

**Crowd Control Management, Intervention, and Control: A Comparison between L.A. POST Guidelines and the Reports on the Davis, Occupy Oakland, and Ferguson Incidents**

CA P.O.S.T.: Crowd Management, Intervention and Control (03-12)	UC Davis Incident Report (03-12)	Frazier Investigation on Occupy Oakland Incidents (06/14/12)	After Action Assessment on Ferguson Incidents (2015)
<b>I. BEFORE THE INCIDENT</b>			
<b>A. Crowd Management</b>			
<p>Establish policies and procedures for effective response by LE in crowd management events that:</p> <ul style="list-style-type: none"> <li>a) Ensure the protection of life and property of all community members and participants and;</li> <li>b) Guarantees the constitutional rights of the participants. (See 1.1, 1.2).</li> </ul>	<p>In those policies, make sure to accurately identify and describe the legal bases for LE response to any crowd event. (See Page 29).</p> <p>Employ outside assistance to review crowd management events policies and procedures to assure compliance with modern and contemporary practices (See Page 30).</p>	<p>A designated Department "Crowd Management Coordinator" should be established for crowd management policy updates, and crowd management and control (basic and recurrent) training for the Department.</p> <p>This Coordinator should also be responsible for reviewing crowd control equipment and technology and maintaining after action reports. (See Pages 11, 34-35).</p>	
	<p>Develop SIMS/NIMS compliant procedures and protocols in order to achieve standardized procedures for planning, managing, communicating, and collaborating in crowd events. (See Page 30).</p>		<p>NIMS model should be used for critical incidents, particularly when there is a multiagency response. (See Page 39).</p>
<p>Establish protocols for documenting crowd managing events. (See 3.2).</p>		<p>Pre deployment briefings and after action reporting prior to demobilization shall be included in the policies and protocols. (See Page 29).</p>	

*Legend:*  
*LE: Law Enforcement*  
*SEMS: Standardized Emergency Management Systems*  
*NIMS: National Incident Management System*

Unlawful Activity			
Establish procedures to investigate and prosecute criminal activity that may occur at crowd events. (See 4.3).			
Establish procedures for declaring unlawful assemblies and issuing dispersal orders. (See 5.2).			
Develop procedures for mass arrests and bookings. (See 5.3).			
Use of Force			
Develop use of force policies, procedures, and training for managing crowds engaged in unlawful activity. (See 5.4).		Use of Force Continuum is recommended to be included in the use of force policies. (See Page 28).	
Develop policies and procedures regarding deployment of non-lethal chemical agents during incidents of civil disobedience. (See 5.5).			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. (See Page 52).
			Police policy and procedures guiding the use of canines should prohibit their use for crowd control. (See Page 51).
		Research and establish a comprehensive use of force reporting policy at both departmental and individual levels.  Practices regarding "group reporting" or collaboration following use of force events do not meet current standards or preferred practices. (See Pages 13, 48).	
Accountability and Inventory			
		Establish explicit policy and accountability which safeguards against broadcast and confidential	During a multiagency response, agencies should consider creating a formal, centralized complaint intake

		internal affairs information outside of the division's purview, in settings where multiple components of the department are gathered. (See Page 16).	process. An off-site or alternate facility should be considered to address grievances if the established facility is not easily accessible. (See Page 79).
			Multiple methods to submit complaints/ commendations should be established. They should be accessible, efficient, effective, and not intimidating. (See Page 79).
		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. (See Pages 12, 38).	Use of less-lethal weapons should be documented, and a system to accurately record and document them should be established when there is a multi-agency response. The system should include date, time, and circumstance for each deployment. (See Page 52).
		All existing chemical agents and less-lethal impact munitions should be replaced with state of the art munitions that will reduce injuries, help prevent property damage and minimize canister "throw-backs". For example, any 12 gauge shotgun less-lethal should be replaced by 40mm launchers and selected munitions. (See Page 12).	
		Less-lethal weapons should not be black and if they are, should be painted with clearly distinguished markings that will prevent unintentional usage or tragic consequences due to lack of recognition. (See Page 12).	Less-lethal weapons should be properly marked or colored to avoid confusing the public and to ensure officers never use the wrong weapon by accident. (See Pages 59-60).
			Communication equipment should provide for seamless interoperability among responding agencies by

