

Peaceful Protests and Civil Disobedience



SHERIFF'S OFFICE
JEFFERSON COUNTY, MO



CDT Mission and Purpose

- To provide a rapid and organized response to civil disorder, address crowd control needs and quell riotous behavior.
- To preserve order, protect life and property while guaranteeing protection of 1st Amendment rights.



CDT Mission and Purpose

- Law enforcement must carefully balance the 1st Amendment rights of individuals with the tactics required to protect public safety and property. When establishing policies and procedures, every agency should consider all persons' right to assemble, demonstrate, protest, rally, or perform other activities protected by the First Amendment. Officers must not be affected by the content of the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, religion, or political affiliation of anyone exercising their lawful First Amendment rights. They must have the integrity to not let personal, political, or religious views affect how they perform their duties.



No Matter the Nature of the Protest...



CDT Mission and Purpose

- Most challenging assignment you will get
- This is not a living room during a domestic
 - Free speech applies to everyone
 - You will be mocked, cursed at and insulted
 - Bearing and professionalism



Why Does Your Jurisdiction Need a CDT?

- ~~Can~~ when will civil unrest happen where you are?
 - Are you immune to a controversial OIS?
- Used to be a job for SWAT teams
 - Protest dynamics have changed, SWAT is now attached to CDT, not performing CDT
- Traditional crowd control and crowd management cannot be done by officers holding M4's

Crowd Management Considerations

- • Establishing contact with the crowd
- • Gaining verbal compliance
- • Support & facilitate 1st Amendment activities
 - Especially when multiple viewpoints are present
- • Developing a traffic management plan
- • Protecting critical facilities
- • Provide a high-visibility LE presence
 - Have a general idea in advance of what you'll allow and what is unacceptable

Crowd Control Considerations

- Dispersal procedures
- Infrastructure protection
- Controlling movement of crowd
 - Denying access to streets, highways, etc.
- Manpower considerations
 - What do you want/need to do vs. what can you do

4 Levels of Assembly

- Lawful
 - Speeches, rallies, picketing, celebrations
- Isolated Unlawful
 - Isolated acts of small groups within the crowd do not automatically form the basis for an unlawful assembly
- Unlawful
 - When the assembly as a whole poses a clear and present danger of violence or the group is breaking some other law (highway shut down, etc.)
- Riotous
 - Disturbing public peace with the use of force or violence, group acts of property destruction and/or violence

Requirements

- Department Commitment
- Planning
- Training
- Sufficient Personnel



Policy, SOP's and Guidelines



Civil Disobedience Policy Considerations

- Every agency should have a written policy addressing the department's approach to civil unrest
- Policy should reinforce:
 - A commitment to the protection of lawful exercising of 1st Amendment rights
 - Guidelines for response to assemblies, demonstrations, incidents of civil disobedience and riots
 - Your agencies approach to and what constitutes an unlawful assembly

Civil Disobedience Policy Considerations

- Policy should reinforce:
 - Use of Force procedures as they relate to civil unrest events
 - Arrest procedures as they relate to civil unrest events
 - The implementation of department wide training in civil unrest response
 - Recognize your policy will be subpoenaed and scrutinized in the event of civil litigation



Civil Disobedience Policy Considerations

- Avoid using the words "always" and "never" and phrases such as "shall not" and "will"
 - Don't allow your own policy to paint you into a corner
 - Use phrases such as "should", "when practical or possible", etc.
- Create a separate order or policy for the use of chemical munitions as it specifically pertains to civil unrest
 - Who is authorized to deploy chemical munitions and when
 - Which types of munitions are in your arsenal
 - What warnings should be given prior to their deployment



Civil Disobedience Policy Considerations

- Your policy should also outline your documentation process
 - Use of force by officers
 - Evidence collection
 - Arrest and booking procedures
 - Report writing (who will write the report, how it will be crafted)
 - Video (ours and theirs)



Rules of Engagement

- Individual officers should not need permission to use force, but a protest does add a different dynamic
 - Squad supervisors need to monitor and anticipate
- Recommend setting proper protest reactionary gap at 4-5 feet
 - Ask them, tell them, make them
 - Allow reasonable amount of time to comply
 - "Interfering with an Officer in the Performance of His/Her duty"
- Arrest teams should be summoned
 - Any use of force should be followed by arrest when practical
 - Least amount of force necessary
- Discretion
 - "Many times matters must be left to the judgment of the individual officers. Intelligence and sound judgment will be necessary in the exercise of discretion in these instances"
 - G.O. 100.087 "Nothing in this order requires or encourages officers to expose themselves to unreasonable risk, take extraordinary measures, or sustain injury before applying appropriate force."

