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Receive and file Andrew Olivo Memo on Considerations for Des Moines Police Department's Crowd Management and Intervention Policies and LAPD Use of Force Tactics Directive Crowd Management Intervention and Control.

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I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

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Mayor

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Considerations for Des Moines Police Department's Crowd Management and Intervention Policies

As confrontations between police and protesters have occurred across the country, police policies regarding crowd control, crowd intervention, and the use of force against protesters have become nationwide issues. With many of these incidents being documented, police handling of recent protests has been under an intense microscope and visible to the American public at large. In light of this nationwide discussion about police handling of mass demonstrations and given recent confrontations between Des Moines police officers and protesters, it seems appropriate to evaluate the Des Moines Police Department's (DMPD) use of force policies, specifically pertaining to crowd management and crowd intervention. This briefing offers an analysis of policies adopted by other US cities to guide police conduct when interacting with mass demonstrations. This analysis revealed two key aspects to thorough crowd management and crowd intervention policies:

- A. Clearly established objectives and procedures for controlling and interacting with a crowd
- B. Use of force policies specific to less-lethal weapons and their usage in crowd dispersal efforts. Such less-lethal weapons include...
 - i. Batons
 - ii. Chemical agents (Oleoresin Capsicum spray)
 - iii. Less-lethal munitions (rubber bullets)
 - iv. Any other DMPD sanctioned weapons that could be used against an unruly crowd

A.) Establishing Primary Objectives and Procedures for Crowd Control

Many police departments have clearly outlined procedures for managing and intervening with a crowd if it becomes unruly. Below I have outlined some of the common themes, either summarizing them in my own words or pulling directly from a referenced policy.

First, the DMPD should establish clear objectives for facilitating the management of lawful demonstrations.

The primary objectives of crowd control and management should be derived from the following principles:¹

- Protect First Amendment rights to peaceably assemble
- Facilitate lawful protests
- Obtain voluntary compliance

¹ Los Angeles *Use of Force Tactics-Directive: Crowd Management, Intervention, and Control* (pg. 2-3) – <http://assets.lapdonline.org/assets/pdf/tac-dir11-crowd-mgmt.pdf>

- Minimize enforcement action
- Isolate unlawful behavior
- Protect property
- Restore and maintain order

This section pulled from the Los Angeles Police Department's *Crowd Management, Intervention, and Control* policy² under the subsection *Procedures: Crowd Management* highlights an extremely important facet of crowd management and should be a driving philosophy with which DMPD crafts a crowd management policy.

“Experience has shown that the appearance of an organized, disciplined contingent of police officers will often cause a disorderly group to abandon their disruptive activities. However, if used inappropriately, the mere presence of officers and/or horses in riot gear may be perceived as aggressive and is sufficient to change the behavior of the crowd. This can cause the focus of the protest to shift from the group’s original cause to the presence and actions of officers. Therefore, supervisors should consider this potential impact on crowd behavior and be thoughtful about the strategic deployment of police officers and horses in riot gear.” (pg.2)

...

“Instead of thinking about the best form of police action to control the crowd, it is important for supervisors to focus on how to act in order to encourage the crowd to manage itself.” (pg.3)

In the event that individuals in a crowd exhibit unlawful behavior, it is important that DMPD identifies individuals who seek to cause violence, destruction, or undermine the lawfulness of a crowd. Effort should be made to uphold and facilitate the First Amendment rights of lawful demonstrators while using intervention strategies to stop illegal activity and remove individual law violators. Isolating unlawful behavior and intervening with these individuals is vital to maintaining the lawfulness of the crowd at large. Unlawful behavior by individuals observed in isolated incidents should not automatically form the basis for declaring an otherwise lawful assembly to be unlawful. This includes isolated destruction of property, acts of violence, and rock or bottle throwing, and other such unlawful behaviors. However, when group behavior appears to be unlawful, aggressive, or otherwise uncontrollable, it is reasonable for the assembly to be declared unlawful and for DMPD to intervene with the crowd at-large.³ In the event that intervention becomes necessary, DMPD’s use of force standards should not be adjusted or modified for mass demonstrations.

² Los Angeles Police Department *Use of Force Tactics-Directive: Crowd Management, Intervention, and Control* (pg. 2-3) – <http://assets.lapdonline.org/assets/pdf/tac-dir11-crowd-mgmt.pdf>

³ Los Angeles Police Department *Use of Force Tactics-Directive: Crowd Management, Intervention, and Control* (pg. 3) – <http://assets.lapdonline.org/assets/pdf/tac-dir11-crowd-mgmt.pdf>

The following resources offer in-depth operating procedures for managing and interacting with a crowd.

