

	DELMAR POLICE DEPARTMENT	
	Policy 8.2 Civil Disturbances and Mass Arrests	
	Effective Date: 04/05/15	Replaces: N/A
	Approved: <u>Ivan Barkley</u> Chief of Police	
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I. POLICY

How law enforcement officers deal with crowds in civil actions, whether in demonstrations or civil disturbances, has direct bearing on their ability to prevent property damage, injury, or loss of life and minimize disruption to persons who are uninvolved. Officers confronting civil disturbances and those called upon to assist in these incidents shall follow the procedures as enumerated in this policy to protect life, property, and First Amendment rights.

In rare circumstances resulting from manmade or natural emergencies, and in widespread highly volatile civil unrest with the potential for widespread violence, the incident commander shall 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.

II. PURPOSE

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

III. DEFINITION

Civil Disturbance: An unlawful assembly 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.

IV. PROCEDURES

- A. The first officer to arrive on the scene of a civil disturbance should do the following:
1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent and begin to utilize the Incident Command System.

2. Notify the communication center of the nature and seriousness of the disturbance, particularly the availability of weapons. Request the assistance of and notify a supervisor and any necessary backup and advise as to the present course of action.
 3. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse.
 4. Attempt to identify the crowd leaders and any individuals personally engaged in criminal acts.
- B. The ranking officer at the scene shall be the officer in charge (OIC). The OIC or other higher ranking officer assuming command at the scene should take the following steps:
1. Assess the immediate situation for seriousness and its potential for escalation. If the disturbance is minor in nature and adequate resources are available, efforts should be made to disperse the crowd.
 2. Establish the number of personnel and equipment necessary to contain and disperse the disturbance and relay this information to the communications center.
 3. Where necessary, ensure that appropriate notification is made to outside agencies to include the fire department, rescue squads, state and local law enforcement agencies, departmental officials, public information officer, the agency's legal advisor and the local detention center.
 4. Establish a temporary command post based on proximity to the scene, availability of communications, available space and security from crowd participants.
 5. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area.
 6. Ensure that, to the degree possible, innocent civilians are evacuated from the immediate area of the disturbance.
 7. Ensure that surveillance points are established to identify agitators, leaders and individuals committing crimes, and to document and report on events as they happen. Photographic and videotape evidence of criminal acts and perpetrators shall be generated whenever possible.
 8. Ensure establishment and sufficient staffing of a press area.

C. Command Options

When adequate personnel and resources are in place, the OIC shall establish communications with leaders of the disturbance and discuss actions necessary to disperse the crowd. Should the crowd fail to disperse in the prescribed manner, the OIC should be prepared to implement one of the following options:

1. Containment Dialogue The objective of containment and dialogue measures is merely to disperse the crowd. In doing so, the OIC should:
 - a. establish contact with crowd leaders to assess their intentions and motivation and develop a trust relationship; and
 - b. communicate to the participants that their assembly is in violation of the law and will not be tolerated, that the department wishes to resolve the incident peacefully and that acts of violence will be dealt with swiftly and decisively.
2. Physical Arrest When appropriate, the OIC will order the arrest of crowd leaders, agitators or others engaged in unlawful conduct and will:
 - a. ensure the appropriate use of tactical formations and availability of protective equipment for officers engaged in arrest procedures; and
 - b. ensure the availability of transportation for arrestees; and
 - c. ensure that a backup team of officers is readily available, should the assistance be required.
3. Non-lethal Force When physical arrest of identified leaders and agitators fails to disperse the crowd, the OIC may use non-lethal force to accomplish these ends. In doing so, the OIC shall ensure that:
 - a. a clear path of escape is available for those who wish to flee the area;
 - b. the use of tear gas, smoke or other non-lethal devices is coordinated and controlled; and
 - c. canine teams are restricted from all enforcement actions.
4. Use of Deadly Force The use of deadly force in the control and disbursement of civil disturbances as in other circumstances is governed by this department's response to resistance policy. Specifically:
 - a. law enforcement officers are permitted to use deadly force to protect themselves or others from what is reasonably believed to be an immediate threat of death or serious bodily injury;

- b. particular caution should be taken when using firearms during civil disturbances. The arbitrary use of return fire in crowds is prohibited; and
- c. where sniper fire is encountered or hostages taken, this department's policy on hostage and barricaded subjects shall be followed.

D. Mass Arrest

During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely and legally, the OIC should ensure that:

- 1. an arrest team is designated to process all prisoners for purposes of transportation;
- 2. an adequate number of vehicles is made available to remove the prisoners to the detention center;
- 3. an adequate secure area is designated in the field and/or at other agencies' holding areas for holding prisoners after initial booking and while awaiting transportation;
- 4. all arrested individuals are searched, photographed, and properly identified prior to transportation to the detention center for formal booking;
- 5. all injured prisoners are provided medical attention prior to being booked; arrested juveniles are handled in accordance with this department's procedures for the arrest, transportation and detention of juveniles; and evidence and weapons taken from arrestees are processed in accordance with this department's procedures on handling property and evidence.

E. Deactivation

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

- 1. All law enforcement officers engaged in the incident shall be accounted for and an assessment made of any personal injuries.
- 2. All necessary personnel shall be debriefed as required.
- 3. Witnesses, suspects and others shall be interviewed or interrogated.