



YARMOUTH POLICE DEPARTMENT POLICY AND PROCEDURE

CROWD, CIVIL DISORDERS, AND SPECIAL EVENTS 2014-13

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Mission Statement

The Yarmouth Police Department is committed to the safety and security of the community at large. There may be occasion that we are required to address the concerns of crowd control, civil disorder or special events within our jurisdiction. Each event or person comes with its own unique circumstances and concerns. This intent of this policy is to provide general guidelines and contact information when assessing the particular situation.

General Considerations Crowds and Demonstrations

The right of lawful assembly and freedom of speech are fundamental rights guaranteed under the First and Fourteenth Amendments to the U.S. Constitution. There are, however, limitations on the exercise of these rights and the police must enforce these limitations firmly, fairly and impartially. The police have the responsibility to protect the rights of all persons to assemble peacefully and at the same time to preserve the basic peace of the entire community.

In responding to any disturbance, the restoration of peace should be accomplished by persuasion whenever possible and by the use of force when reasonably necessary. In carrying out crowd control measures, the objectives of the police are:

- To contain the disturbance to the immediate vicinity;
- To disperse the crowd as expeditiously as possible;
- Provide and identify routes for the crowd to disperse
- To prevent their regrouping or reentry to the scene;
- To take action against the perpetrators of serious offenses and remove them immediately from the scene.

Good judgment must be exercised in making arrests as leaders of disturbances often deliberately seek arrest to become martyrs to their cause and thereby incite their followers to greater violence. Mass arrests can also dilute the effectiveness of the police by requiring officers to be withdrawn from crowd-control duty for the custody and processing of prisoners. If the police know the leaders of a disturbance, criminal complaints can later be sought requiring their subsequent appearance in court.

In quelling a civil disturbance, every effort must be made to avoid over-reaction by the police as the conduct and attitude of individual police officers can be the cause of escalating or expanding the original disturbance and making it much more difficult to restore order.

Officers should also be aware of the statute M.G.L. c40 s 98, which codifies the authority of police to suppress all unlawful disturbances and disorders, to make entries to suppress a riot or breach of the peace, and to arrest persons who engage in an unlawful disturbance or riot and those who aid or abet them.ⁱ However, this law should not be misread as authorizing police action against persons who are simply assembled and who present no clear and imminent danger to the public peace.

Review policy: **Critical Incident and Hazard Plan** and policy **Tactical Team Activation**.

Special Terms

Breach of the Peace- A violation of public order or decorum that disturbs the public peace and tranquility or an act of disorderly conduct which disrupts the public peace.

Civil Disturbances- A social activity which is dangerous or hurtful to the public peace, decorum, sense of morality or welfare due to misconduct or vicious actions. They may include riots, disorders, and violence arising from dissident gatherings and marches, rock concerts, political conventions and labor disputes.

Unlawful Assembly- Officers should be aware that the elements of the crime of unlawful assembly are:

- a) Five or more persons, being armed with clubs or other dangerous weapons, or ten or more persons, whether armed or not,
- b) Are unlawfully, riotously or tumultuously assembled,
- c) The police or other officials have commanded them to disperse immediately and peaceably, and they do not so disperse.

Preliminary
Response by
Officers

Responding Officer(s) - No officer shall attempt to take direct police action against an aggressive or militant crowd until sufficient police resources are present to take effective control. The first officer(s) on the scene shall quickly evaluate the situation and immediately inform the Desk Officer and the Incident Commander (senior highest ranking officer on-scene) of the following:

- The location and approximate size of the crowd;
- The type and makeup of the crowd;
- Its direction of movement, if any;
- The apparent intent of the crowd;
- Weapons;
- The best direction of approach to the crowd;
- Identity of any leaders of the crowd.

Vehicles and pedestrian traffic shall be prevented from entering the immediate area to avoid gathering of curious spectators. When appropriate, bystanders and occupants of residents and businesses may be evacuated from an area threatened by a volatile mob or before the mob reaches the area. Whenever homes and businesses are abandoned, and if it is safe to do so, sufficient police may be stationed in the area to prevent looting and vandalism.

Patrol
Supervisor

The Patrol Supervisor will initially assume incident command until relieved by higher authority. His/her duties shall include:

- a) Assessing the situation for seriousness and potential danger. If the situation is minor in nature, it may be handled with existing resources.
- b) Maintaining communications with the dispatch center providing such information as possible,
- c) Estimating the size of the crowd and area involved.
- d) Gauging the mood of the crowd.
- e) Reporting the presence of weapons, if any involved.
- f) Reporting destroyed property involved.
- g) Arranging care for injured persons.
- h) Establishing a command post from his vehicle.
- i) Advising the Commanding Officer of personnel/equipment needed assembly point and equipment to be worn if appropriate.
- j) Deploy available officers as appropriate to include traffic control in the general area.