- Los Angeles Police Department *Use of Force Tactics-Directive: Crowd Management, Intervention, and Control*– <http://assets.lapdonline.org/assets/pdf/tac-dir11-crowd-mgmt.pdf>
- Louisville Metro Police Department *Standard Operating Procedures*, Sec. Civil Disturbances/Disorderly Crowds (pg. 695-702) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569ada44d82d5e0d876a7e3d/1452989037181/Louisville+Police+Policies.pdf>
- Miami Police Department *Departmental Orders*, Sec. Civil Disorder (pg. 481-488) – https://www.miami-police.org/DeptOrders/MPD_Departmental_Orders.pdf
- Seattle Police Department *14.090 Crowd Management* – <http://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management>
- *Crowd Management and Civil Disobedience Guidelines*, authored by a variety of police officers and public officials in California – https://www.texaspolicechiefs.org/plugins/show_image.php?id=1746
- *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches*, authored by The Police Executive Research Forum – https://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf

B.) Use of Less-Lethal Weapons

The Los Angeles Police Department has a particularly well-crafted protocol governing the use of less-lethal weapons:

“Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects. The courts have held that less-lethal force options are ‘capable of inflicting significant pain and may cause serious injury.’ Therefore, consistent with the department’s use of force policy, less-lethal force options are only permissible when:

- An officer reasonably believes that a suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm

Less-lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance do not alone justify the use of less-lethal force.”⁴

⁴ Los Angeles Police Department *Use of Force Tactics-Directive: Baton*, Sec. Protocol (pg. 1) – <http://assets.lapdonline.org/assets/pdf/tactical-directiveno8.2-baton.pdf>

Key to the use of less-lethal force being appropriate is the differentiation between an actively resistant and a passively resistant subject. It is important that the DMPD establishes clearly defined definitions of passive and active resistance to a police officer so that the level of force appropriate to a passively or actively resistant individual is clear. Las Vegas Metropolitan Police Department's definitions of passive and active resistance offer a good concrete differentiation between the two that DMPD could incorporate into their use of force policies.⁵

Passive Resistance: "The subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming 'dead weight'), holding onto a fixed object, or locking arms to another during a protest or demonstration."

Active Resistance: "The subject's verbal or physical actions are intended to prevent an officer from placing the subject in custody and taking control, but are not directed at harming the officer. Examples include: walking or running away, breaking the officer's grip."

Whether the DMPD chooses to borrow the definitions for passive and active resistance laid out by the Las Vegas Metropolitan Police Department, or decides to develop their own working definitions, it is vital that passive and active resistance are differentiated in the use of force policy. This differentiation is very important when it comes to managing large crowds where many individuals may actively or passively resist officers' orders. Other definitions of passive and active resistance can be found below.

- New Orleans Police Department *300.1.1 Use of Force* Sec. Definitions (pg. 1 and 3) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569adafed82d5e0d876a81b2/1452989185205/NOLA+use+of+force+policy.pdf>
- Minneapolis Police Department *Use of Force*, Sec. 5-302: Use of Force Definitions – http://www2.minneapolis.gov/police/policy/mpdpolicy_5-300_5-300
- Phoenix Police Department *Operations Orders*, Sec. Use of Force, 2.B: Types of Resistance (pg. 21) – https://www.phoenix.gov/policesite/Documents/operations_orders.pdf

Additionally, it is important that DMPD develop standards to guide the use of each type of less-lethal weapons. Three types of less-lethal weapons that are commonly used during incidents of crowd intervention are batons, chemical agents (OC spray), and less-lethal munitions (rubber bullets). Here are some general principles pertaining to the use of less-lethal force:

- An officer must witness the individual that they are targeting commit an act that is deemed violent or destructive. Officers will exercise due diligence to ensure that only the

⁵ Las Vegas Metropolitan Police Department *Policy 6/002.01 Use of Force Procedure*, Section III. Levels of Resistance (pg. 10) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569ad92b57eb8d0f11460ead/1452988719385/Las+Vegas+Use+of+Force+Policy.pdf>

targeted individual(s) are affected by the use of a less-lethal weapon. Officers may not discharge less-lethal weapons indiscriminately on a crowd.

- Minneapolis Police Department *Use of Force*, Sec. 5-313: Chemical Agents, Policy A.4. – http://www2.minneapolismn.gov/police/policy/mpdpolicy_5-300_5-300
- Seattle Police Department *14.090 Crowd Management*, Sec. 10.a. – <http://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management>
- Las Vegas Metropolitan Police Department *6/002.02 Authorized Force Tools, Description, Requirements, Uses, and Considerations*, Sec. Use of Force with a Firearms, Low Lethality Shotgun 1.b. (pg. 35) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569ad92b57eb8d0f11460ead/1452988719385/Las+Vegas+Use+of+Force+Policy.pdf>
- Miami Police Department *Departmental Orders*, Sec. Civil Disorder, 4.4.9.3.6-4.4.9.3.8 and Policy 4.5.7 (pg. 487) – https://www.miami-police.org/DeptOrders/MPD_Departmental_Orders.pdf
- In order to use less-lethal weapons against a crowd, a superior ranking officer must give the approval to do so.
 - Baltimore Police Department *Policy 414: Less-Lethal Munitions and Chemical Agents* (pg. 2-3) – <https://www.powerdms.com/public/BALTIMOREMD/documents/51019>
 - Cincinnati Police Department *12.545: Use of Force*, Sec. Use of Force in Crowd Management and/or Control (pg. 3) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569bf51c05f8e2b24da5637c/1453061410889/Cincinnati+use+of+force+policy.pdf>
 - Minneapolis Police Department *Use of Force*, Sec. 5-312: Force During Civil Disturbances – http://www2.minneapolismn.gov/police/policy/mpdpolicy_5-300_5-300
 - Los Angeles *Use of Force Tactics-Directive: Crowd Management, Intervention, and Control*, Sec. Chemical Agents (pg. 5) – <http://assets.lapdonline.org/assets/pdf/tac-dir11-crowd-mgmt.pdf>
- Officers must provide a verbal warning before less-lethal force is used. The officers must allow the subject(s) sufficient time to voluntarily comply with the officers' orders, and in the case of a large crowd, the officers must allow the crowd the opportunity to disperse safely.
 - Baltimore Police Department *Policy 414: Less-Lethal Munitions and Chemical Agents* (pg. 3) – <https://www.powerdms.com/public/BALTIMOREMD/documents/51019>
 - Cincinnati Police Department *12.545: Use of Force*, Sec. Use of Force in Crowd Management and/or Control (pg. 3) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569bf51c05f8e2b24da5637c/1453061410889/Cincinnati+use+of+force+policy.pdf>