			preparing and testing them in advance of an incident. (See Page 89).
<b>Mutual Aid</b>			
Be familiar with the process of requesting and receiving LE Mutual Aid. (See 2.4).	Adopt a system wide policy for inter-agency support that requires out of location agencies to respect local LE's policies, rules, and procedures, especially those related to use of force. (See Page 31).	The circumstances that precipitate a request for, and the deployment of mutual aid resources need to be clearly defined within the Inter-Agency Mutual Aid Policy of Agreement. (See Page 13).	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.  Clear distinctions regarding which agency's policies will prevail when an agency is operating outside of its jurisdiction should be established. (See Page 72).
		Develop policies and practices applicable to mutual aid resources that require assertive post-event follow-up to ensure information important to criminal and administrative investigations is acquired as soon as possible. (See Page 13).	
		Mutual aid is best used for infrastructure protection, custody and control of arrestees, perimeter security, and fixed post positions. (See Page 13).	
		Mutual aid resources should <u>not</u> be deployed, even under extreme conditions, to missions where comingling with special tactical forces could occur. They should be assigned to specific missions under the direction of the Director of the LE agency with jurisdiction over the crowd incident location.	

			Have strong policies on self deployment and establish clear and consistent guidelines and procedures in the agreements with other agencies. (See Page 39).
<b>Community Outreach and the Media</b>			
			Legal counsel should be consulted and involved when establishing policies, procedures, and tactics that could impact constitutional protections. (See Page 64).
Establish procedures to identify, develop, and use agency and community-based resources. (See 2.5).			
Establish procedures to identify and engage with community stakeholders to develop relationships, receive their input, and develop joint strategies. (See 1.3).	Communications with community stakeholders has to be proactive to build the relationships and identify issues early. (See Page 29).		<p>Invest time to establish trusted relationships with all segments of the communities they serve.</p> <p>Communicate with more than a select few by establishing ongoing dialogue with all segments of the community.</p> <p>Engage in dedicated and proactive efforts to understand the communities they serve and to foster strong trust between the officers and the communities.</p> <p>Develop and maintain a well-established network with their community leaders and initially contact them with information on incidents that impact their community. (See Pages 89, 116).</p>
			Develop, implement, and maintain youth and adult programs to establish communication and build relationships with all the

			communities they serve. (See Page 116).
			Enhance legitimacy and procedural justice in every interaction officers have with the public. This would foster and maintain better police-community relationships. (See Page 116).
Establish policies and procedures in consultation with a legal advisor, to address the collection and dissemination of information prior to, during, and after crowd events. (See 3.1.)	Review provisions of the police officers' Bill of Rights that appear to limit independent public review of police conduct. (See Page 31).		Citizens must have a way to identify an officer, but does not necessarily have to be the officer's name. An appropriate balance may be possible by using numbers instead of names on badges during responses to critical incidents or group protests. They should be placed prominently on sides of helmets and outermost garments including protective gear. (See Pages 79-80).
			Officer Complaint and commendation processes should be accessible to the community and shared with the media.  During multiagency response events, reasonable efforts should be made to assist citizens that wish to make a complaint but appear at the wrong place of employment of the officer whose behavior they want to report. (See Page 79).
Develop policies and procedures to facilitate the role of the media during crowd incidents. (See 6.1).		Select a 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 and over arching messaging campaign which includes the use of electronic media. (See Page 17).	
Develop policies and procedures for the use of electronic communication			Have policies in place for the use of social media and some capacity to

