



ERIE POLICE DEPARTMENT



Written Directives

Number: **150.004**

Title: <u>Response to Civil Disobedience</u>		Pages: 5
Effective Date: 03/15/17	Review Date: 06/01/20	Amended Date: 07/16/19

POLICY:

The Erie Police Department respects the rights of people to peaceably assemble. Officers shall not unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights. Simultaneously, officers shall preserve the peace, protect life and prevent the destruction of property.

DEFINITIONS:

CIVIL DISOBEDIENCE: Active, professed refusal to obey certain laws, demands and commands of law enforcement entities as a form of peaceful protest.

CIVIL DISORDER: A form of collective violence interfering with the peace, security and normal functioning of the community.

MUTUAL AID: Authorized by Colorado Statute, mutual aid is a request for assistance from one jurisdiction to another.

PUBLIC INFORMATION OFFICER (PIO): The person responsible for disseminating information to the news media at the scene of a disaster or emergency incident.

PROCEDURES:

I. GENERAL

- A. Individuals or groups present on the public way, such as public facilities, streets, roads or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. Officers shall not take action or fail to take action based on the opinions being expressed.
- B. It is imperative law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.
- C. Supervisors should continually observe department members under their command to ensure members' interaction with participants and their response to crowd dynamics is appropriate.
- D. When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

1. Location;
 2. Number of participants;
 3. Apparent purpose of the event;
 4. Leadership (whether it is apparent and/or whether it is effective);
 5. Any initial indicators of unlawful or disruptive activity which may adversely impact the Town or its business operations or negatively impact the health and safety of the community;
 6. Indicators the lawful use of public facilities, streets or walkways will be impacted; and
 7. Ability and/or need to continue monitoring the incident.
- E. Additional resources should be requested as appropriate. The Staff Duty Officer (SDO) or a member of Command Staff must be notified. The first responding supervisor shall assume command of the incident until command is expressly assumed by another. A clearly defined command structure consistent with the Incident Command System (ICS) should be established as resources are deployed.
- F. During the initial response and assessment, the patrol supervisor may request assistance from plainclothes detectives, if available, to monitor and assess the gathering and avoid attracting attention, which could lead to unnecessary conflict with participants. In the event plainclothes detectives are not available, an officer should observe from a safe distance. If time permits and uniformed officers are available, a supervisor may elect to have an officer change into plainclothes to assist with discreet monitoring of the gathering.
- G. If a public gathering or demonstration remains peaceful and nonviolent and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.
- H. If the Incident Commander makes a determination public safety is jeopardized, he/she should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group. Prior to this, the Incident Commander should request mutual aid as necessary to include other officers, SWAT, etc. and some type of transport (buses) should mass arrests be made. Jail personnel should be notified if mass arrests are likely to be made.

II. DISPERSALS

- A. When First Amendment activities unnecessarily jeopardize the safety of the participants or community members, law enforcement action will be warranted and utilized. Officers' enforcement activities should be limited to action which is unlikely to place officers at risk of injury or provoke confrontational or violent responses by participants and/or onlookers.
- B. Officers should summons and release violators and avoid making physical arrests when practical.
- C. When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering the event is an unlawful assembly and should order the dispersal of the participants.
- D. Dispersal order language related to public or private property are provided to all Erie Police supervisors and will be announced verbatim to participants. The announcement should:
 - 1. Be communicated by whatever methods are reasonably available to ensure the content of the message is clear and it has been heard by the participants;
 - 2. Be amplified; and
 - 3. Be made from multiple locations in the affected area and documented by audio and video (body camera).
 - 4. The person making the announcements shall note the times.
 - 5. Whenever possible, an officer should be stationed to the rear of the crowd receiving a dispersal order to determine the clarity and volume of the order.
- E. A reasonable time to disperse should be allowed following a dispersal order.
- F. Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law) and minimize potential for injury to the participants, other bystanders and responding officers. Compliance techniques or CEWs should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage.

III. RESPONSE TO ESCALATING CIVIL DISORDER

- A. When the disorder escalates or turns violent, other force options may be considered. In the event force or control devices, including oleoresin capsaicin (OC) spray, are necessary to protect officers or others, the devices should be directed toward individuals

and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

- B. Once the desired objective or goal is achieved (e.g. arrests made or disorder quelled), use of the force option should cease.
- C. Erie Police Officers should respond to unlawful behavior in a manner consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.
- D. Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

CACP STANDARD 150.12

- E. In situations with extremely large, violent crowds, the tactics generally used will be to contain rather than control the rioting group. The Incident Commander should:
 - 1. Establish perimeters or boundaries and utilize police personnel along those boundaries to stop the spread of involvement.
 - 2. Notify the Staff Duty Officer (SDO) or Chain of Command immediately in the case of large scale civil disorder.
 - 3. Provide an avenue of escape for the dispersed group as opposed to total containment and arrest.
 - 4. Consider overt police tactics within the contained area in response to serious life-threatening situations including but not limited to:
 - a. Display of forceful presence to include police lines potentially combined with law enforcement vehicles, bicycle units and mobile field forces;
 - b. Crowd encirclement; and
 - c. Law enforcement formations and the use of batons for forcing crowd movement.
 - 5. Impact projectiles shall not be fired indiscriminately into crowds.
 - a. Less Lethal impact munitions (beanbag projectiles) may be used against specific individuals who are engaged in conduct which poses an immediate threat of death or serious bodily injury or significant levels of property damage.
 - b. Verbal warning should be given prior to the use of impact projectiles when reasonably possible.
 - 6. Tactics such as negotiations and the formation of groups led by cooperative community leaders may be utilized to assist in defusing the situation.
 - 7. Utilize Boulder County SWAT if necessary.

IV. POST-INCIDENT ACTIONS

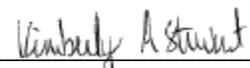
- A. Following an incident leading to law enforcement intervention, if staffing permits, officers will maintain control of any impacted building or venue until the locale can be secured or turned over to a responsible party.
- B. When the incident has been brought under control, the Incident Commander is responsible to ensure the following measures are taken:
 - 1. All personnel engaged in the incident are accounted for and an assessment and documentation is made of any injuries sustained.
 - 2. Witnesses, suspects, and victims are identified and interviewed.
 - 3. All personnel shall be debriefed.
 - 4. All written reports are to be completed as soon as possible after the incident.
- C. The Incident Commander responsible for operational aspects of the law enforcement response to any unlawful assembly, protest or similar disruption shall provide a written report on the incident. At a minimum, the report shall provide:
 - 1. Date, time, location of the incident;
 - 2. Any injuries to participants, bystanders, and/or first responders, etc.;
 - 3. Description of any property damage (to include photographs);
 - 4. Any force used and the rationale for the force response; and
 - 5. Any other details relevant to the event.
- D. The written report shall be utilized to facilitate an after action review/debrief within 72 hours following the incident.
- E. The after action review/debrief will typically be conducted by the Deputy Chief or Commander.

RULES:

NONE

REFERENCES:

Erie Police Department Policy Chapter 2
Lamar Police Department Policy Section 1700
Boulder County Sheriff's Officer Policy 5



Kimberly A. Stewart
Chief of Police