- Austin Police Department *Policy Manual*, Sec. 206.4 (pg. 63) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569abb6e25981de028ab67e6/1452981151162/Austin+Police+Policies.pdf>
- Miami Police Department *Departmental Orders*, Sec. Civil Disorder, Policy 4.5.6 (pg. 487) – https://www.miami-police.org/DeptOrders/MPD_Departmental_Orders.pdf
- Officers must help mitigate the effects of less-lethal weapons once they have been deployed and arrange for medical attention to be provided if the subject is visibly injured or claims injury.
 - Baltimore Police Department *Policy 413: Mobil Field Force* (pg. 3) – <https://www.powerdms.com/public/BALTIMOREMD/documents/51019>
 - Chicago Police Department *G03-02: Use of Force*, Sec. Oleoresin Capsicum (OC) Devices and Other Chemical Agent Use Incidents, IV. Post-Discharge Responsibilities (pg. 32-33) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/596ce4fb414fb5e5a8f65a5b/1500308735226/Chicago+police+use+of+force+policy.pdf>
 - Cincinnati Police Department *12.545: Use of Force*, Sec. Procedure (pg. 13) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569bf51c05f8e2b24da5637c/1453061410889/Cincinnati+use+of+force+policy.pdf>
 - New Orleans Police Department *PR300.1 Use of Force Principles*, Sec. (K.) (pg. 9) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569adafed82d5e0d876a81b2/1452989185205/NOLA+use+of+force+policy.pdf>

Weapon Specific Rules and Regulations:

I. Batons

- Outline approved and disapproved uses. For example, the Las Vegas Police Department allows batons to be used for blocking, jabbing, applying control holds, and conducting escort techniques. Las Vegas Police Department explicitly disapproves officers using their baton to strike a subject who poses no imminent threat.
 - Las Vegas Metropolitan Police Department *Authorized Force Tools, Description, Requirements, Uses, and Considerations*, Sec. 6/002.02 (pg. 17-18) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569ad92b57eb8d0f11460ead/1452988719385/Las+Vegas+Use+of+Force+Policy.pdf>
- Requirements for areas of the body that officers must avoid when using a baton as an impact device. Many use of force policies urge officers to avoid striking areas such as the head, neck, throat, spine, groin, or kidneys.
 - Los Angeles Police Department *Use of Force Tactics-Directive: Baton* (pg. 4) – <http://assets.lapdonline.org/assets/pdf/tactical-directiveno8.2-baton.pdf>

- Austin Police Department *Policy Manual*, Sec. 206.3 (pg. 63) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569abb6e25981de028ab67e6/1452981151162/Austin+Police+Policies.pdf>
- Las Vegas Metropolitan Police Department *Authorized Force Tools, Description, Requirements, Uses, and Considerations*, Sec. 6/002.02 (pg. 18) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569ad92b57eb8d0f11460ead/1452988719385/Las+Vegas+Use+of+Force+Policy.pdf>
- Phoenix Police Department *Operations Orders*, Sec. Use of Force, H.(2) (pg. 30) – https://www.phoenix.gov/policesite/Documents/operations_orders.pdf

II. Chemical Agents

- Outline approved and disapproved uses. For example, the Austin Police Department approves the use of chemical agents to subdue or control a physically resistant subject, a subject who has demonstrated an intention to be violent or cause harm, or a subject attempting to flee a lawful arrest. Prohibited uses include torturing, inflicting undue pain, using against demonstrations without a supervisor's permission, using against a subject who exhibits only verbal or passive resistance to an officer, or using on a physically restrained subject.
 - Austin Police Department *Policy Manual*, Sec. 206.4 and 206.4.1 (pg. 63-64) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569abb6e25981de028ab67e6/1452981151162/Austin+Police+Policies.pdf>