Incident
Commander

The Incident Commander (may be the patrol supervisor) shall:

1. Direct and coordinate all activities at the scene of a disorder.
2. Notify the Chief of Police and Deputy Chief of Police of the status and outcome of such an event.
3. Establish a command/staging area.
4. Determine the number of personnel and equipment needed.
5. Establish a media staging area
6. Instruct the desk officer or dispatcher to make proper notifications that may include:
 - o Fire Department/ Ambulance Service.
 - o DPW (for barricades, etc).
 - o Area hospitals
 - o State Police Yarmouth
 - o Yarmouth Division of Natural Resources
 - o Surrounding cities and towns-to provide patrol coverage to the town.
 - o Group leaders
 - o Reserve police.
 - o District Attorney to provide legal advice. (Note: the Department Prosecutor may act as liaison)

Desk Officer

Upon notification of the existence of an aggressive crowd, sufficient assistance shall be dispatched as quickly as possible to take decisive action and to neutralize the possibility of widespread disorder. The desk officer shall also:

- a) Make appropriate notifications as requested by the Commanding Officer and/or Incident Commander
- b) Direct all officers dispatched to a large demonstration/ disturbance, to meet at the staging area for further instructions by the Incident Commander
- c) Utilize media resources through the Public Information Officer

Crowd
Control
Guidelines

All Officers assigned to crowd control shall:

- a) Use only the amount of force necessary to obtain control, to protect themselves or other officers from physical injury or to make arrests;
- b) Wear department issued protective equipment as ordered by the Incident Commander
- c) Maintain strict impartiality
- d) Be courteous but firm
- e) Not use insulting language
- f) Not respond to verbal abuse
- g) Be vigorous and decisive when action is required
- h) Act together as a coordinated unit, avoiding individual combat if at all possible
- i) Keep emotional and agitated persons in the crowd separated
- j) Keep counter-demonstrations from forming
- k) Remove any arrested persons immediately from the scene of the disturbance

Once adequate personnel and resources are in place, the officer designated by the Incident Commander will:

1. Approach the crowd and inform them that the assembly is unlawful and that all persons so assembled shall immediately and peacefully disperse. If the crowd is violent, this may be accomplished by using a public address system in the police vehicle.
2. A time limit for dispersal should be established, extensions should not be allowed.
3. If the crowd fails to disperse and continues its activity the Incident Commander may:
 - a. Authorize the use of force. The minimum amount of force to affect an arrest or control the disturbance will be used.
 - b. Order the formation of police lines and move into the crowd for control and/or dispersal.

The crowd should be broken up from its outer edges and permitted to disperse as individuals or small groups. A sufficient number of avenues of dispersal should be provided.

Less than Lethal chemical agent grenades and/or projectiles (CS, OC) may be used in dealing with unruly crowds and armed or dangerous barricaded subjects. Unless exigent circumstances exist, they will be used only when lesser degrees of less than lethal force available have been exhausted or would obviously be futile or as a tactical alternative to the use of deadly force. OC/CS Grenades/Projectiles shall be used

only by trained personnel in accordance with department policy governing their use and with the authorization and under the direction of the Incident Commander.

In crowd control situations involving the use of chemical agents, subjects should be given warning of their imminent use and should be afforded an opportunity to respond to lawful commands. Escape routes must also be identified to allow crowd to disperse.

Vehicular and pedestrian traffic shall be prevented from entering the immediate area. Where appropriate, bystanders and occupants of residences and businesses should be evacuated from an area threatened by a volatile crowd before the crowd reaches the area. If it is safe to do so, sufficient police personnel should be stationed in the area of abandoned homes/businesses to prevent vandalism and looting.

Transportation All departmental vehicles will be available for transportation of officers and equipment to the scene, and for prisoner transportation from the scene. If additional transportation is required, surrounding towns, MA State Police and or the Barnstable County Sheriff's Department may be contacted and buses requested.

Mass Arrests 46.1.2 Arrested persons will be removed from the point of the disturbance by the arresting officer and brought to a location where booking will take place. This may be the police station or any other location directed by the Incident Commander.

The Incident Commander may establish an arrest team to handle prisoners. Arrest team duties will include booking and detaining of arrested persons in accordance with current procedures in the Booking Procedures Policy for adults as well as juveniles.

The Department Prosecutor may serve as liaison with the District Attorney's Office during any mass arrest.

The Public Information Officer shall handle all requests for press releases.

Review policies: **Prisoner Transport and Prisoner Booking and Processing.**

Public Facility Security Attempts shall be made to provide security to all public facilities threatened to include:

- Town Hall
- Fire/Police Headquarters
- Schools

Incident Commanders should consider utilizing Reserve Police Officers for this task if needed..

De-Escalation Procedures Once the disturbance has been brought under control and the situation has returned to normal, the Incident Commander will begin de-escalation procedures to include:

- Assign officers to remain in the area of a disturbance to protect property and prevent any recurrence of trouble.
- Discontinue the command post.
- Ensure that departmental equipment is collected.
- Disengage officers as appropriate.
- On duty officers will return to normal patrol.
- Called-back officers will be dismissed.

