

PORTLAND POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

	Subject:	Crowd Control & Management	Policy #:	46A
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	By Order Of:	Chief of Police	Review:	Biennially

I. PURPOSE:

To establish guidelines for managing crowds and preserving the peace during demonstrations and civil disturbances.

II. POLICY:

It is the policy of the Portland Police Department to uphold the constitutional rights of free speech and peaceful assembly, while using the minimum amount of authority required to address a crowd management or crowd control issue. Department personnel will work to maintain order, enhance public safety and enforce the law, seeking to prevent injuries, loss of life, property damage or loss, and major community disruption, all while protecting the privacy and associated rights of any person or group to peacefully assemble or demonstrate.

III. DEFINITIONS:

- A. **Civil Disturbance:** An occurrence involving the formation of a crowd engaged in an unlawful assembly, where there is a threat of collective violence, destruction or theft of property, disorderly conduct, rioting, criminal trespass, obstructing public ways, failure to disperse, and other unlawful acts, including but not limited to those outlined in the Maine Criminal Code, to include 17-A M.R.S.A. Chapter 21, all of which may assist in providing enforcement authority and maintaining or regaining public order.
- B. **Crowd Control:** Techniques used to address unlawful public assemblies and civil disturbances, to include a show of force, crowd containment and dispersal strategies, and preparations for mass arrests.
- C. **Crowd Management:** Techniques used to manage lawful public assemblies before, during, and after the event for the purpose of maintaining their lawful status, accomplished through event planning, pre-event contact with group leaders, issuance of permits, intelligence gathering, personnel training, permit monitoring, past event critiques, and other means.
- D. **Demonstration:** A public display of a group's or individual's feelings toward an idea, political view, cause, etc. and includes, but is not limited to, marches, protests, walk-outs, assemblies, and sit-ins. Such events and activities usually attract a crowd of persons, including participants, onlookers, observers and media, who may disagree with the point of view of the activity. Demonstrations can evolve into civil disturbances that may necessitate enforcement actions.
- E. **First Amendment Activities:** Speech and expressive conduct used to convey ideas and / or information, express grievances, or otherwise communicate with others, including but not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. These activities involve the freedom of speech, association and assembly and the constitutional right to petition the government.

III. PROCEDURES:

A. General Principles of Crowd Control, Management and Organization:

1. The City may impose reasonable restrictions on the time, place, and manner of a person or group's First Amendment Activities, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and leave open alternative channels for communication of the information. Any limitations or restrictions will only be made at the command staff or city level. Consideration will be given to balancing demonstrators' Constitutional rights with the maintenance of public safety and order and the continuation of commerce and freedom of movement for uninvolved persons.
2. Strong supervision, leadership and command are essential to maintaining a unified, measured, safe, and effective police response. Impulsive or independent actions by officers must be avoided. The Incident Command System (ICS) will be used for managing demonstrations and civil disturbances.
3. The department will train and maintain a field force capacity to allow for the ability to effectively and lawfully respond to civil disturbance incidents. Field Force members will attend an approved 24-hour field force operations course within the first year of being assigned to the team. The Team will train at least 32 hours each year to maintain competency.
4. The IC and supervisors will make every effort to ensure that the police mission is accomplished as efficiently and unobtrusively as possible, with the highest regard for the dignity and liberty of all persons. Officers shall maintain a courteous, neutral and disciplined demeanor, and not be prompted to act in response to comments from demonstrators.
5. It is essential to recognize that all members of a demonstration or civil disturbance are not the same. Even when some members of a crowd engage in criminal acts, such as violence or destruction of property, other members of the crowd are likely not participating in those acts. Officers will be briefed at the staging area on the type of crowd being monitored and told what to expect from participants and what types of response options they can prepare to employ. They shall be assigned a designated supervisor, who shall direct their coordinated response.
6. Crowd control and crowd dispersal, as well as a show of force in crowd control situations, should be accomplished whenever possible using specially assigned and identifiable officers in police uniforms. In general, assigned officers should have riot shields, helmets, gas masks and specialized equipment and protection, working together in squads or platoons. Assigned officers shall wear their badges and nameplates, or other visible means of identification, on the outside of their uniforms or helmets, at all times. Canines, SWAT or other personnel may be utilized for collateral security missions and immediate action response.
7. Whenever possible, department personnel will not initially rely upon field force team or the use of physical force, and will avoid making mass arrests of persons, when arrest avoidance is reasonable in the interests of safety and security. Instead, regularly uniformed officers may be deployed to provide a presence and seek voluntary compliance.
8. Decisions regarding crowd dispersal, general strategies regarding crowd containment or crowd redirection, simultaneous mass arrests, planned individual arrests, or planned use of force shall be made upon approval of the IC. This directive does not preclude members from taking appropriate action to direct crowd and vehicular movement, enforce ordinances and statutes, and employ the physical force necessary to protect themselves or others from the imminent use of unlawful deadly or non-deadly force.