III. Less-Lethal Munitions

- Requirements for areas of the body that officers must avoid when firing less-lethal munitions. Many use of force policies forbid officers from targeting the head, eyes, throat, neck, breasts of females, genitalia, or spinal column.
 - Denver Police Department *105.03 Use of Force Policy*, Sec. Less Lethal Weapon Procedures, 3a., 3b. (pg. 10) – <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569ad5c20e4c1148e6b1089e/1452987846106/Denver+Use+of+Force+Policy.pdf>
 - Phoenix Police Department *Operations Orders*, Sec. Use of Force, H.(5) (pg. 31) – https://www.phoenix.gov/policesite/Documents/operations_orders.pdf
- Requirements for minimum distance between an officer and a subject for the officer to fire less-lethal munitions. Most police departments require a minimum of five to ten feet in order for an officer to discharge less-lethal munitions.
 - Denver Police Department *105.03 Use of Force Policy*, Sec. Less Lethal Weapon Procedures, 3c. (pg. 10) –

<https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569ad5c20e4c1148e6b1089e/1452987846106/Denver+Use+of+Force+Policy.pdf>

- Phoenix Police Department *Operations Orders*, Sec. Use of Force, H.(5) (pg. 31) –
https://www.phoenix.gov/policesite/Documents/operations_orders.pdf

Additional Resources:

- The Use of Force Project has a database with links to the use of force policies for the police departments of the 100 largest US cities. I strongly recommend this resource for anyone interested in learning more about use of force policies in police departments across the country
 - <https://useofforceproject.org/database>
- The Police Executive Research Forum released a publication in 2006 titled, *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches* that offers principles that should guide police department's crowd management policies. Chapter 6: Crowd Control and Use-of-Force (pg. 53) is of particular interest
 - https://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf
- The 2003 California Commission on Peace Officer Standards and Training published a report titled, *Crowd Management and Civil Disobedience Guidelines* that offers guidelines for police agencies to respond to civil disturbances and manage unlawful crowds
 - https://www.texaspolicechiefs.org/plugins/show_image.php?id=1746



LOS ANGELES POLICE DEPARTMENT USE OF FORCE-TACTICS DIRECTIVE

Directive No. 11

June 2011

CROWD MANAGEMENT, INTERVENTION, AND CONTROL

PURPOSE

In a society where free speech and assembly is guaranteed by the Federal and State Constitutions, it is the mission of police officers to protect the constitutional rights of all members of the public. These constitutional rights apply to individuals participating in lawful activities such as public speeches, marches, demonstrations, picketing, rallies and celebratory events.

This Directive was developed to provide guidelines to assist officers and supervisors in identifying lawful versus unlawful assemblies. Additionally, it will provide insight into how the response and actions of law enforcement may affect the demeanor and response of a crowd. The thoughtful application of crowd management and intervention strategies will generally assist in efforts to facilitate legal First Amendment activity while at the same time removing those individuals whose illegal behavior jeopardize the purpose and safety of protected activity. The Department's Use of Force Policy relating to crowd control techniques is also reviewed in this Directive.

PROTOCOL

In determining whether First Amendment activities are lawful, police officers must not consider their personal views of either the political affiliation or the message of those persons exercising their right to assemble and engage in expressive activities. The responsibility of police officers is to objectively determine at what juncture a demonstration or assembly leaves the realm of legal protest and becomes an abridgement of the rights of others.

It is important for supervisors and officers to understand the definition of an unlawful assembly to determine the appropriate police response. Penal Code Section 407 defines an unlawful assembly as: "Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly." "*Boisterous or tumultuous manner*" has been interpreted by the courts to mean conduct which *poses a clear and present danger of imminent violence*.

Penal Code Section 407 identifies two different circumstances when an assembly may be declared unlawful:

The first circumstance is when people assemble to participate in an unlawful act. The unlawful act must be an act made criminal by law, or by the commission of an overt act that leads to a violation of the law. In the absence of any unlawful conduct, an assembly may be declared unlawful only if there is reasonable cause to believe, based on articulable facts, that the assembly's purpose is unlawful. If people are assembled to commit an unlawful act, then they are an unlawful assembly (e.g. unlawfully blocking entrances to public buildings, highways, sidewalks or schools, or engaging in other unlawful or riotous activity).

The second circumstance is when people assemble to do a lawful act in a "violent, boisterous or tumultuous manner." In order to be considered violent, boisterous or tumultuous, the manner in which the people are acting must be violent, or pose a clear and present danger of imminent violence. For example, a demonstration that disturbs the peaceful enjoyment of property through noisy singing and chanting is not an unlawful assembly unless it also poses a clear and present danger of imminent violence. It is important to note that one must differentiate between First Amendment activity and other activity. A loud party would not have to be violent, boisterous or tumultuous to be considered unlawful.

PROCEDURES

Any public assembly of individuals or groups, lawful or unlawful, may require support and/or intervention by law enforcement. Depending upon the situation, the response of law enforcement can range from observation and crowd management strategies, to crowd intervention and control strategies. The police response to each assembly or protest is different and will require law enforcement's flexibility, creativity, discipline and patience.