After Action Report and Post Incident Duties

The Incident Commander will perform the following duties:

1. Prepare a detailed report, providing all factual information about the incident to the Chief of Police, along with any appropriate recommendations.
2. Provide factual information for the news media in accordance with the Media Relations Policy.
3. Arrange for evidence collection at the scene.
4. Cause all subordinate officers to submit reports regarding arrests and any other factual information.

Command staff involved will prepare after-action reports concerning all police activity during a disaster incident as well as recommendations concerning the handling of any future problems.

The Chief of Police will provide a completed after-action report to the Town Manager. After action reports will include any budgetary impact, commitments, obligations, and justifications for any emergency purchases.

Debriefing After order has been restored, a debriefing session should be scheduled involving all personnel involved. Post-incident analysis will help the Department prepare for future incidents. Where appropriate, non-police personnel (such as the Critical Stress Response Professional) should participate in the post-incident analysis.

Authority The Shift Commander has the authority to implement this plan. The Shift Commander shall make immediate notifications to the Deputy Chief of Police and the Chief of Police upon learning of any civil disturbance

Special Events
46.2.6
46.2.7

The Chief of Police shall be notified immediately of any special event or VIP scheduled in our community. The Chief of Police shall assign the Superior Safety Officer, or designee of his choice, to investigate the information and provide details, guidance, direction, and a preliminary plan. This advance plan will include recommendations outlining the resources needed to provide safety, security, traffic patterns/routes, temporary parking, restricted parking, crowd control, and potential crime problems for the event. It may be necessary to gain the assistance from other town departments and outside agencies. [46.2.6] [46.2.7]

Access and egress routes will be determined and coordinated with other public service departments including those businesses to be affected, so as to provide an opportunity for adjustment.

Adequate emergency services access will be provided to the scene of the event. The scope and size of the event will guide the number of officers to be deployed. Review policy: Critical Incidents and Hazard Plan.

Note-Town of Yarmouth Public Special Events or Public Venue VIP appearances generally require a permit or license granted by the Board of Selectmen, acting as the Local Licensing Authority. A public hearing is required and a permit will not be issued sooner than 30 days from the hearing date. The applicant must contact the Chief of Police prior to the public hearing.

Resources Events may include annual parades, road races, block parties, fundraisers, walkathons, school events, strikes, picketing, demonstrations and town events.

Yarmouth Police Department Resources:

- K-9
- Mountain Bike Patrol
- ATV Patrol
- Motorcycles Unit
- Honor Guard
- Reserve Police Officers

Town of Yarmouth Resources:

- Yarmouth Fire Department
- Department of Public Works
- School Department
- Recreation Department

Mutual Aid Local Police Departments.

- CCRLEC- Yarmouth officer on call
- Mass. State Police 1-508-820-2121
- FBI Boston Office 1-617-742-5533
- Secret Service Boston Office 1-617-565-5640
- US Department of State Diplomatic Security Boston 1-617-565-8200

Note: Aid from outside law enforcement agencies shall be governed in accordance with Mass. Gen. Law, Chap. 41 sec. 99. The law allows an officer in charge (Shift Commander or above) of one jurisdiction to ask for mutual assistance from the officer in charge in another jurisdiction.

VIP's
46.2.6 Important persons may include but are not limited to, politicians, dignitaries, diplomats, and celebrities.

Events Plan Guideline [46.2.7]

Name and Description of Event

Date

Location

Start/End Time

Responsible contact person(s) and contact number(s)

Department Supervisor/Incident Commander.

Department personnel and resources used.

Event route or location

Starting location

Finishing location

Command Post location

Staging locations

Traffic Control

Temporary detours

Road closures

Restricted parking

Locations needing posted personnel with cruiser or barricades.

Designated areas for media coverage.

Emergency vehicle access routes.

Specialty Units

*Post copy on clipboard for supervisors and officers to review

Very Important Person (VIP) Event Plan Guideline [46.2.6]

Name of VIP and Description of Event

Date

Location

Start/End Time

VIP responsible contact person(s) and contact number(s)

VIP security officers or security personnel names, identification and credentials, and weapons information if armed.

Yarmouth Police Department Supervisor/Incident Commander.

Yarmouth Police Department Officers Plain Clothes- duty assignment, vehicle, and posted location.

Yarmouth Police Department Officers Uniformed-duty assignment, vehicle, and location.

Officer assigned to inspect the venue location with VIP security prior to VIP arrival.

Officers assigned specialty weapons to include, but not limited to, patrol rifles and Oleo-Resin Capsicum crowd control spray.

Contact information for outside agencies including duty assignments, posted locations and vehicles.

VIP arrival / departure and travel arrangements

VIP Travel Route to and from event, including alternative routes.

Designated areas for media coverage.

Stoughton Fire Department Emergency Medical Service contact.

*Care shall be taken to protect the release of any information contained within this plan from personnel, public, or media that may jeopardize the safety and security of the operation.

After Action/Debriefing Report Recommendations Concerns

Incident or Event

Date:

Time:

Location:

Supervisor:

Officers Attending:

Supervisor signature _____

M.G.L. c. 41, s. 98