B. Response to Planned Demonstrations:

1. The Uniformed Operations Major will designate a command or supervisory level officer to prepare for any anticipated demonstration. The designee shall make every effort to identify and make advance contact with the leaders of the demonstration. Decisions on personnel, resources, and related needs will be based, in part, on information obtained from leaders, department intelligence and other sources.
2. The designee shall, at a minimum, collect the following information:
 - a. Type of event and the need for any state or city permits;
 - b. Date(s) / Time(s) / Location(s) planned, including routes to and from those locations
 - c. Leaders or group responsible for the demonstration, to include any past history of conduct;
 - d. Number of anticipated demonstrators; and their anticipated actions, activities or tactics, to include use of locks, chains or other demonstrator / protester devices;
 - e. Likelihood of outside opposition / counter protests;
 - f. Availability and need of on-duty, off-duty, mutual aid resources, including police, fire and EMS.
3. Based on this and related information, the Major or designee will attempt to establish contact with the event leaders to develop rapport and lawful event parameters. The Major or designee will also develop a written IAP for approval by the Chief of Police or designee. The IAP shall, at a minimum, address provisions for the following and be distributed to all involved command and supervisory officers:
 - a. Current intelligence and situational report, to include liaison information for demonstration leaders;
 - b. Command assignments and responsibilities;
 - c. Manpower, unit structure, assignments, and deployment, including any mutual aid; this should include crowd control and demonstrator / protester devices teams and equipment assignments;
 - d. Release of information to the news media via SOP, as appropriate;
 - e. Staging, transportation, feeding and relief of personnel;
 - f. Traffic management plan;
 - g. Fire and emergency medical contingencies;
 - h. Detention and Transportation of prisoners, as appropriate.
4. Based upon the need and the IAP, uniformed and / or plainclothes officers may be assigned to monitor crowd activity. Sufficient resources to make simultaneous mass arrests shall be available, as deemed necessary, depending on the fluidity of the situation and the degree of actual or likely disruption:
 - a. Officers shall be positioned in such a manner as to minimize contact with the assembly;
 - b. Persons who reside, are employed, or have business of an emergency nature in the area marked off by a police line shall not normally be barred from entering the demonstration area, unless circumstances suggest that their safety would be jeopardized or their entry would interfere with police operations;
 - c. On scene supervisors shall establish and maintain communication with demonstration leaders, and shall maintain close contact with any assigned officer(s) under their charge in order to monitor behavior and disposition, ensure awareness and compliance with orders, and to ensure awareness of any changes in crowd attitude or intent.

5. If the crowd or demonstration escalates into a civil disturbance, the IC shall make appropriate command staff notifications, consistent with this and other department policies.