Rules of Engagement

- Reactionary gap
 - During normal police operations, we would not let someone get nose to nose with us
 - A protest environment shouldn't change that



Pre-Planned and Spontaneous Events

- Plans for both types of events should be developed
 - Ferguson was an organic, natural response to a real time incident
 - The Ferguson Grand Jury decision and Stockley acquittal were manufactured responses given time to develop and be planned
 - While both look very similar, our approach to each differs

Pre-Planned Events Preparation

- The Role of SWAT/Tactical Teams
- Scene Scouting
- Social Media
- Dialogue With Organizers
- Plan Flexibility
- Multi-Jurisdictional Approach
- Financial Investment

Pre-Planned Events Preparation

- The Role of SWAT/Tactical Teams
 - Must train as an attachment to CDT, not part of it
 - Must be well versed in the functions of CDT
 - CDT must be well versed in the functions of SWAT
 - Lethal cover, less lethal and chemical munitions
 - Officer rescues
 - Overwatch

Pre-Planned Events Preparation

- Scene Scouting
 - If advance notice of a protest is given:
 - Visit site, look for hazards
 - Construction sites with gravel, rocks, bricks, etc.
 - Hazards pre-staged by bad actors
 - What critical infrastructure is nearby?
 - How close to highway access ramps?
 - Any nearby locations of interest: High profile person's residence, businesses with ties to the event being protested,

Pre-Planned Events Preparation

- Establish a dialogue with Organizers
 - May benefit you later
 - Offer to establish a “free speech zone” for them
 - Offer a location that is to your advantage
 - Understand they may tell you their plans and not be truthful
 - Helps show you made every effort to facilitate their 1st Amendment rights
 - Document every interaction

Pre-Planned Events Preparation

- Plan Flexibility
 - Have an idea what you’ll allow and what you won’t
 - Understand these parameters may change
 - Inform your Officers of the plan
 - Avoid telling officers there will be “zero tolerance”, circumstances may require tolerance of certain things
 - Pick your battles
 - Four & a half minute street shutdown vs. several hours booking 30 prisoners
 - Don’t Let your plan outgrow your assets
 - What you want to do vs. what you can do

Pre-Planned Events Preparation

- Multi-Jurisdictional Approach
 - Much like many SWAT and Narcotics units, agencies within your county must pool resources
 - Train together
 - Purchase equipment together, uniformity and shared financial burden
 - Find out now what you have
 - Who has gear, who has people that have been trained
 - Operational Plans

Pre-Planned Events Preparation

- Multi-Jurisdictional Approach
 - Smaller agencies must enlist help from outside entities
 - MSHP
 - Other agencies within their county
 - Other agencies outside their county
 - Make those contacts and establish those relationships now
 - If necessary establish written MOU's and Mutual Aid agreements

Pre-Planned Events Preparation

- Financial Investment
 - Gear
 - PPE, Mass Arrest Kits, Documentation equipment
 - Chemical Munitions
 - C/S, O/C, PepperBall, Foggers
 - Training
 - Not just tactics but legal considerations to include the rights of protestors

Spontaneous Event Response

- Recognizing the situation and properly analyzing the tone of the crowd is critical
- In some instances, keeping a distance may be best, in other instances setting the L/E tone early and clearly is best
- The proper approach can be all the difference:
 - Bad approaches get cops hurt and get cops sued

4 Levels of Assembly

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Protest Initial Response

- Location
- Number of people
- Apparent purpose for the event
- Leadership
- Indicators of unlawful or disruptive activity
 - Antifa dress, bats, hammers, gas masks, etc.
- What facilities or roads will be impacted
- Ability or need to continue monitoring

Protest Initial Response

- Notify communications
- Assign a supervisor or command rank officer, establish ICS
- Begin communicating with response partners
 - Assets can be stood down a lot easier than they are stood up in most cases
- Establish staging area for responders away from protest scene

Protest Initial Response

- Reach Out to Organizers
 - Preferably someone of rank, discourage line officers from engaging with protestors
 - Its OK to lay out ground rules
 - As long as your restrictions are based on lawful premises and not designed to suppress their rights
 - Avoid drawing lines in the sand that you cannot enforce
 - Always start from a position of de-escalation
 - If able to, begin monitoring social media and live streams