and social media to use them as both communication and investigative tool in crowd events. (See 6.2).			use social media in emergency situations. Police should be proactive in building their social media capacities before an incident occurs. (See Pages 103-104).
<b>Officer's Safety and Resilience</b>			
			Establish protocols for responding to officers who receive extreme, immediate and credible threats to themselves and their families. (See Page 112).
<b>Technology</b>			
			Ensure the IT staff is aware of and prepare for potential cyber-warfare attacks. (See Page 107).
			Take preventive strategies, including policy and training to ensure the protection of all personnel records. (See Page 107).
			Consider subscribing to an identity and credit monitoring service to minimize identity theft. (See Page 107).
<b>Training</b>			
Provide training for command and operational staff in managing crowds. (See 2.6).		District/City Attorney should be more involved in legal update reviews to provide implications to the LE agency as a training model. (See Page 34).	
	Provide training to command staff in ICS. (See Page 163).		Adopt the NIMS operating model, meet certification standards, and regularly train and exercise with participating agencies.  NIMS awareness training should be provided to elected officials and staff to underscore the importance of command and control. (See Page 39).
	Periodic Emergency Operations Center (EOC) exercises must be	On any location where crowd events frequently occur, it is critical to	

	conducted and evaluated. Exercises should comport to the SEMS/NIMS structure. (See Page 166).	develop a trained cadre of professional staff, mid-level leadership, command and executive level personnel who are trained and qualified incident management team leaders. (See Page 35).	
	Training should be provided to all LE officers in alternative force applications involving arrests of both active and passive resistant protesters. (See Page 166).		Operational and tactical training should be balanced with training that provides officers with tools to evaluate and de-escalate law enforcement encounters prior to resorting to use of force. (See Page 68).
		Provide training to officers assigned to Criminal Investigations and Internal Affairs Divisions that will improve their investigation techniques.  Organized rotation of the officers, thorough units involved in crowd management and crowd control activities (SWAT, Tango Teams, Hostage Negotiations), will expand the officers' knowledge as well. (See Page 17).	
			Officers should receive training on topics related to procedural justice, implicit bias, cultural diversity, and related topics to promote community policing and help build trust and legitimacy in diverse communities. (See Page 116).
			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. (See Pages 39 and 92).
			Train all officers on the nature and protection of the First Amendment. (See Page 68).
			Training must be provided to all personnel, including their technology savvy personnel on the use and impact of social media in accordance to their policies. (See Page 104).
<b>II. DURING THE INCIDENT</b>			
<b>Planning</b>			
Plans to respond to every crowd incidents should be documented. (See 3.2).	Plans should be detailed, informative, accurate, and have “accountability for review” measures built in. (See Page 166).	Single use standing plans should be developed for the most frequently targeted sites.  Standing plans should include minimum and maximum staffing requirements, specific missions regarding infrastructure protection, traffic control, chain of command, communications, and mutual aid responsibilities. These plans should be shared with mutual aid resources. (See Pages 29-30).	Develop comprehensive operational plans that transition from a short-term response to a more organized mutual aid response once it is evident that the incident or event may be protracted.  The nature, evolution, and responses to protests should be monitored and changed constantly to reflect the changing environment in the protests. (See Pages 59-60).
Every crowd incident should be independently assessed to determine the tactics that will support 1 <sup>st</sup> Amendment activity and provide for public safety. (See 5.1).		Conduct pre-deployment briefings for any crowd event. (See Page 29).	
Planning for crowd incidents should include consideration of contingencies. (See 5.1).	Use the Planning Division to gather intelligence about the crowd event, the type of crowd it is, and any safety concern, among other information. (See Page 16).		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 that tactical

			intelligence is being considered. (See Page 85).
<b>Leadership and Supervision</b>			
Use the Incident Command System (ICS) when managing crowds. (See 2.1).	Ensure that you use a NIMS/SEMS structure for crowd events. This structure should contain a Planning Division. ICS is a component of NIMS/SEMS structure. (See Pages 16 and 34).		On multiagency response incidents, a strong incident command structure must be established that follows the NIMS model. (See Page 85).
Initiate incident/event planning consistent with the ICS. (See 2.2).	Prepare written incident action plans for preparing and responding to crowd event. (See Page 34).		
The Incident Commander (IC) is in command of the event. (See 4.1).			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. (See Pages 39 and 85).
Establish a clear command structure. Each officer should have only one supervisor. (See 4.1)			
Leadership at critical incidents should be guided by the agency's policies, procedures and the law. (See 4.2).			All responding officers under a multiagency incident command structure must be informed of the policies and procedures to be followed during the execution of orders and tactics. A method of resolving questions or conflicts about policies must be readily available to assigned officers and communicated to them before deployment.  Law enforcement agencies must remain flexible to modifying policies or orders to address contingencies encountered. If modifications occur, ensure that officers deployed receive

