

CROWD MANAGEMENT AND CONTROL

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I. GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during demonstrations and civil disturbances. Use department policy **7.02 *Special Events Planning*** where appropriate.

II. POLICY

The Williamstown Police Department will strive to effectively manage crowds during demonstrations or civil disturbances to prevent loss of life, injury, or property damage and minimize disruption to persons who are uninvolved. Officers encountering such incidents shall adhere to this policy to protect life, property, and the exercise of First Amendment rights. In rare circumstances involving emergencies, and in widespread highly volatile civil unrest with the potential for widespread violence, the incident commander (IC) may temporarily suspend any policy, provision, or guideline contained herein when such action is determined to be the only reasonable alternative for the prevention of loss of life or major property damage.

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.

Demonstration: A lawful assembly of persons organized primarily to engage in First Amendment 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.

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 their lawful status through event planning, pre-event contact with group leaders, issuance of permits when applicable, information gathering, personnel training, and other means.

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. General Management and Organization Principles

1. Government may impose reasonable restrictions on the time, place, and manner in which persons engage in First Amendment activity. The department shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, facilitate uninhibited commerce and freedom of movement.
2. Organization of responsibilities shall be as follows:
 - a. The Chief of Police will designate an Incident Commander (IC) responsible for overall control of a demonstration or civil disturbance. In accordance with the National Incident Management System (NIMS), the IC shall implement an incident action plan. The IC may designate an Operations Section Chief (OSC).
 - b. The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge

of de-escalation planning and communication about the plans within the department.

c. The Chief of Police should consider opening the Emergency Operations Center. They should, if time permits and if applicable, follow policy

7.08 All-Hazards.

d. The Chief of Police is to keep the Town Manager abreast of the incident throughout the length of it. Media issues should be coordinated with the Town Manager and utilizing the department policy **4.46 Police Media Relations.**

e. the Chief should consider use of CodeRED.

f. 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 of Police.

g. The IC shall be responsible for preparing tactical plans and management details associated with planned demonstrations.

3. The Incident Command System (ICS) and NIMS protocols shall be used in crowd management and civil disturbances to ensure control and unified command.

4. The primary objectives of the IC at a civil disturbance will be as follows:

- a. Protect persons, regardless of their participation in the disturbance; and protect property.
- b. Disperse disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence.
- c. Arrest law violators 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 his or her

designee(s) shall be responsible for ordering any response deemed appropriate.

6. It is the policy of this department to avoid making mass arrests unless necessary.

7. All event proceedings may be photographed and audio and video recorded if deemed necessary and reasonable to do so.

B. Use of Force

1. Unless exigent circumstances justify immediate action, officers shall not independently make arrests or employ force without command authorization. All uses of force will be in accordance with Policy ***1.10 – Use of Force***.

2. All officers providing assistance to this agency through mutual aid agreements, contracts, or related means shall be informed that they are under the direction and control of this department's command and supervisory personnel.

3. The following restrictions and limitations on the use of force shall be observed during demonstrations and civil disturbances. In all cases, weapons should be carried and deployed only by trained and authorized officers:

a. A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a propulsion device or release or order the release of a dog to control or influence a person's behavior unless:

i. de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and

ii. the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm.

iii. If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the Massachusetts Peace Officer Standards and Training Commission ("POST") detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-

escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog.

b. The Massachusetts Peace Officer Standards and Training Commission (“POST”) shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.

c. Canine teams may respond as backup when appropriate but shall not be deployed for crowd control (i.e., containment or dispersal). Canines shall 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. **All release of dogs to control or influence a person’s behavior must satisfy the requirement of section IV.B.3.a. above as well as the provisions of Policy 1.10 – Use of Force.**

b. Horses may be used to surround and control groups in nonviolent demonstrations as appropriate. They shall not be used against passively resistant demonstrators who are sitting or lying down. Horses shall not be utilized when the use of chemical agents is anticipated or deployed, nor shall they be used in icy or snow conditions or when similar lack of footing may jeopardize the animal, rider, or others.

c. Motor vehicles may be used to surround and move persons as appropriate but shall not be brought into contact with them.

d. Impact projectiles shall not be fired indiscriminately into crowds. **A law enforcement officer shall not discharge or order the discharge of rubber pellets from a propulsion device to control or influence a person’s behavior unless done in accordance with Section IV.B.3.a. above as well as the provisions of Policy 1.10 – Use of Force.**