Civil Disobedience Plan Overview

- Rapid Response
 - Quicker officers arrive...quicker disturbance is over
- Organized Response
 - Officers arrive at scene together
 - Movements are organized and precise
 - Professional, para-military appearance

Protest Response with Limited Resources

- You may have to bend a little
 - Operating beyond your capabilities will likely end with bad results
 - You may have to allow certain behaviors that you normally wouldn't
 - Street blockage
 - Marching in the road
 - "Sit-ins" in public spaces
 - Pick your battles
 - Attempts to make mass arrests w/o proper procedure or manpower can turn into a big street brawl
 - Bad optics
 - Bad in litigation
 - Bad position to put your people in

C.D.T. Structure



CDT Equipment

- Individual Officer Equipment
 - Appropriate Duty Uniform (no UC clothes)
 - CDT load bearing vest w/supplies
 - Helmet w/ face shield
 - Duty belt/service pistol/radio
 - Shield/Baton
 - Gas Mask w/ carrying case

Minimal # of Personnel

- Six Squad Field Unit
 - 1 Commander
 - 1 Deputy Commander
 - 6 Sergeants
 - 48 Officers

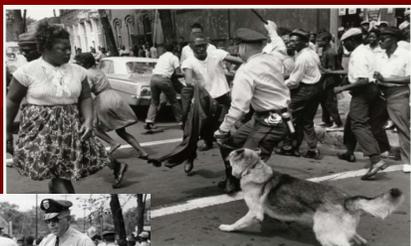
Minimal # of Personnel

- Five Squad Field Unit:
 - 1 Commander
 - 1 Deputy Commander
 - 5 Sergeants
 - 40 Officers

Minimal # of Personnel

- Four Squad Field Unit:
 - 1 Commander
 - 1 Deputy Commander
 - 4 Sergeants
 - 32 Officers
- NOTE: The use of canines for crowd control is discouraged.

This is not the 1960's; these days are over and rightfully so.



Right, wrong or indifferent: in 2020, we must be cognizant of the optics of what we are doing and the message those optics send.

CDT Equipment

- Body Shields
 - Six Squads: 28 Body Shields/28 Batons
 - Five Squads: 26 Body Shields/26Batons
 - Four Squads: 20 Body Shields/20 Batons

CDT Equipment

- Equipment to consider
 - Med bag
 - Three to Four Fire Extinguishers
 - Extra Radio Batteries, Water
- Mass Arrest Kits
 - Flex cuffs
 - Booking sheets
 - Property and evidence bags
 - Cameras and bullhorns

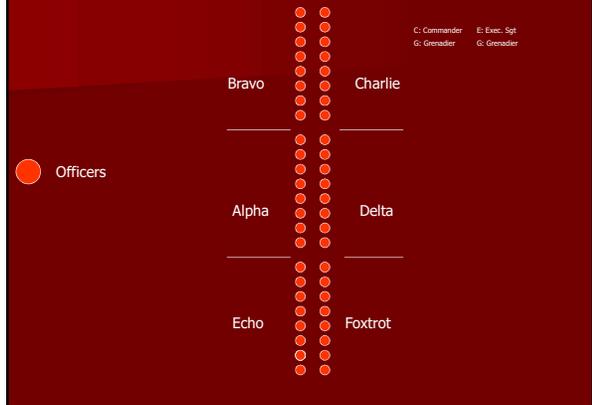
CDT Designations

- Alpha
- Bravo
- Charlie
- Delta
- Echo
- Foxtrot

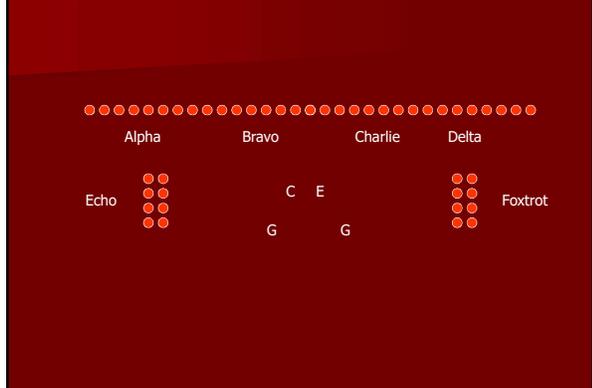
Squad Designations

- Six Squad CDT
 - Deputy Commander/Sergeant/2 Grenadiers
 - Alpha Squad: Line Formation Squad
 - Bravo Squad: Line Formation Squad
 - Charlie Squad: Line Formation Squad
 - Delta Squad: Line Formation Squad
 - Echo Squad: Arrest Team
 - Foxtrot Squad: Arrest Team