Crowd Management

First Amendment activity such as a march, demonstration, protest, rally or celebratory event is most often successfully facilitated by initially using the least amount of visible law enforcement presence necessary. An ongoing assessment of crowd behavior is critical in order for supervisors and officers to

Crowd Management Primary Objectives

- Establish contact with crowd
- Obtain voluntary compliance
- Minimize enforcement action

appropriately respond to the actions of a crowd or protest group. Experience has shown that the appearance of an organized, disciplined contingent of police officers will often cause a disorderly group to abandon their disruptive activities. However, if used inappropriately, the mere presence of officers and/or horses in riot gear may be perceived as aggressive and is sufficient to change the behavior of the crowd. This can cause the focus of the protest to shift from the group's original cause to the presence

and actions of officers. Therefore, supervisors should consider this potential impact on crowd behavior and be thoughtful about the strategic deployment of police officers and horses in riot gear.

Instead of thinking about the best form of police action to control the crowd, it is important for supervisors to focus on how to act in order to encourage the crowd to manage itself. One way of achieving this is to place a major emphasis on urging crowd members to express their views in a lawful manner, even under conditions where one is aware of the presence of small isolated groups with illegal goals and even at points where these small isolated groups start to act in illegal and violent ways.

Intervention

Police officers and supervisors must understand the importance of differentiating between violent members of the crowd and peaceful protestors. When possible, officers should interact with crowd members in an effort to communicate law enforcement support of lawful First Amendment activity and rights of free speech and expression.

Crowd Intervention Primary Objectives

- Isolate unlawful behavior
- Arrest law violators
- Protect First Amendment activity
- Facilitate lawful protests

Unlawful behavior by individuals, or unlawful conduct observed in an isolated incident, should not automatically form the basis for declaring an otherwise lawful assembly to be unlawful. When it appears practical, officers should attempt to give warning to the leaders or spokesperson of the activity, the other participants, and/or the individuals about any

observed unlawful or potentially unlawful conduct. When appropriate, officers should instruct them on what they must do to comply with the laws, so as to allow an opportunity to correct the conduct in question. Every effort should be made to protect and facilitate the actions of lawful demonstrators while using intervention strategies to stop illegal activity and remove law violators. However, when group behavior appears to be unlawful, aggressive, or otherwise uncontrollable, it is reasonable for the assembly to be declared unlawful.

Crowd Control and Dispersal

In the event a group or portion of a group becomes involved in violent or riotous behavior, the mission of the Department is to protect lives and property, and restore conditions to normal as rapidly and efficiently as possible. The rapid deployment of forces to contain and arrest those responsible for violent, riotous, or unlawful behavior and the dispersal of unlawful groups will help accomplish the Department's crowd control primary objectives.

Crowd Control Primary Objectives

- Protect life
- Restore and maintain order
- Arrest violators
- Protect vital facilities
- Protect property

When circumstances require crowd dispersal, the dispersal should generally not occur until control forces are in place to assist in managing the dispersed crowd, as unlawful conduct is extremely dynamic and mobile. Crowd dispersal strategies should only be used when immediate action is necessary to stop violence and/or property damage and/or sufficient resources are not present to ensure public safety.

Dispersal Orders

Methods to Deliver and Document Dispersal Orders

- Amplified sound
- Multiple languages when appropriate
- Confirm audibility from various locations
- Display signage indicating unlawful assembly and dispersal when possible
- Document with video/audio recording

The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem to another location. Supervisors should make a reasonable assessment to determine if the members of a crowd are attempting to comply with the dispersal order, or relocate the unlawful behavior. It should be made clear that the crowd is expected to immediately leave the area, and include a warning that force

may be used which could result in serious injury. The dispersal order must be given in a manner reasonably believed to be heard and understood by the intended audience. Based upon the circumstances, multiple announcements from various locations may be required. Dispersal orders should be delivered in English and in other languages that are appropriate for the audience. Regardless of the delivery method, the name of the individual giving the dispersal order and the date and time each order was given should be documented. Dispersal orders should not be given until control forces are in position to support crowd movement.

THE MEDIA

It is the Department's goal to provide the media as much access as legitimately possible to assist them in their duties. However, when an event is declared unlawful, all persons present, including members of the media, may be ordered to disperse. With the exception of spontaneously occurring events, whenever the Department develops an Incident Action Plan for an event that involves a public assembly, the Department will, when practicable, designate an area outside of the anticipated impacted area, but within viewing distance and audible range of the event, for members of the media to assemble.

USE OF FORCE

During crowd control situations, police officers may be required to physically engage individuals who exhibit conduct ranging from uncooperative to violent behavior. In these situations, officers may have to utilize force to move crowd members who do not respond to verbal directions, control violent individuals, or to effect an arrest. When the

use of force is appropriate in a crowd control situation, only that force reasonable to make an arrest or disperse a crowd should be used.

There are no exceptions to the Department's Use of Force Policy for crowd control situations. Officers may use only that force which is objectively reasonable. Verbalization should be used throughout the operation in an attempt to gain compliance. In determining the appropriate amount of force, officers shall evaluate each situation in light of the facts and circumstances of each particular case, including, but not limited to the seriousness of the crime(s), the level of threat or resistance presented by the individual(s) and the danger to the community.

Baton

The baton may be used to push individuals who do not respond to verbal commands and encroach upon officers on a skirmish line or who intentionally delay departure while officers attempt to disperse the crowd, whether or not a lawful dispersal order has been issued. When an individual's behavior is threatening or violent in nature, the baton can be used as an impact device.

