

SENSITIVE



BERMUDA
POLICE
SERVICE

OPERATIONAL ORDER

COVID-19 Continuing Precautions Phased Reopening Plan 2020. Phase 2

Authorising Officer: COMMISSIONER OF POLICE

Author: ACOP Martin Weekes

Date: 20-May-2020

File Location: G:\Op Orders\COVID19

Security Classification: This document is marked as **SENSITIVE**. Further dissemination is permitted to police personnel only or as allowed through the **Authorizing Officer**.

1. INFORMATION

- 1.1. COVID-19, The World Health Organisation (WHO) is responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in more than 100 locations internationally. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19") COVID-19 has been identified as a pandemic by the WHO. A pandemic is a global outbreak of disease. Pandemics happen when a new virus emerges to infect people and can spread between people sustainably. Because there is little to no pre-existing immunity against the new virus, it spreads worldwide. The virus that causes COVID-19 is infecting people and spreading easily from person-to-person. Cases have been detected in most countries worldwide and community spread is being detected in a growing number of countries. This is the first pandemic known to be caused by the emergence of a new coronavirus. In the past century, there have been four pandemics caused by the emergence of novel influenza viruses.
- 1.2. On 1st April 2020 His Excellency the Governor declared a State of Emergency.
- 1.3. The Emergency Powers (COVID-19 Continuing Precautions) Regulations 2020 were passed on 1st May 2020 as the first Phase of a four phase approach to reopening Bermuda commencing 0600hrs 2nd May 2020.
- 1.4. The Amended regulations were passed on 20th May 2020 allowing Phase 2 to begin on Thursday 21st May 2020
- 1.5. The Commissioner of Police has declared the COVID-19 situation as a Critical Incident as per the Critical Incident Command SSI.
- 1.6. Key message is that the intent is to reduce the risk of COVID-19 transfer within communities.

2. GOLD STRATEGY

The following Strategy has been set by the Gold Commander

Strategic Aim

To preserve life and protect the public by working in partnership with Bermuda Government Department of Health and other agencies to provide a coordinated response to **contain** cases of infection; **delay** the onset of cases in Bermuda **mitigate** the impact of cases on the communities; and plan for **recovery**. In order to do this, we will deliver on the following objectives

Objectives

1. Preserve life, protect the public by assisting Dept. of Health to contain, delay, and mitigate the spread of the virus.
2. Protect the health and safety of Police Officers and Police Staff, including the provision of and guidance on using personal protective equipment.
3. Take steps to delay the onset of infection within the organisation.
4. Ensure Business Continuity plans prioritise the functions of the Service to ensure that critical services continue during times of significant staff absences.
5. Reassure and inform the public by supporting Public Health guidance and Public Health messages through joint communications.
6. Ensure that community tension and intelligence/information are managed through application of the national intelligence model.
7. Support Local partner agencies and local communities to mitigate the impacts of the virus.
8. To maintain the rule of law and preserve order in Bermuda and to support National Security operations where required.
9. To minimise disruption to normal life as far as practicable.
10. Plan for recovery from the outbreak and return the Service and communities to a new normality as soon as practicable
11. To maintain public trust and confidence in the Bermuda Police Service

3. CRITICAL SERVICES/FUNCTIONS

In conjunction with the Gold and Silver plans this plan is designed with a view to:

- 3.1. Maintenance of law and order, including the provision of high visibility police patrols to reduce the occurrence of gang violence, theft, burglaries and anti-social behaviors.
- 3.2. Maximizing the safety of Police Officers
- 3.3. Minimizing the risk to members of the public.
- 3.4. Assisting in the recovery process and return to normal policing activities.
- 3.5. Maintaining the confidence of the community.

4. INTENTS

- 4.1. **The intent being to suppress the transfer of the COVID-19 virus through the control of unnecessary social movement wearing of face coverings and enforcement of social distancing.**
- 4.2. The Emergency Powers (COVID-19 Continuing Precautions) Regulations 2020 have been passed and Gazetted
- 4.3. Post Shelter in Place, a Four Phase transition period has been declared
- 4.4. To that end this plan has been developed to direct Police Officers, supported by their colleagues in the Royal Bermuda Regiment on methods to enforce these amended regulations.
- 4.5. Phase Two will allow the reopening of Bermuda with the following restrictions:
 - 4.5.1. A curfew for all persons not deemed essential workers or given Ministerial Permissions will be enforced between 2200hrs and 0600hrs every day.
 - 4.5.2. Wearing of PPE (masks) in public spaces and retail stores will be recommended for all. Individual Businesses have instituted mandatory wearing of face coverings for staff and customers.
 - 4.5.3. Appropriate Social Distancing of 6ft minimum between persons will be enforced.
 - 4.5.4. Gatherings of over ten persons in public or private spaces is not permitted under the regulations (excepting in the regulations governing weddings and funerals) and will be enforced.
 - 4.5.5. All retail establishments will be permitted to open using a system of alphabetical restrictions on shopping.
 - 4.5.6. Restaurants and bars will be allowed to open for table service of food and drinks only where al fresco (outside) dining has previously been part of their operation. No indoor dining or service at the bar allowed. Permission from the Environmental Health is required for businesses who did not previously offer outside table service, prior to opening.
 - 4.5.7. All beaches, parks, Railway Trails playgrounds and other recreational spaces will be reopened with appropriate social distancing enforced.
 - 4.5.8. Recreational boating is allowed with a maximum of 10 persons on any vessel. No raft ups are allowed.