Columns of Two Formation



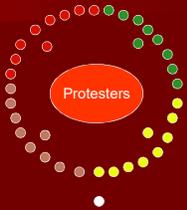
Column Formation to Line Formation



Encirclement

For Passive Non-Compliant Crowds

• Each officer alternating, one facing in, next facing out



Preparatory Command: Encirclement

Command of Execution: Move

Hand-and-Arm Signal: Arms extended and held in a circular position above the shoulders

Moving the Formation Forward

- CDT Commander gives command to Sergeants to start cadence strikes on shin guards or ground
- Once Sergeants have set cadence, command will be given for detail to join, as follows:

Moving the Formation (cont.)

- Two Short Blast of the Air Horn
 - Start striking shields in cadence with Sergeants (two second count)
- One Short Blast of the Air Horn
 - Start walking to cadence of shield strikes
 - Maintain line integrity. DRESS RIGHT!!!
- One Long Blast of the Air Horn
 - Stop

Masking the Entire CDT

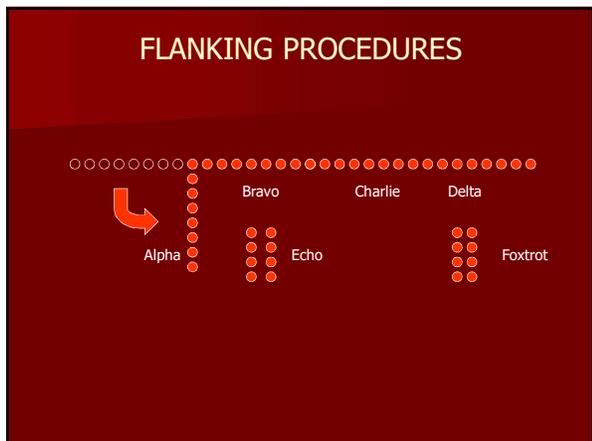
- Upon the first formation of the Line Formation, the Commander will give the order to count off. This will establish permanent partners for the masking.
- Initial command is given to "Mask Up" (entire line repeats command), then command "Move".
- "Gas, gas, gas"

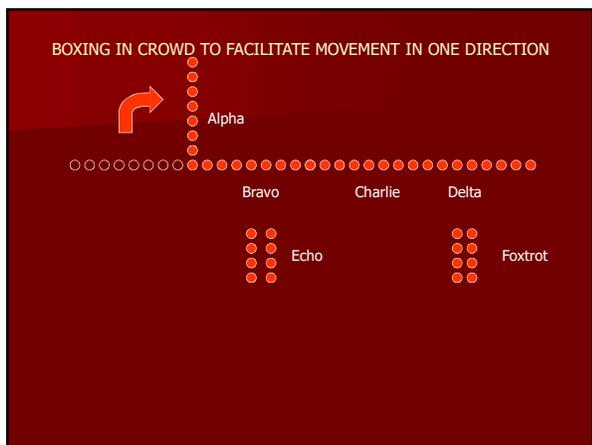
Masking Process (cont.)

- The # "1's" move two steps back behind the # "2" officer, drops to one knee and begins the mask up process. Number "2" officer provides shield cover for officer while on one knee.
- No second command for "2's" to mask up. Tap # "2's" on shoulder and repeat process.

Masking Process (cont.)

- Line spacing must be re-addressed upon completion of masking up.
- Arrest teams, Supervisors, Commander, will mask up with #1 officers.
- Helmet strap should be reapplied. Mask carrier closed.





Declaring an Assembly Unlawful

- The decision to declare a crowd unlawful must be based upon reasonable and articulable facts.
- Remember the 4 levels of Assembly
 - If 6 or 7 people in a crowd of 400 are being unlawful, the assembly as a whole cannot be declared unlawful
 - Attempts to isolate and target those unlawful actors within the group must be reasonably made

Declaring an Assembly Unlawful

- The intent of a dispersal order is to disperse a crowd, not to merely relocate the problem.
- The dispersal order must be given in a manner reasonably believed to be heard and understood.