Chemical Agents

The use of any Department approved chemical agent during a crowd control incident requires the approval of a commander or above. Chemical agents include CS gas, CN gas, OC, and all tear gas canisters. Before using any chemical agent, tactical consideration should be given to wind direction, safety equipment for officers, and the potential non-effectiveness of the chemical agent.

Additionally, OC chemical agent may be used to control an uncooperative suspect in an isolated incident when the officer reasonably believes and can articulate that the use of OC was reasonable. This would require a Use of Force Report.

Less-Lethal Munitions

Less-lethal munitions may be deployed as either target specific or non-target specific (dispersal) munitions. Less-lethal munitions can be deployed by Metropolitan Division or specially trained personnel. Both groups may deploy 37mm non-target specific dispersal rounds and the Super-Sock round from a beanbag shotgun as a target specific munitions. Only Metropolitan Division personnel may deploy the 40mm sponge round, and may do so only as target specific munitions.

Reporting a Non-Categorical Use of Force in Crowd Control Situations

In a crowd control situation, a Use of Force Report is not required when officer(s) become involved in an incident where force is used to push, move, or strike individuals who exhibit unlawful or hostile behavior and who do not respond to verbal directions by the police. This applies only to officers working in organized squad and platoon sized units directly involved in a crowd control mission. Additionally, should force be utilized

under these circumstances, officers shall notify their immediate supervisor of the use of force once the tactical situation has been resolved. The supervisor shall report the actions on Incident Command System (ICS) Form 214, or as directed by the incident commander.

A Use of Force Report is required when an officer(s) becomes involved in an isolated incident with an individual during a crowd control situation, which goes beyond the mission of the skirmish line.

Note: When a suspect has been taken into custody, the booking number or DR number of the related report shall be cross-referenced on ICS Form 214.

Medical Treatment

Any suspect taken into custody that has been injured shall receive medical treatment in accordance with established procedures.

CONCLUSION

The police response to each assembly or protest is different and will require flexibility, creativity, discipline, and patience. A non-violent, "sit-down" demonstration requires a much different police response than a violent group who has become destructive. The tactics used to manage or control a crowd should make every attempt to facilitate and protect First Amendment activity while isolating and arresting those engaged in unlawful behavior.

Points to Remember

- First Amendment Rights vs. unlawful behavior
- Keep the peace
- Protect property and vital facilities
- Maintain situational awareness
- Economy of force
- Stop unlawful behavior
- Obtain voluntary compliance
- Remain flexible

CHARLIE BECK
Chief of Police

DISTRIBUTIUN "A"

Attachments: Dispersal Order, Concepts and Strategies, Terms and Definitions

**Crowd Management, Intervention, and Control
Example Dispersal Orders**

DISPERSAL ORDER

"I am (rank and officer's name), a police officer for the City of Los Angeles. I hereby declare this to be an unlawful assembly and, in the name of the people of the State of California, command all those assembled at (give specific location for example, the area bounded by Main Street on the east, Spring Street on the west, City Hall steps on the north, and the south sidewalk of 1st Street on the south) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Other police action may include the use of less lethal munitions, which could cause significant risk of serious injury to those who remain. Section 409 of the Penal Code prohibits remaining present at an unlawful assembly. If you remain in the area which was just described, regardless of your purpose in remaining, you will be in violation of Section 409. The following routes of dispersal are available (give the most convenient route(s) of dispersal). You have ____ minutes (give a reasonable amount of time— take into consideration the number of participants, location of the event, and number of exit routes) to disperse."

**DISPERSAL ORDER
(Spanish)**

"Soy (officer's name and rank) oficial de policía de la Ciudad de Los Angeles. Por la presente declaro que esta reunión es ilegal y en nombre del pueblo del Estado de California ordeno que todas las personas reunidas en (give specific location, for example, the area bounded by Main Street on the east, Spring Street on the west, City Hall steps on the north, and the south sidewalk of 1st Street on the south) se dispersen inmediatamente. De lo contrario serán arrestadas o estarán sujetos a otras acciones policíacas. Otras acciones policíacas pueden incluir el uso de municiones de menos lethal, el cual puede causar riesgo significacion de heridas serias a los que permanecen. La Sección 409 del Código Penal prohíbe permanecer en una reunión ilegal. Si usted/ustedes permanecen en las áreas mencionadas, sin importar el propósito de su permanencia, usted/ustedes estarán violando la sección 409 del Codigo Penal de California. Las rutas que se pueden usar para disperarse son las siguientes: (give the most convenient route(s) of dispersal). Uds tienen ____ minutos (give a reasonable amount of time— take into consideration the number or participants, location of the event and number of exit routes) para dispersarse."

