Tuesday, April 17, 2018 11:15 PM
To: Smith, Allan Wayne
Subject: Fwd: 2018 No. 25 civ. Winnæ Wales et al. v The Police Complaints Authority
Attachments: image001.png

And another.... EXEMPT s 23
Begin forwarded message:

From: EXEMPT s 23
Date: April 18, 2018 at 12:13:00 PM GMT+10
To: EXEMPT s 23
Cc: "wmcaines@gov.bm" <wmcaines@gov.bm>
Subject: Re: 2018 No. 25 civ. Winnæ Wales et al. v The Police Complaints Authority

Hi EXEMPT s 23
Thanks for the email and papers have been served, thank you.
For my part, subject to any views of the Minister, I think that we should proceed to meet and see what can be achieved.
I don't think there is any requirement for the hearing at this stage.
Hopefully you and I can meet in the course of the week of the 30th April.

All the best, EXEMPT s 23

On Apr 18, 2018, at 4:31 AM EXEMPT s 23 > wrote:

Dear All,

Please see below. We have now served the proceedings on the Police Complaints Authority. Further to our discussions outside the Chief Justice's courtroom after the hearing on the 2nd April 2018, we are instructed to pursue meaningful negotiations to settle this matter.

In light of the above, can you both indicate whether the below hearing is still required on the 10th May 2018 ?

Kind regards

From: O'Connor, Avita L. [mailto:aloconnor@gov.bm] On Behalf Of Supreme Court
Sent: Tuesday, April 17, 2018 2:25 PM
To: EXEMPT s 23 1>
Cc: Supreme Court <supremecourt@gov.bm>
Subject: 2018 No. 25 civ. Winnæ Wales et al. v The Police Complaints Authority

Good day EXEMPT s 23

Your letter dated 3 April 2018 refers.

This is to confirm that the above-captioned matter has been listed for mention on **Thursday, 10 May 2018 at 10:00am.**

Copies of the Order are ready for collection at the Government Administration Building, 2nd Floor.

Kind regards,

<image001.png> **Avita O'Connor**
ACTING ADMINISTRATIVE OFFICER (CIVIL/ COMMERCIAL DIVISION)
SUPREME COURT OF BERMUDA
GOVERNMENT ADMINISTRATION BUILDING
30 Parliament Street | Hamilton HM 12, Bermuda

aloconnor@gov.bm / www.gov.bm/supreme-court

Tel: 441 2921350

Save paper. Think before you print.

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EXEMPT § 23

From: **EXEMPT § 23**
Sent: Tuesday, April 17, 2018 11:13 PM
To: Smith, Allan Wayne
Subject: Fwd: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA
Attachments: image005.jpg; image006.png; image007.png; image009.png; image010.jpg

Wayne. As discussed

All the v best, **EXEMPT § 23**

Begin forwarded message:

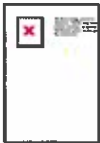
From: "Dill, Shakira J." <sjdill@gov.bm>
Date: March 22, 2018 at 7:33:30 AM GMT+11
To: "I" **EXEMPT § 23**
Cc: "Telemaque, Marc" <mtelemaque@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day **EXEMPT § 23**

Further to your e-mail, I can advise that the decision has been taken that Chambers will not represent the Authority; as an independent body they will need to obtain their own counsel.

I trust that this clarifies the matter.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643
Direct Telephone: 441 297 7643 | Cell: 441 595 6767 | Email: sjdill@gov.bm
Attorney-General's Chambers Direct Line: 441 292 2463
www.gov.bm

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From: **EXEMPT § 23**
Sent: Wednesday, March 21, 2018 2:45 PM
To: Dill, Shakira J.
Cc: Telemaque, Marc
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA
Importance: High

Madam Attorney General

It is some months since your appointment and may I extend my warm personal congratulations to you on that.

I write to you in my capacity as Chairman of the Police Complaints Authority, a body established under the Police Complaints Authority Act 1998, the members of which are appointed by the Governor in consultation with the Minister of National Security. I write seeking representation of the Authority in connection with proceedings brought against the Authority concerning the issue of the Decision on 10th August 2017 on the complaints of 26 members of the public against members of the police. The members of the Authority at the time of the issue of the Decision, which was sent at the time to each complainant by email or mail and which was also publically available, were me as chairman, Michelle Simmons, William Francis, Barrett Dill, Andrew Bermingham and Winston Esdaille.