5. METHOD

- 5.1. Officers from Departments across the Service will be deployed in conjunction with RBR personnel.
- 5.2. Hi visibility policing and targeting of gang nominals will be prioritised using Op NIMBUS methodology to reduce gang tensions
- 5.3. There will be a combination of static Roadside Community Advisory points and roving Reassurance patrols to enforce Nighttime Curfews.
- 5.4. Drivers and persons using the highways during the nighttime curfew will be stopped and advised to return immediately to their homes.
- 5.5. Persons who have written permission of the Minister of National Security will be allowed to proceed.
- 5.6. Persons who fall into the professional categories listed in the orders will also be allowed to proceed.
- 5.7. The monitoring of Restaurants, bars, and retail stores to advise on and seek compliance with the Amended regulations will be carried out by tasked Police and RBR resources.
- 5.8. BPS Training Centre will provide an amended eBrief package for all officers and soldiers tasked with Joint working in this area of enforcement.
- 5.9. Parks, beaches, golf courses and other social spaces will be monitored for compliance with restrictions on social distancing.
- 5.10. Any persons who are found on the highways who are subject to Quarantine and have no valid reason for being on the road will be instructed to return to their residence and a report sent to Health Department.
- 5.11. All officers and Regiment personnel will be fully briefed in advance in respect of their roles and responsibilities prior to deployment on advisory points and roving reassurance patrols.
- 5.12. All officers and Regiment personnel will be will be reminded of the set Policing Style and the five step appeal model. See section 11 of this plan.
- 5.13. Powers of arrest under the Regulations will be considered where **no other** method is deemed appropriate, on consultation with Silver Commander.
- 5.14. In all other cases, where there are aggravating factors, information will be recorded in order to proceed by summons.
- 5.15. CCTV to be monitored from COMOPS and BAS-SERCO employees
- 5.16. Shifts will be assigned dependent on hours required and authorised by Gold on advice from the EMO. Officers will be assigned from various Departments across the Service at the discretion of the Bronze Commander for the area.

SENSITIVE

- 5.17. Detainee levels will be regularly reviewed by Silver with a view to reducing the numbers of persons in direct contact with Custody staff in order to prevent transmission of virus. Detainees will only remain in Police Custody if arrested for serious crime or where no other means of disposal exist.
- 5.18. Uniform of the day will be worn. Those officers who do not have uniform will be required to wear their police rain jackets or reflective tabards. RBR Soldiers will wear reflective tabards.
- 5.19. Protective vests, flashlights and all issued officer safety equipment are to be carried by all officers currently trained.

6. ADMINISTRATION

Gold Commander	ACOP M. P. Weekes	717-0516
Silver Commanders	[REDACTED]	[REDACTED]
<i>On 48hr Roster as Silver</i>	[REDACTED]	[REDACTED]
CRIME/NIMBUS	[REDACTED]	[REDACTED]
Internal Messaging	[REDACTED]	[REDACTED]
Bronze Commanders		
<i>On rotation as per Bronze roster to conduct briefings</i>		
[REDACTED]	Central	[REDACTED]
[REDACTED]	Western	[REDACTED]
[REDACTED]	Eastern	[REDACTED]
[REDACTED]	Crime	[REDACTED]
[REDACTED]	NIMBUS	[REDACTED]
[REDACTED]	Tactical	[REDACTED]
[REDACTED]	File Processing	[REDACTED]
[REDACTED]	Intel / SB	[REDACTED]
[REDACTED]	Public Order	[REDACTED]
[REDACTED]	Ops Planning	[REDACTED]
[REDACTED]	Parishes	[REDACTED]
Tactical Advisor	[REDACTED]	[REDACTED]
Protest Liaison	[REDACTED]	[REDACTED]

7. RISK ASSESSMENT & HEALTH AND SAFETY.

- 7.1 The use of PPE by officers shall be mandatory where safe social distancing can not be achieved.
- 7.2 Officers should be encouraged to follow safe social distancing at all times
- 7.3 Waterless hand cleaners and frequent hand washing where possible is encouraged.
- 7.4 When handling drivers licences and/or other documentation, the use of nitrile gloves is recommended.

