

CROWD CONTROL AND MANAGEMENT

Protecting Civil Rights



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POLICIES AND TRAINING GENERALLY

Policies and procedures shall reflect and express the Department's core values and priorities, and provide clear direction to ensure that officers lawfully, effectively, and ethically carry out their responsibilities.

A photograph of several police officers in dark uniforms and caps standing in a row, facing forward. The image is set against a blue background with white text.

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TOPICS

- 1st Amendment Application
- Policy and Operation Plans
 - DOJ Standards, Operational Plans,
 - Mass Arrest Protocol
- Training
 - Capture and contain, Formations, Arrest Teams, Skirmish lines
- Supervision
 - Bystander Liability
- Force Application

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Recourses Available

- IACP National Law Enforcement Policy Center- Civil Disturbances – 12/2005
- Law Enforcement Guidelines For First Amendment – Protected Events 10/2011
- Privacy, Civil Rights, and Civil Liberties Policy Development Guide 4/2012
- Independent Investigation Occupy Oakland Response 10/2012
- The Reynoso Task Force Report- UC Davis November 18, 2012
- CA POST Guidelines Crowd Management, Intervention and Control
- Ferguson Review - 2015

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Perception of All



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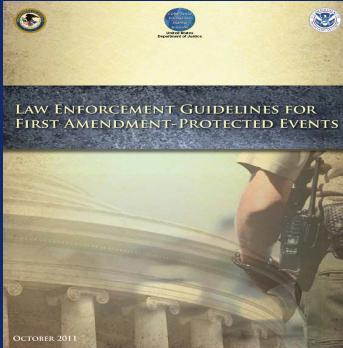
Review of Charlottesville Protest

- Among the report's findings:
- Charlottesville police didn't ensure separation between counter-protesters and so-called alt-right protesters upset with the city council's decision to remove the Robert E. Lee statue from Emancipation Park.
- Officers weren't stationed along routes to the park, but instead remained behind barricades in relatively empty zones.
- City police didn't adequately coordinate with Virginia State Police, and authorities were unable to communicate via radio.
- State police didn't share a formal planning document with city police, "a crucial failure."
- Officers were inadequately equipped to respond to the clashes between the two groups, and tactical gear was not accessible to officers.

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**LAW ENFORCEMENT GUIDELINES FOR
FIRST AMENDMENT-PROTECTED EVENTS**

OCTOBER 2011

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DOJ Guidelines

- Pre-Event Stage**—Discusses how law enforcement will plan for an event or demonstration where First Amendment protections are involved, focusing on the activity that begins when law enforcement leadership learns of an event and must determine the level, if any, of involvement at the event, from both public safety and investigative standpoints.
- Operational Stage**—Focuses on how law enforcement will respond to the event, based on the findings from the Pre-Event Stage, including the development and execution of the Operations Plan.
- Post-Event Stage**—Addresses how and whether information obtained as a result of the event (both during the Pre-Event Stage and Operational Stage) will be evaluated, disseminated, retained, or discarded, as per agency policy.

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Monell Violation

- Limit the liability of your agency you ensuring that *Monell* standards covered.
 - Failure of Policy
 - Failure to Train
 - Failure to Supervise
 - Failure to Investigate
 - Failure to Discipline

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PRP Consent Decree

- PD shall develop crowd control and incident management policies that comply with applicable law and comport with generally accepted policing practices.
- The incident management policy shall provide that a ranking officer or other higher-level PD official at the scene of a mass demonstration, civil disturbance, or other crowd situation assume command and control and provide approval prior to deploying force as a crowd dispersal technique.

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Consent Decree

- The crowd control policy shall require the use of crowd control techniques and tactics that respect protected speech and the right to lawful assembly.
- PD policy shall require the assessment of law enforcement activities following each response to a mass demonstration, civil disturbance, or other crowd situation to ensure compliance with applicable laws and PD policies and procedures.

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ABQ

- APD shall maintain crowd control and incident management policies that comply with applicable law and best practices. At a minimum, the incident management policies shall:
 - define APD's mission during mass demonstrations, civil disturbances, or other crowded situations;
 - encourage the peaceful and lawful gathering of individuals and include strategies for crowd containment, crowd redirecting, and planned responses;



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- require the use of crowd control techniques that safeguard the fundamental rights of individuals who gather or speak out legally; and continue to prohibit the use of canines for crowd control.
- APD shall require an after-action review of law enforcement activities following each response to mass demonstrations, civil disturbances, or other crowded situations to ensure compliance with applicable laws, best practices, and APD policies and procedures.

A close-up photograph of a green three-ring binder. The cover of the binder is white with the words "POLICY MANUAL" printed in large, bold, black capital letters. The binder is positioned diagonally across the frame, resting on a light blue surface.