Crowd Management, Intervention, and Control Concepts and Strategies

Lawful Assembly	Isolated Unlawful Behavior	Unlawful Assembly	Riot
<p><i>Free Speech and assembly are protected First Amendment activity. The following are examples:</i></p> <ul style="list-style-type: none"> • Speeches • Marches • Demonstrations • Rallies • Picketing • Public assemblies • Protests • Celebratory events 	<p><i>Isolated unlawful activity by individuals or small groups within a crowd should not automatically form the basis for declaring an assembly unlawful.</i></p> <ul style="list-style-type: none"> • Isolated destruction of property • Isolated acts of violence • Isolated rock or bottle throwers • Individual sit down demonstrators 	<p>407 PC Two or more persons assemble</p> <ul style="list-style-type: none"> • To do an unlawful act or • To do a lawful act in a boisterous or tumultuous manner <p><i>Assemblies may be dispersed when they are: Violent, or pose a clear and present danger of violence, or the group is breaking some other law in the process. If a crime is occurring action may be taken to stop it prior to a Dispersal Order being given.</i></p> <ul style="list-style-type: none"> • Civil Disobedience • Sit down demonstration 	<p>404 PC Riot, (a) Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot.</p> <ul style="list-style-type: none"> • Group violent behavior • Group acts of property damage
Police Action			
<p>Use Crowd Management strategies:</p> <ul style="list-style-type: none"> • Meet with event organizers and stakeholders • Determine the history and risk of the group • Create a planning team • Check permit limitations • Develop commanders intent • Develop Incident Action Plan and objectives • Identify and assign resources: Video unit, fixed posts, MFF, Bicycle Units, Air Support, TSE, Shadow Teams, Mounted Unit • Monitor and assess crowd behavior • Separate opposing factions • Maintain video log • Provide direction and expectations at roll call • Engender facilitation not confrontation • Ensure the appropriate uniform for the event • Interact with organizers and gain cooperation 	<p>Use Crowd Intervention strategies:</p> <ul style="list-style-type: none"> • Use organizers and monitors to gain voluntary compliance • Isolate, arrest and remove law violators as quickly as possible • Video action of officers and law violators • Use amplified sound (sound trucks or CIUVs) to communicate intent or to gain compliance • Use low profile tactics when possible. Don't become the focus of the demonstration. • Use Passive Arrest Teams, Tangle Teams, Shadow Teams, Cross Bows, Arrest Circles • When it is not possible to make an immediate arrest, identify and track suspects using cameras, observation posts, an air unit or shadow teams • Continue to assess; escalate and deescalate as behavior changes • Don't increase crowd tension or change crowd focus to law enforcement by unnecessary aggressive appearance or behavior 	<p>Use Crowd Control strategies:</p> <ul style="list-style-type: none"> • Obtain voluntary compliance • Video action of officers and law violators • Act quickly • Request resources (MFF) • Put control forces in place • Identify dispersal routes • Put a traffic plan in place • Move media to protected area. Use amplified sound (sound trucks or CIUVs) to communicate intent to declare an unlawful assembly • Disperse unlawful crowd • Track and contain groups involved in illegal behavior using cameras, observation posts, Shadow Teams or Air Unit • Arrest individuals who fail to disperse or who are involved in illegal activity • Use Arrest Links to move arrestees • With appropriate approval, deploy the appropriate less lethal munitions to defend officers or to disperse the crowd • Ensure only reasonable force • Report use of force and munitions • Restore traffic flow 	<p>Use Crowd Control strategies:</p> <ul style="list-style-type: none"> • Video action of officers and law violators • Immediately stop the behavior • Request resources (MFF) • Put control forces in place • Stop the illegal activity • Put a traffic plan in place • Track and contain groups involved in illegal behavior using cameras, observation posts, Shadow Teams or Air Unit. • Arrest law violators • Use Arrest Links to move arrestees • With appropriate approval, deploy the appropriate less lethal munitions to defend officers or to stop violent behavior or property damage • Ensure only reasonable force • Report use of force and munitions • Restore and maintain order • Restore traffic flow • Discourage groups from forming • Protect lives, property, and vital facilities • Establish and patrol divisions • Remain present • Reassess the situation • Return to normalcy • Act quickly

Crowd Management, Intervention, and Control Terms and Definitions

Active Resistance: To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner.

Arrest Links: A method of linking multiple arrestees together for control purposes.

Arrest Protocol: The formal process of placing subjects under arrest, taking into custody, and associating the arresting peace officer(s) with the specific individual arrested.

Arrest Teams: Personnel assigned to arrest duties during civil disobedience/civil disorder operations.

Booking Teams: Personnel assigned to custodial and processing duties during civil disobedience/civil disorder operations.

Civil Disobedience: An unlawful event involving a planned or spontaneous demonstration by a group of people.

Civil Disorder: An unlawful event involving significant disruption of the public order.

Collective Behavior: The unlawful behavior of a group of persons involved in situations where normal cultural structure and controls are not observed, such as unruly crowds, civil disobedience, and riots.

Command: The authority a person lawfully exercises over subordinates by virtue of his/her rank and assignment or position.

Compliance Techniques: Reasonable, lawful use of force methods intended to encourage suspect cooperation.

Control Devices: Devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority (e.g., batons, TASER, restraints, chemical agents, etc.).

Cordoning: Surrounding or enclosing a particular problem area; also referred to as perimeter control.

Critical Facilities: Any location essential to the well-being and safety of the community requiring law enforcement protection during a critical incident.

Crowd: A number of persons collected into a close body.

Crowd Control: Law enforcement response to a pre-planned or spontaneous event, activity or occurrence where there is a potential for unlawful activity or the threat of violence.