(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, have a proven track record of safe and effective use in public order management, when deployed in a manner that recognizes the unique factors involved, including the potential risk of hitting an unintended target due to officer-subject range and crowd density. Accordingly, direct-fire munitions can generally be used during civil disturbances against specific individuals who are engaged in conduct that poses an immediate threat of death or serious injury or significant levels of property damage.
 - (3) A verbal warning should be given prior to the use of impact projectiles when reasonably possible.
- e. Electronic control weapons (ECWs) shall 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.
- f. 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 warning shall be issued prior to the use of these systems. **A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, to control or influence a person's behavior unless done in accordance with Section IV.B.3.a. above as well as the provisions of Policy 1.10 – Use of Force.**
- g. 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 escape are available to the crowd. When reasonably possible, their use shall be announced to the crowd in advance. CN (phenacyl chloride) may

not be used in any instance. **A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, to control or influence a person's behavior unless done in accordance with Section IV.B.3.a. above as well as the provisions of Policy 1.10 – Use of Force.**

h. A baton or similar device can be used primarily as a defensive weapon; as a means of overcoming resistance (e.g., used in the two-hand horizontal thrust on a police line); as a show of force; or as a means to contain or disperse a crowd.

C. Use-of-Force Reporting and Investigation

Because of the unique logistical and safety concerns presented by civil disturbances, the department's internal affairs function shall comply with the following protocols during such events:

1. A record shall be made during a declared civil of all force-related information and complaints.
2. The Chief of Police, acting as Internal Affairs investigator, shall investigate serious uses of force, as defined by the department, and complete a use-of-force report.
3. The Chief of Police shall have full access to video and photographic records documenting law enforcement and crowd actions.

D. Demonstrations—Preparation, Planning and Response

1. The IC or a designee shall prepare a written action plan subject to the approval of the Chief of Police or his or her designee.
2. Every effort shall be made to make advance contact with the leaders of a demonstration and to gather information about the event to ensure accurate assignment of personnel and resources. Necessary information includes:
 - 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 (e.g., dragon sleeves and u-locks)?
- h. What if any critical infrastructures are in the proximity of the event?
- i. Have permits been issued?
- j. Will police details be required? Shall they be required to pay in advance?
- k. Should Selectboard be notified?
- l. Have other agencies such as fire and EMS been notified?
- m. Is there a need to request mutual aid?
- n. Will off-duty personnel be required?
- o. What is the past history of conduct at such events and whether group leaders are cooperative?

3. The action plan shall address provisions for the following and be distributed to all affected command and supervisory officers.

- a. Command assignments and responsibilities
- b. Personnel and deployment
- c. Liaison with demonstration leaders
- d. Liaison with outside agencies, including the Emergency Management Director, if necessary.
- e. Release of information to the news media (**See 4.46 Police Media Relations Policy**)
- f. Transportation, support, and relief of personnel
- g. Staging points for additional resources and equipment
- h. Traffic management
- i. Demonstrator devices, extrication teams, and equipment
- j. First aid stations established in coordination with emergency medical service providers
- k. Transportation of prisoners
- l. Prisoner detention areas
- m. Has Town Manager / Selectboard been notified by event sponsors?
- n. Porta-Potties
- o. Trash disposal

4. One acceptable method for creating such a plan is to use the Five Paragraph Order format. This consists of the following components:

Situation – What will happen? When and where? How many people, how large an area? What makes this occurrence special, dangerous or noteworthy?

Mission – What will the WPD do to address the Situation? What objectives have been established?

Execution – Commander’s Intent tells everyone what the Incident Commander desires. Identify critical vulnerabilities or threats. Identify mitigating measures. Concept of Operations describes how personnel will do their jobs. Tasks should be established for each assignment. Coordinating Instructions describe how personnel doing differing jobs or from different departments will interact with each other. Desired End State describes what a successful operation will look like when concluded.

Administration & Logistics – Describe how arrests will be handled. Describe emergency medical procedures for V.I.P., personnel, and civilians. Describe how personnel will be transported, uniformed, equipped, fed, provided with water and rest breaks. Describe provisions for replenishables such as radio and flashlight batteries. Describe time-keeping and payroll requirements.

Command & Signal – Describe radio channels or talkgroups available and how they will be used. Provide backup communications paths via cell phones if needed. List contact information with radio channel and telephone number of key personnel and locations. Describe the Chain of Command, including alternates.