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Policy Structure

- Set Guidelines – DOJ recommendations
- Clear Definitions-
- Procedures
 - Officer and Agency Response
 - Planning for response (Incident Commander)
 - Authority for deployment of resources
 - Conducting Crowd Control and Management
 - Response to crowd situations.
 - Declaring an unlawful assembly
 - Approved tactics and weapons (Batons/ OC)

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Policy Con't

- Prohibited Weapons for Crowd Control
 - Canines, horses, fire hoses, Motorcycles
 - Skip fires Specialty Impact Munitions
 - Uses of Special Impact Munitions
 - ECW, Aerosol hand-held Chemical Agent
- Mass Arrest Procedure
 - Multiple Simultaneous Arrests
 - DA involvement
 - Arrest of Juveniles

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Policy Con't

- Video and Photographic Recording
 - Authorization required
 - Disseminated to other agencies
- Reporting
 - Mandated supplemental reports
- PIO involvement
 - Important part of crowd management
 - Facebook, Twitter
- Training – Policy and practical

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- Declaring an Unlawful Assembly
 1. Issue the declaration in a manner that you can record and document so that everyone affected could have heard the announcement.
 2. Specific amount of time to pack up their belongings and leave.
 3. Identify routes you want them to leave.
 4. Those left behind can be arrested – not forcibly driven off with chemical agents.



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Arrest Provisions

- Remember during mass demonstrations *Graham v. Conner* still guide use of force.
 - More to follow
- Applicable to seriousness of the crime
 - Civil disobedience v. Riot endangering the public or mass destructive vandalism occurs.
- How do you want to be depicted?
 - Slow down the arrest process and proceed methodically- Notice and compliance
 - Videotape all arrests.



- Mass arrest is challenging- Impossible without a operation plan.
- Prohibit degrading conduct
 - Wait unreasonable hours for processing
 - Without restroom facilities
 - Booking numbers with markers on arrested
- Use digital age to make mass arrests easy
 - Video, ipad, digital camera

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Guiding Reports

- Occupy Oakland Frazier Investigation
 - June 2012
- UC Davis Incident Report
 - March 2012
- CA POST Crowd Management, Intervention and Control
 - March 2012
- Ferguson After Action Assessment
 - 2015

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Recommendations

- The recommendations are broken down into 3 sections:
 - Pre Event
 - During the Event; and
 - Post Event




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Pre-Event



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Crowd Management Coordinator

- Each agency should establish a “Crowd Management Coordinator” to maintain crowd management policy updates, and crowd management and control (basic and recurrent) training for the agency.
- This Coordinator should also be responsible for reviewing crowd control equipment and technology and maintaining after action reports.





Policy

- Agencies need to establish policies and procedures for effective law enforcement response in crowd management events that ensure the protection of life and property of all community members and participants, and guarantees the constitutional rights of the participants.





Policies Should Address:

- Identify and describe the legal basis for response to any crowd event;
- Documenting Crowd Management events;
- Investigate and prosecute criminal activity at crowd events;
- Declaring unlawful assemblies and issuing dispersal orders;
- Mass arrest and booking;
- Use of force policies and procedures for managing crowds engaged in unlawful activities;
- Guiding the use of canines and prohibit their use for crowd control;





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Policy Continue:

- Guiding a centralized complaint intake process;
- Inter-agency support that requires respect to host agency policies
- Identify, develop, and use agency and community based resources.
- Identify and engage with community stakeholders to develop relationships;
- Facilitate the role of the media during crowd incidents;
- Use of electronic communication and social media for communication and investigation; and
- Responding to officers who receive extreme, immediate and credible threats to themselves and their families

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NIMS Compliant

- These directives must also be NIMS compliant in order to achieve standardized procedures for planning, managing, communicating, and collaborating in crowd and 1st Amendment-related events.
- Pre-deployment briefings and after-action reporting prior to demobilization shall be included in the policies and protocols.

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Use of Force

- Understanding appropriate levels of force are critical to a successful police response. Guidelines must be in place regarding the types of less-lethal force that will be authorized, as well as the criteria and circumstances for its use.
- This information should be shared with the participating agencies, its officers, and the community.

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Use of Force

- Agencies should research and establish a comprehensive use of force reporting policy at both departmental and individual levels.
- Officers must understand that practices regarding “group reporting” or collaboration following use of force events do not meet current standards or preferred practices for use of force reporting and documentation.

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Accountability

- Personnel accountability systems and equipment inventory documentation needs to be in place pre-event to assure that all citizen complaints are properly investigated.
- Agencies need to develop a detailed accountability system for issuance, recovery, and re-supply of any and all less-lethal munitions (specialty impact and chemical agents) to any officer or supervisor.
- All accounting of less-lethal munitions should be available immediately after the conclusion of any event involving their use.