Crowd Dynamics: Factors which influence crowd behavior.

Crowd Intervention: Strategies and tactics employed by law enforcement during lawful assemblies to address unlawful activity, civil disorder, and to arrest violators.

Crowd Management: Strategies and tactics employed by law enforcement to manage lawful assemblies in an effort to prevent the escalation of events into an unlawful assembly or riot.

Decontamination: Procedures taken to reduce the effects of any non-lethal chemical agent.

Discipline: Pattern of behavior consistent with demonstrating self-control, teamwork, moderation, and restraint.

Dispersal Order: Lawful orders communicated by law enforcement personnel commanding individuals assembled unlawfully to disperse.

Flashpoint: Specific location(s) which can be anticipated to attract criminal elements and become the origin or focal point of civil disorder.

Force Options: Reasonable force applications utilized by law enforcement to effect arrest, overcome resistance, and prevent escape.

Crowd Management, Intervention, and Control Terms and Definitions

Formations: Coordinated unit tactics utilized by law enforcement to control crowds, stop unlawful activity, and disperse and/or arrest violators.

Incident Command System (ICS): The statewide model for field level management of emergencies mandated by the Standardized Emergency Management System (SEMS). ICS is specifically designed to allow its users to adopt an integrated organizational structure equal to the complexity of demands of single and multiple incidents without being hindered by jurisdictional boundaries.

Less-Lethal Impact Munitions: Projectiles launched or otherwise deployed for purposes of overcoming resistance, preventing escape, effecting arrest, reducing serious injury and are without significant likelihood of causing death.

Management: The process of planning, organizing, coordinating, directing, budgeting, and controlling resources.

Mobile Arrest and Booking Teams: Mobile teams designated to assist field personnel with mass arrest and booking.

Mobile Field Force: An organized, mobile law enforcement tactical force equipped and trained to respond to unusual occurrences. The Mobile Field Force configuration is currently the statewide standard known as "Mutual Aid Response Mobile Field Force."

Mobile Tactics: specialized techniques that give Mobile Field Force (MFF) personnel the ability to respond rapidly and complete high-risk missions beyond the capabilities of other personnel. The vehicles may also be utilized for crowd control and containment.

Mob: A disorderly group of people engaged in unlawful activity.

Mounted Tactics: Tactics while mounted on horses.

Non-Compliant Behavior: Behavior which does not yield to a lawful order.

Non-Lethal Chemical Agents: Devices utilized by law enforcement agencies which may include CS, CN or OC.

Non-Target Specific Less-Lethal Impact Munitions: Less-lethal munitions fired at a crowd for the purpose of crowd control and/or dispersal (37mm, 20F Multiple Foam Rubber Projectiles).

Pain Compliance: The stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject, causing that subject to comply. Examples include control holds, impact weapons, non-lethal chemical agents, TASER, etc.

Passive Arrest Teams (PAT): Organized teams of peace officers assigned to take "passive arrestees" into custody.

Passive Resistance: A commonly used term referring to non-violent opposition to the lawful directions of law enforcement during arrest situations.

Photographic Teams: Law enforcement photographers assigned to document designated activity involving civil disobedience.

Platoon: A tactical component consisting of two or more supervised squads.

Policy: Statements of principles and values which guide the performance of a specific Department activity. Policy establishes limits of action and reflects a statement of guiding principles that should be followed in order to achieve an agency's objective.

Procedure: A method of performing an operation, or a manner of proceeding on a course of action, within limits of policy.

Public Disruption: The interruption or disturbance of public order.

Crowd Management, Intervention, and Control Terms and Definitions

Shadow Team: A squad sized plain clothes unit made up of two, five-officer elements, each having a supervisor that is responsible for working within crowds to identify individuals involved in illegal behavior, and when possible monitor their behavior, and/or arrest and remove them from the crowd as quietly as possible.

Uniformed Shadow Support Team: A squad of 10 uniformed officers and two supervisors that are responsible for coordinating with, and supporting Shadow Teams.

Stakeholder: Entities having a legal, professional, economic or community interest/responsibility in the event.

Standardized Emergency Management System (SEMS): A system required by the California Government Code for managing response to multi-agency and multi-jurisdictional emergencies in California. SEMS consists of five organizational levels that are activated as necessary: Field Response, Local Government, Operational Area, Region and State.

Target Specific Less-Lethal Impact Munitions: Less-lethal munitions fired at a specific/identifiable target for purpose of selectively and temporarily incapacitating an individual or to cause the individual(s) to stop aggressive/combatative actions: 12-gage Super-Sock Projectiles; 40mm Exact Impact Sponge Munitions (Metro)

- Aggressive/Combative actions: Unlawful behavior (must include actions/movements)
- “Objectively” confrontational
 - Physical attacks on persons/public safety
 - A fighting disposition, i.e., clenched fist; threats of violence coupled with “reasonable” ability to carry out threat
 - Behavior (more than “stoic or uncooperative”)
 - Destruction of property

Unlawful Assembly: Penal Code Section 407 defines an “unlawful assembly” as: “Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly.” “Boisterous or tumultuous manner” has been interpreted by the courts to mean conduct which poses a clear and present danger of imminent violence.