Dispersal Orders

- You may need to consider multiple announcements from various locations delivered in English and in other languages that are appropriate for the audience.
- Document who gave the order, beginning at what time, and how many times.
- Dispersal orders should not be given until control forces are in position to support crowd movement.

Dispersal Orders

- Should not be given as a scare tactic or empty threat
- Courts will look at how often you gave them and how often they were enforced
 - Protestors will challenge in court that you didn't really mean it
- Should not be given if the resources to enforce it are not in place or available

Dispersal Orders

- The dispersal order should be read verbatim, the same way, each time
- Order should include:
 - Reason the assembly has been declared unlawful, the law violations that are taking place
 - The route protestors should take to leave the area
 - How much time they have to leave the area
 - The consequences should they not comply, and
 - The number of times the order has been given.

Dispersal Orders

- "This is an unlawful assembly. This is an order to disperse. You are (Inset law violation: impeding the flow of traffic, engaging in property destruction, assaulting law enforcement officers, etc.). You are ordered to leave the area (give them the avenue of egress: By traveling east or west on Hwy 30, for example). Anyone who remains will be subject to arrest and/or other actions up to, and including, the use of chemical munitions. You have five minutes (or a reasonable amount of time) to comply. This is your first order to disperse."
- Notes: If possible, key up on the radio so the giving of the order is recorded and documented in the dispatch tapes. Verbally have the dispatcher mark the time each order is given. Avoid giving dispersal orders if you are not in a position to enforce it. Don't use a dispersal order as a scare tactic or empty threat but only when you have the intent of enforcing it.

Dispersal Orders

- Loud speech
- Amplified sound (Bull horn, Police Vehicle PA, etc.)
- Signage indicating unlawful assembly and dispersal
- Gaining the attention of the crowd and documenting affirmative responses of crowd members
 - "F-You, I ain't going anywhere!" is an acknowledgement of the order
- Positioning law enforcement personnel to the rear of a crowd to confirm and document hearing the transmission of the dispersal order

Dispersal Orders

- Issues and Lessons Learned in Federal Court
 - How many times were the orders given?
 - How much time passed between the last order and the onset of arrests?
 - How far away must they go?
 - How long until they can come back?
 - Does a dispersal order apply to those who are present but not actively protesting, i.e. onlookers, media, people passing through?

Arrest Team Operations

- Keys are proper planning, training, and briefing of involved officers prior to the event. Mass arrests are dynamic situations that are resource intensive.
- Be prepared to utilize various arrest tactics to address unlawful behavior, including: passive/non-compliant resistance, active resistance, and assaultive and life-threatening confrontation.

Arrest Team Operations

- Accountability of arrestees from the arrest site through the booking process. Many cases are lost due to the inability to match up the arresting peace officer to the arrestee. The arrest report should articulate each arrestee's specific criminal act(s) and the witnessing officers. This process will aid in criminal prosecution and the reduction of civil liability.

Arrest Team Tactics- Squad

The diagram illustrates the tactical approach of an arrest team. A suspect is positioned at the top center. Below them are three rows of cover officers: the first row has two officers with shields, the second row has two officers with batons, and the third row has two hands-on officers. At the bottom is the Squad Leader (Sgt). A dashed line represents the Skirmish Line. Arrows indicate the movement of the arrest team from the skirmish line towards the suspect.

- Arrest Team, at the direction of the Squad Leader moves through Skirmish line and take suspect into custody
- Two officers move past to cover
- Two officers go hands on with suspect
- **At no time should the arrest team "chase" the suspect into a crowd**

Documentation Teams

- Still photography
- Video recording
- Written log/journal
- Reports (including after-action reports)
- Media reports/open source footage
 - Protestor Live Streams, Vine videos, twitter, etc.
- Communication, dispatch tapes and printouts
- Observation reports by designated observers

Documentation Teams

- Subjects to be documented may include (not in priority order):
 - Incident/Event Action Plan
 - Records of law enforcement decisions and information
 - Records of law enforcement actions in response to the event
 - Property damage
 - Injuries/claims of injuries (participants & law enforcement)
 - Collective and individual behavior of participants
 - Individual arrests
 - Individual officer's actions
 - Use of force
 - Evidence/property collected

Chemical Munitions, Less Lethal & Crowd Control

- Most agencies have a policy on munitions
 - Who can have it, what kind, etc.
- Separate Policy as it relates to protests
 - Launchable munitions
 - Thrown (O/C, C/S grenades, blast balls, etc.)
 - Bean bag shotguns
 - Pepperball
 - Foggers and regular duty mace