Trott and Duncan wrote on 20th November 2017 setting out complaints on behalf of their clients in relation to the form of the Decision and the alleged failures to do certain things – pages 5, 6 and 7 of their letter attached refers.

Our response to them of 29th November 2017 sets out our disagreement with the basis of complaint and also refers to the statutory protection given to the Authority under section 26 of the 1998 Act.

We have as of yesterday, 20th March 2018, received by email a copy of a Notice of Originating Motion relating to Judicial Review setting the matter down for hearing on 2nd April 2018. We have received no other papers other than what is contained in the attached pdf as sent by Trott and Duncan.

We have raised the issue with the Governor as to legal representation for the Authority and he has asked us to write to you to seek your representation. I appreciate from discussion with the Deputy Solicitor General that independent bodies will not necessarily be represented by your Chambers. It may be that you consider it appropriate to appoint outside counsel on our behalf or perhaps direct us to obtain our own counsel, the latter course which would involve by necessity the Minister of National Security's office in relation to funding the litigation, which is why I am copying in Mr Telemaque, PS to the Minister.

In any event, I look forward to your response as soon as it is conveniently possible for you.

With kind regards, *EXEMPT s 23*

s 23

EXEMPT s 23



From: Swan, Juliana [<mailto:jvswan@gov.bm>]

Sent: Tuesday, March 20, 2018 3:15 PM

To: *EXEMPT s 23*

Cc:

Subject: FvW: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Importance: High

Good Day *EXEMPT s 23*

I have just received the attached documents from *Stonick*

I will acknowledge electronic receipt and the correct location address.

Regards,
Juliana Swan



Juliana V. Swan - Administrative Assistant

GOVERNMENT OF BERMUDA | Ministry of National Security
Police Complaints Authority
Telephone: 441-279-2848
49 King Street | Hamilton, Bermuda HM12
P.O. Box HM 1364 | Hamilton, Bermuda HM FX
Direct Email: jvswan@gov.bm

From: *EXEMPT § 23*
Sent: Tuesday, March 20, 2018 3:01 PM
To: *EXEMPT § 23*
Cc: Swan, Juliana; *Stonick*
Subject: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Dear *EXEMPT § 23*

Please see attached. Original will be hand delivered.

Kind regards

EXEMPT § 23



EXEMPT § 23

EXEMPT § 23
§ 23

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EXEMPT 523

From: Rankin, John J.
Sent: Wednesday, April 4, 2018 5:00 PM
To: Smith, Allan Wayne
Subject: BERMUDA: 2 December Peer review
Attachments: Press statement, 28 March 2017.pdf; Peer Review on House of Assembly protests.pdf

Dear Wayne

Thank you for our useful meeting yesterday and I look forward to working with you further in your new role.

As promised, I attach a copy of the Peer Review report into the events of 2 December together with the press statement that I issued upon its release.

Best regards

John Rankin

John Rankin CMG
Governor



Statement from His Excellency the Governor, Mr John Rankin CMG:

"On 11 January I announced that I had agreed with the Commissioner of Police and following consultation with the Premier that, in line with best practice, the Police response to the protests at the House of Assembly on 2 December 2016 should be independently reviewed by a peer organisation.

The resulting review, carried out by a senior UK police officer, is now being published in full without redaction. I welcome this independent assessment and the recommendations in the review, many of which have already been applied by the Commissioner of Police in the context of the House of Assembly meetings on 3 and 10 February. I am confident that the Commissioner and his team will continue to draw on the recommendations in the Review in their future work and planning.

It should be noted that this review of police planning, command and tactics is separate from two investigations in respect of the protests outside the House of Assembly on 2 December: namely the police investigation into allegations of criminal conduct by those protesting and secondly the investigation into complaints brought against police officers which have been referred to the Police Complaints Authority."

28 March 2017

**Protests at House of Assembly
Hamilton, Bermuda
Friday 2nd December 2016**



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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 protesters 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 (1st 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 2nd 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 2nd 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 02nd 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 23rd November and was postponed until Friday 25th, postponed again to Wednesday 30th and then finally being scheduled for Friday 02 December. An operation order was completed for the 25th 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 23rd November however the review has failed to identify any documentation to substantiate this other than the 25th 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 30th November and then updated on the 2nd 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 23rd 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 1st 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 30th November articulates the command structure for the event. In the second part of the order commenced on the 2nd 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 2nd 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 2nd 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 1st 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 2nd December included the new intelligence received late on the evening of the 1st 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 1st.

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.



