

MALDEN POLICE DEPARTMENT CROWD MANAGEMENT POLICY

GENERAL ORDER

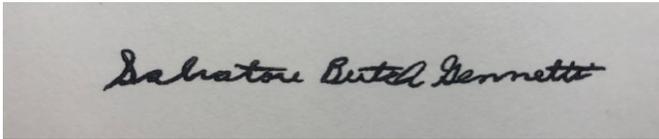
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ISSUING AUTHORITY

Police Commissioner



Salvatore "Butch" Gennetti



I. PURPOSE

The purpose of this policy is to establish guidelines for managing crowds, protecting individual rights, and preserving the peace during demonstrations and civil disturbances.

II. POLICY

It is the policy of the Malden Police Department to protect individual rights related to assembly and free speech; effectively manage crowds to prevent loss of life, injury, or property damage; and minimize disruption to persons who are not involved.

III. DEFINITIONS

Civil Disturbance: A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.

Crowd Control: Techniques used to address civil disturbances, to include a show of force, crowd containment, dispersal equipment and tactics, and preparations for multiple arrests.

Crowd Management: Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining lawful status through event planning, pre-event contact with event organizers, issuance of permits when applicable, information gathering, personnel training, and other means.

Demonstration: A lawful assembly of persons organized primarily to engage in free speech activity. These may be scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to

attract attention. Lawful demonstrations can devolve into civil disturbances that necessitate enforcement action.

Impact Projectiles: Projectiles designed and intended to deliver non-penetrating impact energy from safer than contact range. These may include direct fire or non-direct skip-fired rounds. The latter are projectiles that are discharged toward the ground in front of a target, theoretically delivering the energy to the subject following contact with the ground.

IV. PROCEDURES

A. Preparation and Planning

1. Every effort should be made to make advance contact with event organizers and to gather the following necessary information about the event to ensure accurate assignment of personnel and resources:
 - a. What type of event is involved?
 - b. When is it planned?
 - c. Will the event coincide with other routine, large-scale events (e.g., sporting events)?
 - d. Is opposition to the event expected?
 - e. How many participants are expected?
 - f. What are the assembly areas and movement routes?
 - g. What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest?
 - h. What critical infrastructures are in the proximity of the event?
 - i. Have permits been issued?
 - j. Have other agencies such as fire and EMS been notified?
 - k. Is there a need to request mutual aid?
 - l. Has the appropriate level of properly equipped personnel been allocated to ensure safety of bystanders, officers, and demonstrators?
 - m. Will off-duty personnel be required?
 - n. What is the history of conduct at such events?
 - o. Are event organizers cooperative?
 - p. Who are the potential counter-protest groups?
 - q. Is there a history of violence between the group demonstrating and potential counter-protest groups?

2. The incident commander (IC) or a designee, shall prepare a written plan subject to the approval of the chief executive officer or his or her designee. The plan should address the following and be distributed to all participating agencies.
 - a. Command assignments and responsibilities
 - b. Personnel, unit structure, and deployment considerations to include the need for special response teams (i.e., SWAT, emergency medical personnel, and plainclothes officers).
 - c. Regular communication with legal advisors

- d. Liaison with event planners, to include their legal advisors, where applicable
- e. Liaison with outside agencies
- f. Communications plan, to include release of information to the media
- g. Pre-event intelligence analysis
- h. Weather and terrain at the event location
- i. Transportation, support, and relief of personnel
- j. Staging points for additional resources and equipment
- k. Traffic management, including perimeter security
- l. First aid stations established in coordination with emergency medical service providers
- m. Demonstrator devices, extrication teams, and equipment
- n. Transportation of prisoners
- o. Arrestee processing areas
- p. Any laws, ordinances, or administrative rules specific to the event

B. Management and Organization Principles

1. Government may impose reasonable restrictions on the time, place, and manner in which persons assemble and engage in free speech activity. This agency shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, facilitate uninhibited speech, commerce, and freedom of movement.
2. An Incident Command System (ICS) shall be used in crowd management and civil disturbances to ensure control and unified command.
3. Organization of responsibilities shall be as follows:
 - a. The chief executive officer shall designate an incident commander (IC) responsible for overall control of a demonstration or civil disturbance.
 - b. The IC shall implement the written plan.
 - c. In the case of a widely dispersed demonstration or disturbance, or event with multiple locations, multiple ICs may be assigned at the discretion of the chief executive officer.
 - d. The IC shall be responsible for preparing operations plans and management details associated with planned demonstrations.
4. The primary objectives of the IC at a civil disturbance are to accomplish the following:
 - a. Protect persons, regardless of their participation in the disturbance.
 - b. Disperse disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence.
 - c. Arrest law violators, including those responsible for property damage, and remove or isolate persons inciting violent behavior.
5. Officers shall be briefed on what to expect and appropriate responses. They shall be informed that the IC or their designee(s) shall be responsible for ordering any response deemed appropriate.