			the changes. (See Page 72).
When responding to simultaneous events individuals of any rank may serve as an IC until relieved by a ranking officer. (See 4.1).			
		Assigning officers from Criminal Investigations or Internal Affairs Divisions to uniformed positions of responsibility during a crowd event likely to result in confrontation and force has the potential to “conflict out” those officers from conducting, or managing investigations related to the event. (See Page 15).	
		Civilian support staff should not be tasked to fill tactical decision making roles that are beyond their training and experience. (See Pages 30-31).	
<b>Crowd Behavior</b>			
Consider the Use of plain-clothes resources at the crowd incident location. (See 2.2).			
Study and recognize patterns of behavior in the crowd incident and be prepared to respond to them. (See 2.3).			<p>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 and when the circumstances warrant. Constant monitoring of crowd behavior is essential for response and planning.</p> <p>Historical context of the community should be considered. Focus not only on what is authorized but also on what is right.</p> <p>Consider options for having tactical teams and equipment such as armored vehicles in place but out of public view until and if their deployment is necessary. Armored</p>

			<p>vehicles should not be visible except in narrowly defined circumstances such as active shooter situations or when shots are fired.</p> <p>Overwatch (sniper deployment) is inappropriate tactic for protest events.</p> <p>(See Pages 58-60).</p>
If feasible, identify and isolate unlawful behavior. (See 2.3).		Include an adequate number of officers and experienced commanders and supervisors to monitor deployment of chemical agents and to dynamically utilize LE forces to disperse the crowd. (See Page 32).	
A decision to declare a crowd unlawful must be based on reasonable and articulable facts. (See 5.2).			
<p>A dispersal order:</p> <ul style="list-style-type: none"> <li>a) Really has to disperse, not relocate the crowd;</li> <li>b) Must be given in a manner that it could be heard and understood;</li> <li>c) It must be clear for the crowd that they have to leave the area and that force may be used if they don't disperse. (See 5.2).</li> </ul>		Once the decision is made to disperse a crowd and appropriate orders are given, immediate dynamic movement of the control forces should be used to move the crowd in the direction indicated in the dispersal order.	
<b>Use of Force</b>			
Ensure that every use of force during the event is accounted for and reported to the IC before the conclusion of the event. (See 3.2).	Command authority should be required regarding the use of specialized ammunitions and OC Dispersal methods during crowd control events. (See Page 166).	The use of less lethal impact munitions and chemical munitions needs to be combined with the strategy and deployment of Rapid Response Teams and simultaneous dynamic movement of squad size control units resulting in dispersal and arrests for unlawful activity. (See Page 12).	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. It should be used only in a manner consistent with law and agency policy, after alternatives have been

			<p>reasonably exhausted, multiple warnings have been given to demonstrators, and clear avenues to escape exists.</p> <p>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. (See Pages 48, 51).</p>
<p>Since chemical agents can inflict significant pain, warnings should be given, when feasible, prior to deployment. (See 5.4).</p>			<p>When using tear gas, environmental conditions such as wind direction, and proximity to innocent bystanders should be assessed to minimize collateral impact. Also, it should be good practice to video record every deployment with a date and time stamp to enhance accountability. (See Page 51).</p>
			<p>There are some narrowly defined circumstances in which the use of canines in crowd control is justified. These include the protection of individuals, evidence, or property when <b>no other reasonable means are available</b>. (See Page 45).</p>
<b>Arrests</b>			
<p>Crowd behaviors that result in criminal activity should be investigated and documented. (See 4.3).</p>			
<p>Arrests should be considered when appropriate. It should be based on applicable laws and upon advice from prosecutors. Conspiracy charges are sometimes appropriate but they tend to be overlooked. (See 4.3).</p>		<p>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.</p>	