C. Response to Spontaneous Demonstrations and Civil Disturbances:

1. The first officer to arrive on the scene of a spontaneous demonstration or civil disturbance shall:
 - a. Observe and assess the situation from a safe distance, determining if the gathering is currently or potentially violent.
 - b. Notify dispatch of the nature and seriousness of the disturbance, particularly the availability or report of weapons, its location and estimated number of participants, current activities, direction of movement, and ingress and egress routes for emergency vehicles;
 - c. Advise as to the present course of action, and request the assistance of a supervisor and any other necessary resources to facilitate safe crowd movement;
 - d. Attempt to identify crowd leaders and agitators and anyone engaged in criminal acts.
2. The Shift Commander shall respond to the scene, assessing the situation and requesting sufficient on-duty personnel and related resources to perform the following tasks:
 - a. Deploy officers to the best vantage or surveillance points, most commonly high ground areas, such as rooftops or bridges, in order to observe and report on crowd actions, identify agitators, leaders or persons committing crimes;
 - b. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the area;
 - c. Establish inner perimeter and assist with protection and movement of demonstrators;
 - d. Evacuate or shelter in place any civilians in the immediate area, as possible and appropriate;
 - e. Establish a temporary command post, based upon proximity to the scene, availability of communications, space, and security from crowd participants;
 - f. Continually assess the situation and advise communications of the status and additional needs.
3. When a civil disturbance cannot be controlled with on-duty personnel within a reasonable period of time, the IC shall:
 - a. Notify command staff;
 - b. Protect persons at risk based upon the concept of life safety, followed by public and private property;
 - c. Declare an unlawful assembly and disperse a threatening or violent crowd in order to eliminate the immediate risks of continued escalation and further violence;
 - d. Effect the arrest of those individual law violators, and the removal or isolation of those persons inciting violent behavior.
4. The IC shall also ensure the following matters are addressed, where indicated:
 - a. Prevent attempts of other participants from outside the area to assist or reinforce the incident;
 - b. Ensure that adequate security is provided for fire and EMS personnel;
 - c. Ensure that feeding and relief requirements of personnel have been addressed;
 - d. Ensure the adequacy and security of the incident command post and designate a staging area for emergency responders and equipment;
 - e. Establish a staging point for media representatives and assign a PIO;
 - f. Ensure maintenance of an event log, documenting activities and actions taken during the incident;
 - g. Ensure photographs and video recordings of event proceedings, including injuries to any persons;

- h. Determine the need for mutual aid and / or the full mobilization of sworn officers, including the recall or activation of off-duty officers or specialized teams for security, crowd and traffic control.
 - i. Move and reroute pedestrian and vehicular traffic around the disorder;
 - j. Limit access to the disorder to those persons approved by the IC;
5. To achieve the foregoing objectives, the IC shall employ tactics and response options generally consistent with their relevant training and the approaches identified in this policy.

D. Unlawful Assembly Determination / Declaration:

1. ~~Only a command staff IC is authorized~~ *In order* to declare an unlawful assembly and / or disperse a demonstration. ~~In order to do so~~, which should be approved by a command staff member or supervisor, demonstrators must have first acted illegally, or have posed a clear and present threat of imminent violence. The fact that some of the demonstrators have engaged in violent or unlawful acts on prior occasions, or the mere failure to obtain a permit, will not be considered the basis to declare an unlawful assembly.
2. With the goal being to allow the continuation of First Amendment Activity, and cease any unlawful acts, unless emergency or dangerous circumstances prevent such discussions, crowd dispersal announcements or techniques should not be initiated until after attempts have been made to:
 - a. Establish contact with crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalating, dispersing or otherwise resolving the situation;
 - b. If contact with event leadership is ineffective, communicate to the participants that their assembly is in violation of the law, that the department wishes to resolve the incident peacefully, but that criminal acts, and acts of violence will not be tolerated;
3. Prior to issuing dispersal orders, the IC shall ensure that all necessary law enforcement, fire and EMS equipment and personnel are on hand to successfully carry out tactical requirements and contingencies, and that logistical requirements related to the potential for making mass arrests are in place.¹
4. When an unlawful assembly is declared, a clearly audible declaration of such shall be disseminated and announced to the crowd. The announcements should also specify adequate egress or escape routes, and should not be given until officers are in position to support / direct crowd movement. A recommended dispersal order would be:

*I am (rank/name), a police officer for the Portland Police Department. I declare this to be an unlawful assembly and command all those assembled at here to immediately leave. If you do not do so, you may be arrested or subject to other police action, including the use of force, including impact projectiles and chemical agents. The following routes of dispersal are available (provide routes). You have ____ minutes to leave. If you refuse to move, you will be arrested.**

3. The warnings should be audio and / or video recorded, and the time and the names of the issuing officers must be documented in CAD and / or associated reports.
4. Unless an immediate risk to public safety exists, or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with police commands to disperse or be subjected to arrest before action is taken. A second dispersal order is recommended, in the same fashion as above.