5. Officers shall be deployed to monitor crowd activity. Sufficient resources to handle multiple unruly persons shall be available, depending on the fluidity of the situation and degree of actual or likely disruption.

6. Personnel shall wear their badges and nameplates or other identification in a visible location on their person at all times. Reminder: All officers have been issued tactical vests to have available while on duty.

7. Officers shall be positioned in such a manner as to minimize contact with the assembly.

8. Officers shall not engage in conversations or be prompted to act in response to comments from demonstrators. Officers shall maintain a courteous and neutral demeanor. Officers are not to debate, argue or give personal opinions during demonstrations.

9. 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 jeopardized or their entry would interfere with law enforcement operations.

10. Commanders shall establish and maintain communication with demonstration leaders and relay information on crowd mood and intent to the Incident Commander.

11. Supervisors shall 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.

E. Response to Spontaneous Civil Disturbances

1. The first officer to arrive on the scene of a spontaneous civil disturbance shall:
 - 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. if approaching the crowd would not present unnecessary risk, instruct the gathering to disperse; and
 - e. attempt to identify crowd leaders and agitators engaged in criminal acts.
2. The first supervisor in charge at the scene shall:
 - 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 civilians are evacuated from the immediate area of the disturbance;
 - d. establish a temporary command post; and
 - e. provide ongoing assessment to communications.
3. In the area outside the perimeter, the IC shall ensure that the following actions are taken:
- a. Move and reroute pedestrian and vehicular traffic around the disorder.
 - b. Control unauthorized ingress and egress by participants.
 - c. Prevent attempts to assist or reinforce the incident participants from outside the area.
4. The Incident Commander shall also ensure that:
- a. adequate security is provided to fire and EMS personnel in the performance of emergency tasks;
 - b. support and relief of 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 staffed for documenting activities and actions taken during the course of the incident;
 - f. photographs are taken and video recordings of event proceedings are made if necessary and reasonable to do so;
 - g. photographs are taken of any injuries sustained by law enforcement officers or the public; and
 - h. the need for mutual aid and the recall of off-duty officers is determined.

F. Crowd Dispersal

1. Before ordering forced dispersal of a civil disturbance, the IC shall determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:
- a. Establish contact with 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 department wishes to

resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively.

c. Negotiate with crowd leaders for voluntary dispersal, or target specific violent or disruptive individuals for arrest.

2. Prior to issuing dispersal orders, the IC shall 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 an unruly gathering is present and crowd dispersal is required, he or she shall direct officers, 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. A second and a third warning shall be issued at reasonable time intervals before designated actions are taken to disperse the crowd. Where possible, the warnings shall be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.

b. Specific crowd dispersal tactics shall 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:

(1) Display of forceful presence to include police lines, combined with motorcycles, law enforcement vehicles, mounted units, bicycle units and mobile field forces

(2) Multiple simultaneous arrests

(3) Law enforcement formations and the use of batons for forcing crowd movement

c. The following crowd dispersal tactics are either restricted or prohibited:

(1) Crowd encirclement – at all times escape routes must be left open for the crowd to disperse.

(2) Use of aerosol crowd control chemical agents - **A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, to control or influence a person's behavior unless done in accordance with**

Section IV.B.3.a. above as well as the provisions of Policy 1.10 – Use of Force.

G. Mass Arrest

In 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 shall be observed:

1. Mass arrests shall be conducted by designated squads.
2. An adequate secure area shall be designated for holding prisoners after initial booking and while awaiting transportation.
3. Arrest teams shall 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 shall carry those who refuse to walk.
5. Prisoners shall be searched incident to arrest for weapons, evidence of the crime of arrest, and contraband.
6. Photographs shall be taken of the arrestee and any prisoner property and all department booking policies and procedures followed.
7. Injured prisoners and those who request medical attention shall be provided medical attention prior to transportation to the detention facility. Photographs shall be taken of all injuries.

H. The Police Chief shall consider opening the Police Emergency Operation Center. If activated, protocols for operating an EOC will be followed.

I. Deactivation

When the disturbance has been brought under control, the IC shall ensure that the following measures are taken:

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 shall be interviewed or questioned.
3. All necessary personnel shall be debriefed as required.
4. All written reports shall be completed as soon as possible after the incident. Comprehensive documentation of the basis for the incident, the department's response to the incident, with a statement of impact to include the costs of equipment, personnel, and related items shall be completed.
5. Notify Town Manager.