C. General Crowd Response

1. Officers shall be deployed to monitor crowd activity. Sufficient resources to handle multiple unruly persons should be available, depending on the fluidity of the situation and degree of actual or likely disruption.
2. Officers shall be positioned in such a manner as to minimize contact with the assembled crowds.
3. Officers should avoid engaging in conversations related to the demonstration with attendees, refrain from reacting in response to comments from demonstrators, and maintain a courteous and neutral demeanor.
4. Persons who reside, are employed, or have emergency business within the area marked off by a police line shall not be prevented from entering the area unless circumstances suggest that their safety would be in jeopardy or their entry would interfere with law enforcement operations.
5. Individuals designated by the IC should establish and maintain communication with event organizers and relay information on crowd mood to the IC.
6. Supervisors should maintain close contact with their assigned officers to ensure compliance with orders, monitor behavior and disposition, and ensure that they are aware of any changes in crowd behavior or intent.
7. Audio and video recording of agency crowd response should be considered for evidentiary purposes.
8. Mass arrests shall be avoided, unless necessary.
9. Officers shall ensure that a means of egress for all individuals is present at all times.

D. Response to Spontaneous Civil Disturbances

1. The first officer to arrive on the scene of a spontaneous civil disturbance should
 - a. observe the situation from a safe distance to determine if the gathering is currently or potentially violent;
 - b. notify communications of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons, the location and estimated number of participants, current activities (e.g., blocking traffic), direction of movement, and ingress and egress routes for emergency vehicles;
 - c. request the assistance of a supervisor and necessary backup;
 - d. attempt to identify crowd leaders and agitators engaged in criminal acts; and
 - e. at the first available opportunity, request the crowd to voluntarily disperse.
2. The first officer or supervisor in charge at the scene should
 - a. deploy officers at vantage points to report on crowd actions;
 - b. establish a perimeter sufficient to contain the disturbance and prohibit entrance into the affected area;
 - c. ensure that, to the degree possible, uninvolved individuals are evacuated from the immediate area of the disturbance;
 - d. establish a temporary command post;
 - e. provide ongoing assessment to communications;

- f. move and reroute pedestrian and vehicular traffic around the disorder;
 - g. control unauthorized ingress and egress by participants; and
 - h. prevent outside attempts to assist or reinforce participants.
3. The IC should also ensure that
- a. adequate security is provided to fire and EMS personnel in the performance of emergency tasks;
 - b. support and relief for personnel are available;
 - c. a secure staging area for emergency responders and equipment is designated;
 - d. liaison and staging points for media representatives are established and available information is provided as appropriate;
 - e. the IC event log is maintained to document activities and actions taken during the course of the incident;
 - f. photographic or video evidence is preserved, in accordance with applicable law and agency policy, of crowd actions and officer response;
 - g. photographs or videos are taken of any injuries sustained by law enforcement officers or the public; and
 - h. the need for full mobilization of sworn officers and the recall of off-duty officers are determined.

E. Use of Force

1. Officers should follow their agency's policy on use of force.
2. Unless exigent circumstances justify immediate action, officers shall not independently make arrests or employ force without command authorization.
3. The following restrictions and limitations on the use of force should be observed during demonstrations and civil disturbances. In all cases, weapons should be carried and deployed only by trained and authorized officers.
 - a. Canine teams may respond as backup when appropriate but should not be deployed for crowd control (i.e., containment or dispersal). Canines should remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of the crowd. Canines may be deployed in appropriate circumstances related to bomb detection, pursuit of suspects in buildings, and related situations.
 - b. Horses may be used to contain, control, and direct groups in nonviolent demonstrations as appropriate. They should not be used against passively resistant demonstrators, including those who are sitting or lying down. Unless exigent circumstances exist, horses should not be utilized when the use of chemical agents is anticipated or deployed, or in icy or snowy conditions or when similar lack of footing may jeopardize the animal, rider, or others.
 - c. Motor vehicles may be used to contain, control, and direct persons as appropriate but shall not be intentionally brought into contact with them unless the use of deadly force is authorized.
 - d. Bicycles may be used to control and move persons as appropriate.
 - e. Impact projectiles shall not be fired indiscriminately into crowds.