¹ See MASS ARRESTS SOP

5. If after a crowd disperses pursuant to a declaration of unlawful assembly and participants subsequently assemble at a different geographic location, such an assembly cannot be dispersed unless it too is determined to be an unlawful assembly and not a group engaged in lawful First Amendment Activity. If unlawful, the required official declaration must again be adequately given, and repeated.

E. Approved Dispersal Tactics & Use of Force / Response Options - Non-Compliant Crowd:

1. If negotiation and verbal announcements to disperse do not result in voluntary movement of the crowd, the IC may authorize officers to employ additional crowd dispersal tactics. The use of these tactics will be consistent with the policy of using the minimal police intervention needed to address a crowd management or control issue. Permissible tactics to disperse or control a non-compliant crowd include any the following (not in any specific order of use):

a. Forceful Police Display / Presence:

- 1) This tactic should not be used unless there are sufficient personnel to follow through with dispersal. Do not bluff a crowd.
- 2) Once this tactic is selected, officers should be assembled in formation at a location outside the view of the crowd, moving into the crowd's view as a unit.
- 3) If a display of police officers, motorcycles, and police vehicles, combined with a dispersal order, is not effective, more forceful actions may be employed.

b. Police Formations and Use of Batons/Shields:

- 1) If a crowd refuses to disperse after the required announcements, the police may use squad or platoon formations (skirmish line, wedge, echelons, etc.) to move the crowd along.
- 2) Shields are primarily a defensive tool, but may be used as an impact weapon consistent with Department-provided training. Batons and shields may be visibly displayed and held in a ready position during squad or platoon formations.
- 3) Consistent with SOP #1A, RESPONSE TO RESISTANCE, and when reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons and shields may be used in a pushing motion. Baton/shield jabs should not be used indiscriminately against a crowd or group of persons, but only against individuals who are displaying active aggression or are actively resisting arrest. Baton/shield jabs should not be used against an individual who is physically unable to disperse or move because of the crowd itself, or some other reason.

c. Response to Threats

- 1) When sniper activity has been reported, the responding officers should immediately try to determine the validity of the report.
- 2) If the report is valid or observed, the Shift Commander shall request a SWAT response, and officers shall work to isolate and contain the area, determining a source location.
- 3) Agitators throwing projectiles usually operate from the back of crowds or from behind cover. High ground surveillance, undercover officers, or a detail detached to flank the crowd, should attempt to identify and arrange apprehension of such violators as early as possible.

d. Chemical Agent Tactics:

- 1) Chemical agents can help minimize numerical superiority any mob may have over the size of the police force, and are an effective and humane means of achieving temporary neutralization or minimizing concerted aggressiveness of a mob with a minimum number of injuries;
 - 2) Specially equipped and trained officers should be designated to use OC, smoke or other approved chemical agents for covering operations, or defensively against unruly groups in order to prevent injury and rioting; smoke grenades are only authorized outside; chemical agent use should be announced to the crowd, in advance, and avenues of escape should be available to the crowd;
 - 3) Chemical agents will not be used in areas known or believed to have children present;
 - 4) Officers must wear the proper protective masks to avoid incapacitation;
 - 5) Arrestees who have been exposed to chemical agents should be exposed to fresh air, and their eyes and skin should be decontaminated with cool water;
 - 6) All officers should assist citizens in their request for information regarding the decontamination of themselves or their premises.
2. Unity of action and command and control are key to effective handling of demonstrations and civil disturbances. Unless circumstances require immediate action in defense of self or others, officers shall not independently make arrests or employ any force response option without prior IC or designee authorization. During exigent circumstances, SOP #1-1-A, RESPONSE TO RESISTANCE and Maine law shall supersede, and this directive shall not preclude or constrain individual supervisors or officers from the authorized use of non-deadly or deadly force in order to defend themselves or others from imminent danger when the delay in requesting permission to take action would increase the risk of injury.
3. The following guidelines are in effect during mass demonstrations and civil disturbances:
- a. Police vehicles and motorcycles may be used for observation, crowd escort, visible deterrence, traffic and / or area control, as appropriate, but shall not make contact with any person or be used for physical containment or dispersal of protesters;
 - b. Water cannons or fire hoses shall not be used indiscriminately for crowd containment or dispersal;
 - c. Canine teams may only be utilized in accordance with SOP and IC approval;
 - d. Impact weapons (ASP or riot batons) shall be used primarily as a defensive weapon or as a means of overcoming resistance, as when it is used in the two-hand horizontal thrust on a police line, as a show of force, or as a means to contain or disperse specific persons engaged in unlawful activity within a crowd;
 - e. Conducted Electronic Weapons (CEWs) may not be fired indiscriminately into crowds during civil disturbances, or for general crowd management, control or dispersal. When an individual can be accurately targeted, however, CEWs may be used to effect the arrest of an individual, as necessary and in accordance with SOP #1-1-A, RESPONSE TO RESISTANCE;
 - f. Hand held chemical agents that emit a stream or fog (e.g., OC) shall not be used indiscriminately for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events, but may be an option against individuals or groups, consistent with SOP #1-1-A, RESPONSE TO RESISTANCE;
 - g. CS chemical agents may only be deployed defensively and with approval of the IC in order to prevent injury, when lesser force options are either not available or would likely be ineffective. The use of CN is prohibited;
 - h. Less lethal, non-target specific projectiles shall not be fired indiscriminately into crowds. Direct-fire munitions, including Pepperball and 40mm baton, may be used, where reasonable, during