EXEMPT 5.23

From: Smith, Allan Wayne
Sent: Wednesday, March 28, 2018 2:40 PM
To: Telemaque, Marc
Subject: Police Complaints Authority

Good Day Sir,

I have just met with *EXEMPT* regarding the PCA and the events of Dec. 2, 2016.

He is concerned that he has requested legal representation for the court matter on Monday morning April 2 but hasn't yet had confirmation that the Government will provide same.

Are we able to reply to his request?

Also, fyi, the HOPS asked the question earlier and I answered YES.

He emailed me and I was at MNS HQ at the time and called him from *EXEMPT* old office.

Thanks again....

WS.

Sent from my Samsung Galaxy smartphone.

EXEMPT 523

From: Smith, Allan Wayne
Sent: Tuesday, March 27, 2018 3:03 PM
To: Davis, Tanya
Subject: RE: Meeting with His Excellency the Governor

Good Day Tanya,

This is fine.

See you next Tuesday at 4 pm.

Many thanks,

Wayne.

From: Davis, Tanya
Sent: Tuesday, March 27, 2018 2:53 PM
To: Smith, Allan Wayne
Subject: RE: Meeting with His Excellency the Governor

Hi Wayne

The Governor has availability on Tuesday, 3 April at 4 pm. Does that suit?

Kind regards

Tanya

Tanya Davis MVO | Private Secretary to His Excellency the Governor
Government House | 11 Langton Hill | Pembroke HM 13 | Bermuda
✉ tmdavis@gov.bm | ☎ +441 292 3600 | 📠 +1441 292 6831

From: Smith, Allan Wayne
Sent: Tuesday, March 27, 2018 9:21 AM
To: Davis, Tanya <tmdavis@gov.bm>
Subject: RE: Meeting with His Excellency the Governor

Good Morning Tanya,

I'm the substantive Postmaster General but am currently doing a 6 month secondment with the Ministry of National Security, to assist with various projects, one of which is this one.

It will be fun to have a bit of nostalgia at a place where I once worked for a couple of years and which was instrumental in my personal and professional development.

I hope this helps.

Wayne.

From: Davis, Tanya
Sent: Tuesday, March 27, 2018 9:05 AM
To: Smith, Allan Wayne
Subject: RE: Meeting with His Excellency the Governor

Hi Wayne

In order to give the Governor some context, you are currently Postmaster General but are asking for the meeting in what capacity?

Kind regards

Tanya

Tanya Davis MVO | Private Secretary to His Excellency the Governor
Government House | 11 Langton Hill | Pembroke HM 13 | Bermuda
✉ tmdavis@gov.bm | ☎ +441 292 3600 | 📠 +1441 292 6831

From: Smith, Allan Wayne
Sent: Monday, March 26, 2018 4:17 PM
To: Davis, Tanya <tmdavis@gov.bm>
Subject: Meeting with His Excellency the Governor

Good Day Ms. Davis,

How are things with you and at GH?

I was chatting with the ADC earlier and he advised me to contact you.

I wish to meet with HE at some point, ideally this week if he is back.

The ADC said that both are away until Wednesday.

What is a convenient day and time to meet with HE?

The purpose of the meeting would be to discuss the Pepper Spraying Incident from December 2, 2016 and everything that has happened after it, including but not limited to the Police Complaints Authority report, the Parliamentary Joint Select Committee, etc.

Regards and thanks,

Wayne Smith.

EXEMPT 523

From: Davis, Tanya
Sent: Tuesday, March 27, 2018 9:22 AM
To: Smith, Allan Wayne
Subject: RE: Meeting with His Excellency the Governor

Thanks Wayne.

From: Smith, Allan Wayne
Sent: Tuesday, March 27, 2018 9:21 AM
To: Davis, Tanya <tmdavis@gov.bm>
Subject: RE: Meeting with His Excellency the Governor

Good Morning Tanya,

I'm the substantive Postmaster General but am currently doing a 6 month secondment with the Ministry of National Security, to assist with various projects, one of which is this one.

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✉ tmdavis@gov.bm | ☎ +441 292 3600 | 📠 +1441 292 6831

From: Smith, Allan Wayne
Sent: Monday, March 26, 2018 4:17 PM
To: Davis, Tanya <tmdavis@gov.bm>
Subject: Meeting with His Excellency the Governor

EXEMPT 523

From: Smith, Allan Wayne
Sent: Monday, March 26, 2018 4:24 PM
To: Davis, Tanya
Subject: RE: Meeting with His Excellency the Governor

Good Afternoon Tanya,

Thanks for responding so quickly.