		When considering predicate arrest authority sections when involved crowd control events, consultation with the District/City Attorney specifically focusing on time, place, and manner issues should occur. (See Pages 33, 51).	
Maintain accountability of arrestees from the arrest site through the booking process. (See 5.3).			Unified command should clearly decide and convey factors that officers should consider when exercising their authority and discretion to arrest. (See Page 40).
The arrest report should articulate each arrestee's criminal acts and the witnessing officers. (See 5.3).			
A Coordinated effort by all criminal justice entities is essential to ensure proper arrests, booking, and prosecution of arrestees. (See 5.3).			
Maintain accountability of evidence beyond criminal prosecution in case there is civil litigation. (See 5.3).			
<b>Community Outreach and the Media</b>			
			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. (See Pages 89, 116).
In crowd management events, routine information should be provided to the media, instead of responding to inquiries. (See 6.1).			Establish a practice to release all information lawfully permitted as soon as possible and on a continuing basis, unless there is a compelling or

			<p>safety issue.</p> <p>A First Amendment free speech zone should be created with legal advice and counsel. It should be clearly marked, accessible to the media and clearly communicated to officers, media, community, and public information officers.</p> <p>Establish a media credentialing process and a staging area for frequent briefings (See Pages 64, 95).</p>
Assign a PIO to the crowd event. (See 6.1).			<p>Have a designated and trained public information officer (PIO) who engages with the public on a routine basis. Agencies jointly involved must defer to the PIO for the release of information. When overwhelmed with media inquiries, a temporary detail of experienced PIOs from the other agencies could be a solution to moderate the burden. (See Page 95).</p>
Consider establishing a Joint Information Center (JIC). (See 6.1).			
Use electronic communication and social media to provide instructions to the crowd prior and during a crowd event. (See 6.2).			<p>When changing tactics or when use of defensive or protective equipment is going to be used, maintain constant communication with the community via social media and public information officers. (See Page 60).</p>
Use social media to allow community members to communicate with LE to report suspicious or unlawful activity during a crowd event. (See 6.2).			
<b>Officer's Safety and Resilience</b>			
			<p>Law enforcement agencies and the communities they serve should</p>

			discuss the need to protect officers and their families and determine how officers will identify themselves during daily service and volatile mass gatherings. (See Page 80).
			In times of prolonged and stressful duty, police should monitor closely the officers' emotional and physical well-being and develop a resilience support program that includes a health professional and a trained police counselor or psychologist in prolonged stressful situations. (See Page 112).
			Police should ensure their officers receive adequate time to rest and recover. Pre-incident briefings for officers should include health and safety, including a reminding to rest, nourish, and to bring any medication for long shifts. (See Page 112).
			During mass gathering events, police should designate an isolated area where personnel can communicate to their families, rehydrate and eat. (See Page 112).
<b>Technology</b>			
			Police should be aware of the broad range of available technology to facilitate and coordinate mass gatherings. (See Page 107).
<b>III. AFTER THE INCIDENT</b>			
		Critical Incident Debriefs (“Hot Washes”) should be conducted by command personnel with a vertical representation (officer-sergeant-lieutenant-captain) of participating sworn members following major incidents. 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. (See Page 79).	
		After action reports shall be required after every crowd event prior to demobilization. (See Page 29).	
		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. (See Pages 14, 40).	
Periodically review use of force alternatives in response to potential actions encountered during crowd management and unlawful events. (See 5.4).			
		Internal criminal and administrative investigations should be monitored or conducted by an outside entity. (See Page 15).	
		To prevent recurrent mistakes, personnel from prior operational incidents should be retained so that future incident/event planners can review lessons learned, intelligence assessments and sources, previous command priorities, strategies, and	

		tactics. (See Page 31).	
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