civil disturbances, and consistent with SOP #1-1-A, RESPONSE TO RESISTANCE. When reasonably possible, a verbal warning shall be issued prior to the use of impact munitions.

F. Video Documentation:

1. Videotaping and photographing of civil disturbances and response shall be conducted, as resources allow.
2. Videotaping and photographing of First Amendment Activities shall take place only when authorized by the IC or command level officer. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers or speakers. Each camera operator shall write a supplemental report at the end of his/her duty assignment documenting the camera operations.
3. Unless they provide evidence of criminal activity, videos or photographs of demonstrations should not be disseminated to other government or law enforcement agencies. If videos or photographs of civil disturbances and / or related criminal activity are disseminated or shared with another law enforcement agency, such a notation, including the date and recipient information, should be recorded in a supplemental report as part of the case file.
4. If there are no pending criminal prosecutions arising from the demonstration, or if the video recording or photographing is not relevant to any subsequent, pending or anticipated investigation, proceedings, or litigation, the video recording and/or photographs may be destroyed after six months.
5. This directive shall not prohibit the department from using such video footage to investigate and prosecute any civil disturbance, or to assist in training department personnel in crowd control and crowd dispersal techniques and procedures.

G. Public Information / Media Access:

1. The media have a right to cover, film and record demonstrations, so officers shall accommodate the media in accordance with policy. The Chief of Police or designee shall be the only authorized department representative to release information to the media regarding a civil disturbance.
2. Even after a dispersal order has been given, clearly identified media shall be permitted to carry out their professional duties in any area where arrests are being made, unless their presence would unduly interfere or tamper with a crime scene or enforcement action.
3. Self-identified legal observers and crowd monitors do not have the same legal status as the professional media and are, therefore, subject to all laws and dispersal orders, similar to any other person or citizen. A supervisor or commander may allow a person who self-identifies as a legal observer or crowd monitor to remain in an area after a dispersal order, if circumstances permit and if the person's presence would not unduly interfere or tamper with a crime scene or enforcement action.

H. Deactivation:

1. When the disturbance has been brought under control, the IC shall take the following measures:
 - a. All law enforcement officers engaged in the incident shall be accounted for and an assessment and documentation made of any injuries;

- b. Witnesses, suspects, and others shall be interviewed or interrogated;
 - c. All personnel shall be debriefed and complete reports, as required or directed as soon as possible after the incident. At a minimum, each officer shall submit a supplemental report including the specifics of his/her deployment and any uses of force.
 - d. The IC shall complete a comprehensive After Action Report (AAR) to include documentation of the basis for the incident, the department's response to the incident, any uses of force, and any lessons learned/corrective actions for future incidents. The AAR will also document equipment, planning, and training recommendations/needs.
2. The Assistant Chief will ensure that the above information is compiled and submitted to the Chief of Police within seven (7) business days, unless otherwise approved.