8. COMMUNICATIONS

- 8.1 All critical communications to be conducted via police radio rather than cell phone in order to create a corporate record of decisions made.
- 8.2 Channel 3 will be used by all personnel associated with this Order unless otherwise instructed. Or a joint agency channel on the new radio system.
- 8.3 All other units will use their regularly assigned channels
- 8.4 A separate media plan utilising traditional and social media will be deployed to ensure a "No Surprises" approach. All media communications will be in line with directions from Government Dept of Communications.

9. POLICING STYLE

- 9.1 All officers engaged in this operation will adopt the following Policing Style:
 - We will have an approachable, engaging and helpful policing style.
 - We will ensure a reassuring presence throughout the event which may include the deployment of overt specialist assets.
 - We will deal positively with any behaviour that adversely infringes on the rights of others.
 - We will seek to ensure there is a balance between effective and proportionate policing, keeping people safe.
 - We will also ensure that we support and look out for each other as we go about our designated duties, keeping people safe and keeping each other safe at the same time.
 - The BPS will treat people fairly and as individuals, but there must be no assumption that people will be permitted to break the law, including assaults against Police officers and staff, as well as representatives of other agencies working on the operation.
 - As always, officers have discretion as to how they deal with people who break the law, particularly for minor offences, but this does not extend to ignoring people who they see breaking the law or ignoring complaints from members of the public about law breaking.
 - The presumption will be that any suspect for a criminal offence will be dealt with at the time particularly if it results in injury assault or offences involving harm to another or damage/ loss of property.
 - If officers are unsure they are to consult with their first line supervisor for the operation.

9.2 The 5 Step Appeal model

The 5 Step Appeal model is used to de-escalate conflict. It is useful when resolving a difficult situation or where a person refuses to comply with a request.

These 5 steps will be used before any use of force is deemed appropriate.

1. Simple Appeal: To make a reasonable request of somebody.

2. Reasoned Appeal: The reason/understanding as to why you are making the request.

3. Personal Appeal: Appeal to their better nature, why do you want them to do it?

4. Final appeal: The last chance to get the person to stop what they are doing. Offer alternatives/ options/consequences.

"Is there anything I can say or do that will get you to....."

5. Action: Make sure you do what you said you are going to do, don't make threats!

10. HUMAN RIGHTS

The Silver Commander when briefing officers is to remind that the when carrying out their duties, that they should do so based on the following variables:

- Justified
- Authority
- Proportionate
- Auditable
- Necessary
- Least Intrusive

11. POWERS & POLICY

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS) REGULATIONS 2020

Enforcement powers

18.(1) An enforcement officer may stop any person and require the person to answer any questions to enable the enforcement officer to ascertain the person's identity and whether the person is in compliance with these Regulations.

(2) Where the person does not satisfy the enforcement officer that the person is exempt or otherwise in compliance with these Regulations, the enforcement officer may—

(a) during the curfew—

- (i) direct the person to return immediately to his home, or
- (ii) detain and convey the person to his home;

SENSITIVE

(b) at any time, take such other action as may be necessary to enforce these Regulations, including the dispersal of any groups of more than ten persons.

(3) For the purposes of exercising the power in paragraphs (1) and (2), an enforcement officer may enter any place other than a private residence.

(4) An enforcement officer may use reasonable force, if necessary, in the exercise of a power under this regulation.

(5) No person shall resist, wilfully obstruct, or assault, an enforcement officer who is acting in the execution of his duty under these Regulations.

Offences

19. A person who fails to comply with any of these Regulations commits an offence and may be arrested without warrant, and is liable on summary conviction to a fine of \$10,000 or a term of imprisonment of six months, or both.

Section 5 of the Emergency Powers Act 1963

20. Section 5 of the Emergency Powers Act 1963 provides that any provision of law which is inconsistent with these Regulations shall be of no effect while these Regulations remain in force.

Revocation of Shelter in Place Regulations

21. (1) The Emergency Powers (COVID-19 Shelter in Place) Regulations 2020 are revoked.

(2) Paragraph (1) shall not affect the prosecution of a person for an offence under the revoked Regulations which was committed before the commencement of these Regulations.