Mr. Telemaque has asked me to look into this matter and to meet with HE, as well as the other key stakeholders in this matter.

Hopefully HE will agree to meet with me early next week.

Would you consider putting something in his diary tentatively on Monday or Tuesday, before he gets too busy and his schedule becomes too tight?

Please advise and many thanks,

Wayne.

From: Davis, Tanya
Sent: Monday, March 26, 2018 4:19 PM
To: Smith, Allan Wayne
Subject: RE: Meeting with His Excellency the Governor

Good afternoon Wayne

Thank you for your email.

In actuality, the Governor is currently off island, returning to the office on Monday, 2 April. I will bring your request to his attention as soon as I am able.

Kind regards

Tanya

Tanya Davis MVO | Private Secretary to the Governor of Bermuda
Government House | 11 Langton Hill | Pembroke HM 13 | Bermuda
✉ tmdavis@gov.bm | ☎ +441 292 3600 | 📠 +1441 292 6831

From: Smith, Allan Wayne
Sent: Monday, March 26, 2018 4:17 PM
To: Davis, Tanya <tmdavis@gov.bm>
Subject: Meeting with His Excellency the Governor

Good Day Ms. Davis,

How are things with you and at GH?

I was chatting with the ADC earlier and he advised me to contact you.

I wish to meet with HE at some point, ideally this week if he is back.

The ADC said that both are away until Wednesday.

What is a convenient day and time to meet with HE?

The purpose of the meeting would be to discuss the Pepper Spraying Incident from December 2, 2016 and everything that has happened after it, including but not limited to the Police Complaints Authority report, the Parliamentary Joint Select Committee, etc.

Regards and thanks,

Wayne Smith.

EXEMPT: 23

From: Smith, Allan Wayne
Sent: Monday, March 26, 2018 4:15 PM
To: ~~EXEMPT~~
Cc: ~~EXEMPT~~
Subject: RE: Meeting

Good Day Again ~~EXEMPT~~,

I have also been tasked with looking at the Police Complaints Authority, possible amendments to the Police Complaints Authority Act as well as the idea of creating a Police Authority.

You will also be aware that there is a parliamentary joint select committee that is looking into this matter.

This is a very important matter for the country and it is being treated as such.

I trust this is helpful and that you will find a moment to meet with me. I will try to make myself flexible around your schedule that ~~EXEMPT~~ says is very tight over the next several days.

Regards and thanks,

Wayne Smith.

From: Smith, Allan Wayne
Sent: Monday, March 26, 2018 3:59 PM
To: ~~EXEMPT~~
Cc: ~~EXEMPT~~
Subject: RE: Meeting

Good Day ~~EXEMPT~~

Thanks for responding.

Mr. Telemaque has asked me to meet with yourself, ~~EXEMPT~~ and other key stakeholders to discuss the matter and understand your concerns.

I trust that this helps.

Regards and thanks,

Wayne Smith.

From: ~~EXEMPT~~ <23>
Sent: Monday, March 26, 2018 3:51 PM
To: Smith, Allan Wayne
Cc: ~~EXEMPT~~
Subject: RE: Meeting

Good day Mr. Smith

I am not sure why you are requesting a meeting with ~~EXEMPT~~ and myself concerning the events of December 2, 2016.

That event happened some 15 months ago so I trying understand why all of a sudden you are requesting a meeting.

There were 26 members of the Public that filed complaints surrounding the events of December 2, 2106.

The Police Complaints Authority issued a report based on those complaints that were filed.

The contents of that report is being challenged.

From: Smith, Allan Wayne [mailto:awbsmith@gov.bm]

Sent: Tuesday, March 20, 2018 10:41 AM

To: *EXEMPT 523*

Subject: Meeting

Good Morning *EXEMPT*

Further to a conversation with *EXEMPT* yesterday, I left you a voicemail message requesting a meeting with yourself and *EXEMPT*

The purpose of the meeting is to obtain feedback from you and *EXEMPT*, on the events surrounding the incident of December 2, 2016, which culminated in police officers using pepper spray on members of the public.

Please suggest a day and time next week that works for you.

Many thanks,

Wayne Smith.