Chemical Munitions, Less Lethal & Crowd Control

- Policy should highlight:
 - Chemical Agent Equipment
 - Authorization for use
 - Restrictions on deployment
 - Cannot be used to disperse lawful crowds
 - Cannot be used to punish or intimidate
 -

Chemical Munitions, Less Lethal & Crowd Control

- Should be restricted to SWAT units
 - Except[t for foggers and regular duty mace
- Should be preceded by inert smoke
- When practical, a chemical munitions warning should be given following a dispersal order
- Any deployment of chemical munitions is concerned a “use of Force” and should be documented accordingly

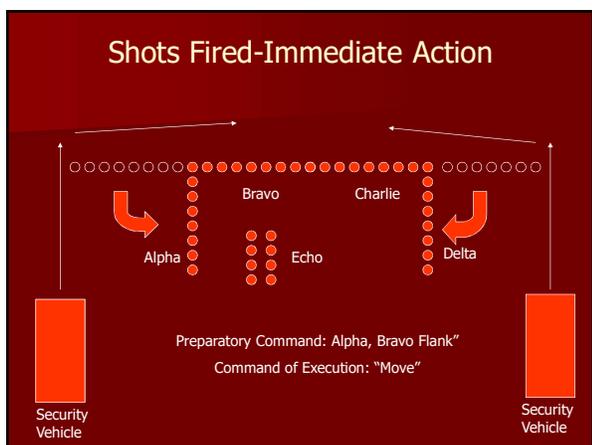
Chemical Munitions, Less Lethal & Crowd Control

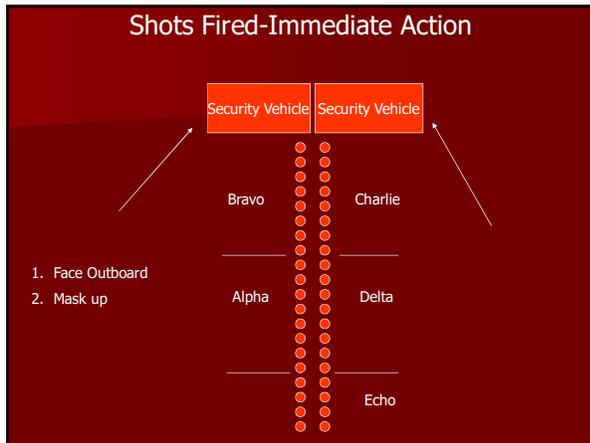
- Chemical Munitions Warning:
 - "This assembly has been declared unlawful. All those remaining are in violation of the order to disperse. The use of chemical munitions is imminent and may occur without further warning. All persons remaining are ordered to leave the area immediately."
 - This is a supplement to the dispersal order, not a replacement of it.
 - In exigent circumstances, this warning may not always be given

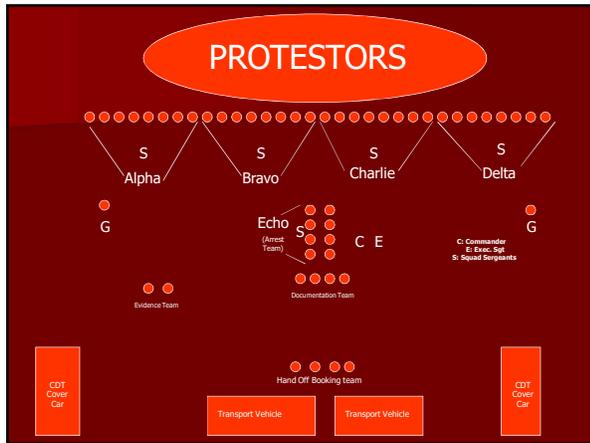
Shots Fired at the Line

- Collapse flanks
- Deploy Cover Vehicles
- Column of Two's, mask up
- Lethal cover to the front
- Grenadiers get to work
- Standfast while SWAT addresses issue or
- Fall back to transport vehicles
- Be aware of protestors fleeing in your direction

Shots Fired-Immediate Action







"Militarization"

- We must be capable of providing an appropriate response to large scale rioting and violence
- Concepts that weren't previously applicable to civil disobedience must now be the norm
 - Overwatch
 - Marksman/Observers
 - Lethal cover
 - Officer rescues
 - Dismounted patrolling of affected area

cc0:atlas:

This isn't a police officer. This is a storm trooper. Look at him. Nothing about this man says protect and serve. This man's profession is violence and his paymaster is the state.