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

PART 4 ENFORCEMENT

Application to Justice of the Peace Where a person has failed to comply with an order by the Health Officer made under these Regulations, to take the necessary precautions to prevent the transmission in Bermuda of COVID-19, the Health Officer may make an application to the Justice of the Peace, as provided under section 83 of the Act, that the person has failed to— comply with the requirements of active monitoring or public health supervision; isolate himself from other persons; submit to an examination by a medical practitioner or Health Officer; place himself under the care and treatment of a medical practitioner; or conduct himself in such a manner as not to expose another person to infection.

Where the Justice of the Peace is satisfied with the application made under paragraph (1), he may, with the consent of the Minister, order that the person who has failed to comply with requirements under paragraph (1)— be taken into custody and be placed in isolation; be taken into custody and be admitted to, detained and treated at the hospital; be examined by a medical practitioner or Health Officer to ascertain whether or not the person is infected with COVID-19; or 17 18 19 (1) (a) (b) (c) (d) (e) (2) (a) (b) (c) 9 PUBLIC HEALTH (COVID-19) REGULATIONS 2020 be treated for COVID-19, where on examination of such person it is found that he is infected with the virus. The admission and treatment of the person at the hospital or place of isolation as ordered under paragraph (2) shall be at the cost of the individual.

Authority to apprehend

An order made under regulation 19 is authority for the Health Officer to direct a police officer to— locate and apprehend the person who is the subject of the order; and deliver the person who is the subject to the order to the place of public health supervision, active monitoring or isolation named in the order, or to a medical practitioner for examination. The police officer shall do all things reasonably able to be done to locate, apprehend and deliver the person to the place of public health supervision, active monitoring or isolation specified in the order.

The police officer who apprehends a person who is the subject of an order pursuant to paragraph (2) shall promptly— inform the person of the reasons for the apprehension and of the person's right to retain and instruct counsel without delay; and tell the person where the person is being taken. An order made under regulation 19(2)(b) is authority to detain the person who is the subject of the order in the place of public health supervision, active monitoring or isolation named in the order and to care for and examine the person and to treat the person for COVID-19 in accordance with generally accepted medical practice for such period as the medical practitioner or Health Officer shall determine.

SENSITIVE

Subject to regulation 23(2), an order made under regulation 19(2)(c) is authority to detain the person who is the subject of the order in the place of public health supervision, active monitoring or isolation named in the order and to care for and examine the person for a period not exceeding 14 days.

Quarantine Act 2017

Offences and proceedings

Any traveller or conveyance operator who, contrary to this Act, or the regulations or orders made under this Act—
refuses to answer or knowingly gives an untrue answer to any inquiry, or who intentionally withholds any information reasonably required of him by a Health officer or other person acting under such authority, or who knowingly furnishes to any such officer or other person any information which is false;
refuses or wilfully omits to do any act which he is required to do, or who refuses or wilfully omits to carry out any lawful order, instruction or condition made, given or imposed by a Health officer or other person acting under such authority; or
assaults, resists, wilfully obstructs, or intimidates a Health officer or other person acting under such authority, or who otherwise obstructs the execution of this Act, or regulations or orders made under this Act, commits an offence.

Any traveller or conveyance operator who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding \$25,000, or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Police powers and duties

Where a Health Officer gives an order, instruction or condition to a traveller or conveyance operator in connection with the exercise of his functions under this Act and the traveller or conveyance operator fails or refuses to comply with such order, instruction or condition, the Health Officer may, with the assistance of a police officer, arrest a traveller or conveyance operator and charge with an offence under section 11(1).

A police officer may arrest without warrant any traveller or conveyance operator whom he has reasonable grounds to believe failed to comply with the requirements of this Act or of regulations or orders made under this Act or has committed an offence under this Act.

A traveller or conveyance operator who is arrested under this section may be placed in detention by a Health Officer until such time as a Government Medical Officer acting on the instructions of the Chief Medical Officer has determined that the traveller's state of health is such as not to pose a risk of significant harm to public health. In this section, "Government Medical Officer" has the meaning assigned to the Term in section 2 of the Public Health Act 1949.

Police Act 1974

Section 5 – Powers & Duties of the Service

(a) A member of the Service, unless duly excused or interdicted from duty-

(b) Shall at all times have all the powers and immunities conferred upon Police Officers by any statutory provision; and

(c) Shall at all times be bound to discharge any of the duties

Public Order Act 1963

Conduct conducive to breach of the peace

3 (1) Any person who, in any public place or at any public meeting, uses threatening, abusive, or insulting words, gestures or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned, or **Pride Day Operational Order 2019** Page **24** of **31**

SENSITIVE

Power to deal with items obscuring or concealing identity

315G (1) A police officer may in any public place, stop a person and –

- (a) require that person to remove any item which the police officer reasonably suspects that person is wearing to obscure or conceal his identity; or
- (b) seize any item which that person has and which the police officer reasonably believes that person could wear to obscure or conceal his identity.