- (1) Non-direct (skip-fired) projectiles and munitions may be used in civil disturbances where life is in immediate jeopardy or the need to use the devices outweighs the potential risks involved.
 - (2) Direct-fired impact munitions, to include beanbag and related projectiles, may be used during civil disturbances against specific individuals who are engaged in conduct that poses an immediate threat of death or serious injury.
 - (3) A verbal warning should be given prior to the use of impact projectiles, when reasonably possible.
- f. Electronic control weapons (ECWs) should be used during civil disturbances only for purposes of restraint or arrest of actively resistant individuals when alternative less forceful means of control are not available or are unsuitable and only when the individual can be accurately targeted. ECWs shall not be fired indiscriminately into crowds.
 - g. Aerosol restraint spray, known as oleoresin capsicum (OC), may be used against specific individuals engaged in unlawful conduct or actively resisting arrest, or as necessary in a defensive capacity when appropriate. OC spray shall not be used indiscriminately against groups of people where bystanders would be unreasonably affected, or against passively resistant individuals. High-volume OC delivery systems (such as MK-9 and MK-46) are designed for and may be used in civil disturbances against groups of people engaged in unlawful acts or endangering public safety and security when approved by the IC. Whenever reasonably possible, a verbal warning should be issued prior to the use of these systems.
 - h. CS (2-chlorobenzalmalononitrile) chemical agents are primarily offensive weapons that shall be used with the utmost caution. CS may be deployed defensively to prevent injury when lesser force options are either not available or would likely be ineffective. Such munitions shall be deployed at the direction of the IC and only when avenues of egress are available to the crowd. When reasonably possible, their use shall be announced to the crowd in advance. CN (phenacyl chloride) shall not be used in any instance.
 - i. A baton or similar device can be used as a defensive weapon; as a means of overcoming resistance (e.g., used in the two-hand horizontal thrust on a police line); to stop, control, or neutralize perceived threatening resistance; as a show of force; or as a means to contain or disperse a crowd.
 - j. All uses of force shall be reported and investigated in accordance with agency policy.

F. Crowd Dispersal

1. Before ordering forced dispersal of a civil disturbance, the IC should determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:

- a. Establish contact with event organizers or crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalation and dispersal.
 - b. Communicate to the participants that their assembly is in violation of the law and that the agency wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively.
 - c. Target specific violent or disruptive individuals for arrest.
2. Prior to issuing dispersal orders, the IC should ensure that all potentially necessary law enforcement, fire, and EMS equipment and personnel are on hand to successfully carry out tactical operations and that logistical needs for making mass arrests are in place.
3. When the IC has made a determination that crowd dispersal is required, he or she shall direct unit commanders, where time and circumstances permit, to issue warnings prior to taking action to disperse the crowd.
 - a. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes.
 - b. A second and third warning should be issued at reasonable time intervals before designated actions are taken to disperse the crowd.
 - c. Where possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.
4. Specific crowd dispersal tactics should be ordered as necessary where the crowd does not heed warnings. These include, but are not limited to, any one or combination of the following:
 - a. Display of forceful presence to include police lines combined with motorcycles, law enforcement vehicles, mounted units, bicycle units, and mobile field forces
 - b. Multiple simultaneous arrests
 - c. Use of aerosol crowd control chemical agents
 - d. Law enforcement formations and the use of batons for forcing crowd movement

G. Mass Arrest

During a civil disturbance, it may be necessary to make arrests of numerous individuals over a relatively short period of time. For this process to be handled efficiently, safely, and legally, the following should be observed:

1. Mass arrests should be conducted by designated squads.
2. An adequate secure area should be designated for holding arrestees after processing and while awaiting transportation to a detention center.
3. Arrest teams should be advised of the basic offenses to be charged in all arrests, and all arrestees shall be advised of these charges.

4. Arrestees who are sitting or lying down but agree to walk shall be escorted to the transportation vehicle for processing. Two or more officers should carry those who refuse to walk.
5. Arrestees shall be searched incident to arrest for weapons, evidence of the crime of arrest, and contraband.
6. Photographs should be taken of the arrestee and any arrestee property.
7. Anyone who is injured, to include arrestees, shall be provided medical attention. Photographs should be taken of all known injuries.

H. Deactivation

When the disturbance has been brought under control,

1. All personnel engaged in the incident shall be accounted for and an assessment and documentation made of personal injuries.
2. Witnesses, suspects, and others should be interviewed or questioned.
3. All necessary personnel should be debriefed as required.
4. Any equipment utilized by officers should be replaced.
5. All written reports shall be completed as soon as possible after the incident. Comprehensive documentation should include the basis for the incident and the agency's response to the incident, with a statement of impact to include the costs of equipment, personnel, and related items.

I. Training

Officers should receive both initial and ongoing training on appropriate response to crowd control and management. Joint training should also be conducted with all agencies who are involved in crowd management activities.