Get Organized

- Protestors can tell if you are:
 - Indecisive
 - Confused
 - Untrained
 - Void of leadership
- Don't give them victories

It Will Get Personal



Protect Yourself

- Stay off social media
- Encourage friends and family NOT to tag you
- Tweets, FB and IG posts will come back to haunt you
- DO NOT TEXT-May end up on the front page

| | | | |
|--------------|----|---------|--|
| Death Boomer | ** | 8/15/20 | The news the majority of people are reporting tonight that it's gonna be a lot of the shooting the best of these deaths cover the one gone down and nobody care to report... |
| Death Boomer | ** | 8/15/20 | I'm on the 100% street team you said a 500 C&C Black Lives Matter group that are looking out the street or death... just look people up... some they don't care right? |
| Death Boomer | ** | 8/15/20 | That's my dude brother! Make his a basically a big deal for you said? It's the word like just get the fuck out and stay the fuck out! |
| Death Boomer | ** | 8/15/20 | We really need more leaders to start writing us in the best sense... |
| Death Boomer | ** | 8/15/20 | This ain't crazy... but it's fucking a MESS! We need to change the way people look. People on the streets are FUCKED UP! |
| Death Boomer | ** | 8/15/20 | It's gonna be (Death Panel Division) people looking for the way tonight? Any other words that (the 100%) in prison... |
| Death Boomer | ** | 8/15/20 | Just deployed to 17 city... will see the REAL POLICE come and what does... He's a REAL CHECK. He ain't fuckin' w/ them people... |
| Death Boomer | ** | 8/15/20 | ** The thing is always there with the same! |
| Death Boomer | ** | 8/15/20 | Boomer: Yeah, a lot of cops getting back, but it's still a lot of people getting shot. However, it's about the way of the people but, so it's still happening tonight... |

For Commanders:

- Proper planning includes proper personnel selection
 - Not everyone is wired for this, consider the type of crowd when selecting officers
 - African American officers will be subjected to higher levels of verbal abuse during BLM type protests
 - Check on your officers continually for signs of stress, losing of patience
 - Remind them to keep their personal feelings about whatever the nature of the protest is to themselves.



For Commanders:

- Personnel selection, Cont'd:
 - Consider the history of the officer
 - If an officer is known to have bearing issues.....
 - Smaller agencies may have less flexibility on who they put on the line
- Who will the face of your response?
 - If not the Sheriff or Chief, try to rotate
 - Avoid laying it all on one person



Beyond the Protests

- For Commanders
 - Ensure your officers are protected
 - Ensure the lawful, peaceful protestors are protected
 - Safeguard the 1st Amendment
 - Engage protestors, work with protest leaders
 - Avoid actively participating in protests



Beyond the Protests

- Civil Litigation
 - Likely if arrests are made
 - Very likely if chemical munitions are used
 - You will live or die by your documentation
 - Review ordinances now with your prosecutor
 - Will he/she issue warrants on those cases
 - Arrests for effect
 - Review policy with your county/city legal team

Beyond the Protests

- Civil Litigation
 - Smaller agencies recruiting citizens to assist with protests
 - Legal quagmire
 - Who will indemnify them if they act?
 - Will you provide them attorneys?
 - What training or real authority do they have?
 - Where are you in the state, what federal jurisdiction do you fall under and how sympathetic are they to you?

Beyond the Protests

- General recommendations
 - Generate a police report for every protest
 - Even those that occur without incident
 - Your deputies wear PPE, not "riot gear"
 - Use social media to get out your narrative



Beyond the Protests

- Train
 - In concepts, protestor rights, de-escalation tactics
 - Even if you don't have the gear or manpower
 - Untrained officers will fall back on what they do know
 - Usually involves mace, hands on, use of force
 - You may only be able to put 5 cops out there
 - Make it 5 cops who know their role, their limitations and how to avoid stepping into trouble
- Expect the obstacles
 - Media, politicians, citizenry which thinks you were both too hard and too soft

Summary

- Plan
- Train
- Look organized, be organized
- "The whole world is watching"
- This is the future



Summary

- Failure to plan and poor execution of plans results in two things:
 - Cops getting hurt
 - Cops getting sued