(2) A police officer may use reasonable force, if necessary, in the exercise of the powers conferred under subsection (1).

(3) A person who fails to comply with an order from a police officer under subsection (1) or obstructs a police officer in the course of performing his duties under subsection (1), commits an offence and is liable on summary conviction, to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Protection of public premises and activities

20 (1) Any person who –

- (a) enters any public premises as a trespasser; or
- (b) not being engaged in the discharge of duties, or the performance of obligations, connected with activities normally carried on in any public premises, wilfully neglects or fails to comply as soon as is practicable with a direction to leave those premises, being a direction given by –
 - (i) a person authorised in writing by a body or authority owning, or lawfully occupying or using, the premises to give such directions with respect to those premises; or
 - (ii) a police officer; or
- (c) knowingly interferes with the carrying on of any lawful activity in any public premises, commits (without prejudice to any other provision of law) an offence against this Act:

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

- (i) any lawful picketing carried on outside any public premises; or
- (ii) any other lawful act done

By or on behalf of a registered trade union in contemplation or in furtherance of a labour dispute under the Labour Relations Act 1975 [title 18 item 1].

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

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

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

Commanders Signatures

Silver Commander

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned centrally below the Silver Commander title.

Gold Commander

Appendix A

List of Grocery Stores:

St Georges Parish

1. Somers Supermarket Ltd, 41, York St, St Georges
2. Cousins Variety, 123, Wellington Rd, St Georges
3. East End Variety, 8, York St, St Georges
4. Southside Discount, 2, Stocks Rd, St Georges?

Hamilton Parish

5. Shelly bay Marketplace, 110, North Shore Rd, Hamilton
6. Dub City Variety, 152, North Shore Rd, Hamilton
7. Fresh 'N' New, 16, Blue Hole Hill, Hamilton (closed for renovations)
8. Twins Variety, 5, Flatt's Hill, Hamilton
9. Ways Market, 202, North Shore Rd, Hamilton

Smith Parish

10. A1 Smiths, 10, South Rd, Smiths
11. Harrington Hundreds Ltd, 99, South Rd, Smiths

Devonshire Parish

12. Lindo's family Foods, 4, Watlington Rd East, Devonshire
13. Empire Grocery, 12, North Shore Rd, Devonshire
14. C Mart, 96, North Shore Rd, Devonshire
15. Howards Mini Mart, 99, Middle Rd, Devonshire (closed?)
16. Belvin's, 1, Vesey St, Devonshire
17. Belvin's, Happy Valley Rd, Devonshire?

Paget Parish

18. Modern Mart, 104, South Rd, Paget
19. A1 Paget, 1, valley Rd, Paget

Pembroke Parish

20. The Marketplace, 42, Church Street, Pembroke
21. Shopping Centre, 35, Victoria St, Pembroke
22. Miles Market, 96, Pitts Bay Rd, Pembroke
23. Supermart Ltd, 125, front St, Pembroke
24. Arnolds, 113, St John's Rd, Pembroke
25. Arnolds Express, 135, Front St, Pembroke
26. Soares Grocery, 26, Spanish Point Rd, Pembroke

SENSITIVE

- 27. Point Mart, Cox's Hill Rd, Pembroke
- 28. Garden Market, Serpentine Rd, Pembroke
- 29. Caribbean Food Mart, 47, Court Street, Pembroke
- 30. Arnolds Discount Warehouse, 7, Ewing St, Pembroke
- 31. For-Wright Variety, 119, North Shore Rd, Pembroke?
- 32. One Stop Variety, 48, parsons Rd, Pembroke
- 33. Butterfield Mini Enterprise, 23, Mount Hill, Pembroke?
- 34. Price Rite, 10, Mill Reach Lane, Pembroke

Warwick Parish

- 35. Lindo's family Foods, 128, Middle Rd, Warwick
- 36. Hunts Food and Supplies Ltd, 5, Quarry Ln, Warwick
- 37. Price Rite, 22, Middle Rd, Warwick

Southampton Parish

- 38. Heron bay Marketplace, 227, Middle Rd, Southampton

Sandys Parish

- 39. Somerset Market Place, 48, Somerset Rd, Sandys
- 40. Bailys Enterprises, 2, Cricket Lane, Somerset
- 41. Arnolds, 41, Somerset Rd, Sandys
- 42. Maximart, 42, Middles Rd, Sandys

Main list there are other boutique food stores.