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EXEMPT § 23

From: Telemaque, Marc
Sent: Monday, March 19, 2018 11:21 AM
To: Smith, Allan Wayne
Subject: Re: ~~EXEMPT~~

He's at ~~EXEMPT~~ or ~~EXEMPT~~ § 23

Sent from my iPhone

On Mar 19, 2018, at 11:19 AM, Smith, Allan Wayne <awbsmith@gov.bm> wrote:

Morning CS,

I'm making the rounds of speaking to various persons in connection with the pepper spraying event of December 2, 2016.

So far I've chatted with the Commissioner of Police and Jeff Elkinson. I've read the PCA Report on the incident. Most interesting.

I know how to reach ~~EXEMPT~~ and HE, but HE will have to wait until I'm back on island next week, if you still feel that I should speak to HE on the matter.

What's the best way to reach ~~EXEMPT~~
look forward to yet another enlightening exchange.

I always enjoy interacting with him and

Hope all is well with you.

Bless you.

WS.

EXEMPT s23

From: EXEMPT s23
Sent: Friday, March 16, 2018 2:13 PM
To: Smith, Allan Wayne; Greaves, Carol
Subject: RE: Police Complaints Authority - Mr. Elkinson

s23

Thanks so much for that Wayne – need that encouragement!

Looking forward too

Kind regards EXEMPT s23

From: Smith, Allan Wayne [mailto:awbsmith@gov.bm]
Sent: Friday, March 16, 2018 1:29 PM
To: ~~EXEMPT~~
Subject: RE: Police Complaints Authority - Mr. Elkinson

Good Day Again ~~EXEMPT~~

It was a good read.

At first glance, excellent report and based on what I know, think and feel at the moment; I'm inclined to agree with the findings!

Looking forward to our coffee/chat week after next.

Regards,

Wayne.

From: EXEMPT s23
Sent: Friday, March 16, 2018 11:38 AM
To: Smith, Allan Wayne; ~~EXEMPT~~
Subject: RE: Police Complaints Authority - Mr. Elkinson

s23

Wayne – further to our discussion, please see attached

Kind regards, EXEMPT s23

From: Smith, Allan Wayne [mailto:awbsmith@gov.bm]
Sent: Friday, March 16, 2018 10:59 AM
To: ~~EXEMPT~~
Cc: ~~EXEMPT~~
Subject: RE: Police Complaints Authority - Mr. Elkinson

Good Day ~~EXEMPT~~

You are as efficient as advertised.

I'm available at ~~EXEMPT~~ ^{s23} and invite ~~EXEMPT~~ to reach out to me when his meeting is done.

Perhaps he can propose a time that works well for him. I can make myself flexible.

I don't expect to need more than 15 minutes of his time today.

Many thanks,

Wayne Smith.

From: ~~EXEMPT~~ ^{s23}
Sent: Friday, March 16, 2018 10:51 AM
To: Smith, Allan Wayne
Cc: ~~EXEMPT~~
Subject: RE: Police Complaints Authority - Mr. Elkinson

Morning Mr. Smith

Mr Elkinson can be reached via email: ~~EXEMPT~~ ^{s23} and his direct telephone number at CDP is ~~EXEMPT~~ ^{s23}. He is currently in a meeting and can contact you or respond to your email at his earliest opportunity.

Kind regards,

~~EXEMPT~~ ^{s23} Assistant to ~~EXEMPT~~ ^{s23}

~~EXEMPT~~

"

"

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From: Smith, Allan Wayne [<mailto:awbsmith@gov.bm>]
Sent: Friday, March 16, 2018 10:43 AM
To: ~~EXEMPT~~
Subject: Police Complaints Authority - Mr. Elkinson

Good Day ~~EXEMPT~~

My name is Wayne Smith and I'm working with the Ministry of National Security on a few projects.

Mr. Telemaque has asked me to look into a few matters with the Police Complaints Authority and in this regard I wish to have a chat with Mr. Elkinson.

How may I reach him, chat with him, etc.?

Many thanks,

Wayne Smith.

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EXEMPT 5.23

From: Smith, Allan Wayne
Sent: Tuesday, February 27, 2018 9:38 AM
To: Telemaque, Marc
Subject: RE: Touching Base/Update

Morning.

I know you're busy.

This is not urgent. Get to it when you can. Just wanted to give you an update on what I'm doing.

I've spoken to Eddie, Keeva and Michael so far. Will call David Curley today and get an update from him on the Regiment assuming a maritime role.

Be well....

From: Telemaque, Marc
Sent: Tuesday, February 27, 2018 9:08 AM
To: Smith, Allan Wayne
Subject: RE: Touching Base/Update

Morning. I'll try and get you a substantive response today. This is a long one !