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Mutual Aid Agreements

- When entering into mutual aid agreements, participating agencies should form a unified compliance committee to agree upon policy content, training curriculum, and joint tactics.
- The agreements should mandate participation, and any agency that fails to do so should be released from the agreement.
- Agencies should establish clear distinctions regarding which agency's policies will prevail when an agency is operating outside of its jurisdiction.

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Community Relations

- (1) Invest time to establish trusted relationships with all segments of the communities they serve;
- (2) Communicate with more than a select few by establishing ongoing dialogue with all segments of the community;
- (3) Engage in dedicated and proactive efforts to understand the communities they serve and to foster strong trust between the officers and the communities; and
- (4) Develop and maintain a well-established network with their community leaders, and initially contact them with information on incidents that impact their community



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Public Information Officer (PIO)

- This position should be elevated to a command level individual (sworn or civilian).
- This person should be a public relations professional retained to develop an overarching messaging campaign, which includes the use of electronic media and social media outlets.



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- Periodic Emergency Operations Center (EOC) exercises must be conducted and evaluated. Exercises should comport to the NIMS structure.
- At any location where crowd events frequently occur, agencies should develop a trained cadre of professional staff, mid-level leadership, and command and executive level personnel, who are trained and qualified incident management team leaders.

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Regional Response

- Whenever there is a mutual aid agreement between law enforcement agencies, regional response training must be provided regularly to officers designated to respond on critical incidents or event exercises.
- Policing philosophies and professional standards must be shared, and key community leaders should be involved.

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During the Event



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Intelligence

- Agencies must develop a mechanism to gather raw information, and manage tips and leads, such as videos, from the scenes of mass gatherings, so intelligence can be forwarded for analysis.
- Protocols for gathering and managing intelligence should be created and communicated.
- An intelligence officer should be identified and assigned to the command post to enhance the two-way information flow, and ensure that tactical intelligence is being considered.

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Incident Commander

- The Incident Commander should remain focused on strategic decisions and constant communication with supervisors and officers.
- He or she should understand the importance of intelligence officers and pay attention to their recommendations.
- Other duties like community engagement should be delegated to other members of the command team.



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Tactical Response

- The scale and manner of tactical response should be incremental, not an "all or nothing" proposition.
- Such responses can begin in a relatively limited manner and can be escalated and de-escalated if or when the circumstances warrant.
- Constant monitoring of crowd behavior is essential for response and planning.
- Historical context of the community should be considered.



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Tactical Response

- Agencies should focus not only on what is authorized, but also on what is right.
- Consider options for having tactical teams and equipment such as armored vehicles in place, but out of public view until or if their deployment is necessary.
- Armored vehicles should not be visible except in narrowly defined circumstances such as active shooter situations, or when shots are fired.



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less-lethal weapons

- The use of force via less-lethal weapons should be a last resort (for crowd control) to maintain order in situations when the threat to the safety of persons and protection of property are in imminent jeopardy.
- Force should be used only in a manner consistent with law and agency policy, after alternatives have been reasonably exhausted, multiple warnings have been given to demonstrators, and clear avenues to escape exist.

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less-lethal weapons

- Agencies should develop an accepted audio recording of a warning that less-lethal weapons are about to be deployed in advance of a critical incident.
- This warning can be replayed via the public address system to ensure correct and consistent information is provided.

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Dispersal Order

- After a dispersal order is given and movement of the crowd is completed, arrests should be made to those remaining present at the unlawful assembly, or otherwise violating the law.
- When considering predicate arrest authority, PD staff should consult with the State's Attorney, specifically focusing on time, place, and manner issues.

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Communication

- Police must reach out to protest leaders to understand their issues and establish an understanding of police responsibilities for managing the safety of protesters and of the community.
- Communication between police and protest leaders should remain open and consistent during and after the protest.
- Be proactive during peaceful protests to engage community members to identify issues of concern and establish rapport.

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Post Event



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Critical Incident Debriefs

- Critical Incident Debriefs (“Hot Washes”) should be conducted by command personnel with a vertical representation (officer-sergeant-lieutenant-captain) of participating sworn members.
- These debriefs should be led by those command personnel having direct knowledge and involvement in the incident.
- Department personnel should be able to discuss issues and concerns openly, professionally, and constructively.

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Documentation

- Report and supplemental forms documenting arrests, injuries, uses of force incidents (not involving hospitalization), and munitions expended by any involved law enforcement agency should be submitted to the LE Agency Planning Division, Documentation Unit prior to being released from duty or mutual aid.
- If data and information are not collected immediately after a mutual aid event and pre-departure, assignment of a LE officer to oversee and ensure collection, including the establishment of a deadline, must be made.



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The End....



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