From: Smith, Allan Wayne
Sent: Monday, February 26, 2018 12:51 PM
To: Telemaque, Marc
Subject: Touching Base/Update

Morning CS,

How are you settling in?

I've reviewed the Throne Speech, Budget Statement and the PLP Platform; from a National Security perspective and from a national interest perspective. There is a lot for us at the Ministry of National Security to do but we can discuss that at your pleasure.

I'm reviewing the Police Complaints Authority Act and have just a few questions:

1. Are there specific amendments that have already been determined or is it for me to identify amendments?
2. When will parliamentarians attend the process for the pepper spraying incident? Is there a date and place where that will happen?
3. When should I speak to *Stewart*, Commisisoner, Jeff Elkington and HE and what would be the aim of me speaking to them? I am just asking for their account/perspective on the events?
4. Can you tell me more about the creation of a Police Authority?

Regarding the Civilianisation of posts in the BPS, is there a timeline and/or a plan in place to make this happen or should I draft one? I plan to start with the Commissioner on this one unless you advise otherwise.

Regarding the amendments to the Prison Act, I will speak to Eddie and Keeva but you may have some thoughts/direction on this.

Where are we with the Bermuda Regiment assuming a maritime role and how can I move this along?

Lastly, I can speak to the Ombudsman regarding the Treatment Of Offenders Board but I wasn't clear on exactly what it is you wanted me to do with the review and the status of it.

I'm coming into GAB for a meeting at 4:30 pm in case you needed to see me in person.

Regards,

WS

EXEMPT s 23

From: Smith, Allan Wayne
Sent: Monday, February 26, 2018 1:27 PM
To: Desilva, Michael, Anthony
Subject: RE: Brief Chat

Great and thanks. Will call you..have a great day and week...

From: Desilva, Michael, Anthony [mdesilva@bps.bm]
Sent: Monday, February 26, 2018 1:24 PM
To: Smith, Allan Wayne
Subject: Re: Brief Chat

Thursday at 3 it is: I'm on - EXEMPT s 23

MDS

On 26/02/18, 13:21, "Smith, Allan Wayne" <awbsmith@gov.bm> wrote:

External Email: Be careful with unexpected links or attachments.

My friend.

Thursday afternoon is fine.

Shall we say 3 pm and what number should I call you on?

I'm flexible and will make myself available around your schedule.

EXEMPT s 23
I'm glad that and are doing well.

I'm reminded of a book I read many years ago by Sydney Poitier, called, "The Measure of a Man". The basic message of that book is that the measure of a man is in how well he looks after his children. If those girls are doing well, you can say to yourself, "Well done". At the end of the day, the Police Service, the Post Office, the Regiment don't really matter that much Mike. Its what did we do for our own kids that will haunt us at the end. I'm glad you've done right by your two.

Thanks,

Wayne

From: Desilva, Michael, Anthony [mdesilva@bps.bm]
Sent: Monday, February 26, 2018 1:11 PM
To: Smith, Allan Wayne
Subject: Re: Brief Chat

Wayne,

Many thanks for your kind and supportive words. I am approaching my last working day with mixed emotions, but mostly I'm looking forward to it!

Happy to have a chat to bring you up to par with those issues, but the next few days are not looking good. How about Thursday afternoon?

Best regards,

Michael

EXEMPT s 23

PS ... and they're both fine thanks!

From: Allan Smith <awbsmith@gov.bm>

Date: Monday, 26 February, 2018 at 13:07

To: "Michael A. DeSilva" <mdesilva@bps.bm>

Subject: Brief Chat

External Email: Be careful with unexpected links or attachments.

Good Day Michael,

I gather you must be in wind down mode.

The COP is one of the most thankless jobs and I admire you for the fine, professional manner in which you have carried out your duties. You know that my dad is also a big fan of yours.

The CS has asked me to have a look at a few matters involving the BPS and in this regard I'd like to have a brief chat with you to pick your brain. What's your time like later today or tomorrow?

The issues are:

1. Civilianisation of posts in the BPS.
2. The pepper spraying incident. Do you know when that process is meant to start and when the parliamentarians get involved?
3. Police Complaints Authority, amendments to the PCA Act and the creation of a Police Authority?

How are my two nieces?

EXEMPT s 23

I am bad with names but am thinking!

Hope to hear from you soon mate.

Should you wish to call me my cell is

EXEMPT s 23

Wayne.