

**JEFFERSON COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES**

ORDER NUMBER 100.116.6

TITLE: Public Assemblies, Demonstrations and Riots

Effective: June 19, 2020

I. PURPOSE:

The purpose of this policy is to provide guidelines for responding to public assemblies, demonstrations, incident of civil disobedience or riots.

II. POLICY:

It shall be the policy of the Jefferson County Sheriff's Office to respect the constitutional right of persons to peaceably assemble. It is the policy of this agency not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the exercise of constitutional rights, while also preserving the peace, protecting life and preventing the destruction of property. Nothing in this policy supersedes the Jefferson County Sheriff's Office **General Order 100.087 - Use of Force** policy for all actions taken by members of this agency

This policy shall expound on the following specific topics at a minimum:

- A. General Considerations
- B. Team Structure
- C. Point of Contact / Rules of Engagement
- D. Photographs and Video Recordings
- E. Unplanned Events
- F. Planned Event Preparation
- G. Information Gathering and Assessment
- H. Operation Plans
- I. Mutual Aid and External Resources
- J. Unlawful Assembly Dispersal Orders
- K. Utilizing Force
- L. Arrests
- M. Media Relations
- N. Demobilization
- O. Post Event
- P. After-Action Reporting
- Q. Training

III. DEFINITIONS:

Civil Disobedience Team (CDT) - A unit of law enforcement officers

utilized for the purposes of crowd control and crowd management. Usually comprised of four (4) squads consisting of six (6) to ten (10) officers and may include multiple arrest teams.

Mass Arrest Kit - A pre-staged supply of arrest related materials to include, but not limited to flex cuffs, booking sheets, evidence bags, prisoner property bags, camera, bullhorn, and other items meant to expedite the processing of a large number of arrestees.

Skirmish Line - A single line of law enforcement officers formed as a crowd control maneuver. Skirmish lines are formed from multiple squads and will be at the direction of the front-line supervisors.

IV. PROCEDURE:

A. General Considerations:

1. Individuals or groups present on the public way, such as public facilities 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.
2. These rights may be limited by laws or ordinances regulating time, place and manner as to the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering.
 - a. Officers shall not take action or fail to take action based on the opinions being expressed.
3. Participant behavior during a demonstration or other public assembly can vary. Generally, there are four recognized levels of assembly. These may include, but are not limited to:
 - a. Lawful - Constitutionally protected actions and speech, usually conducted with prior approval/permits.
 - b. Isolated Unlawful - An otherwise lawful assembly when individuals or small groups within the assembly are engaging in unlawful behavior (typically involving minor criminal acts).
 - c. Unlawful - When the group as a whole is engaging in an unlawful act (i.e., attempting to block an interstate or thoroughfare).
 - d. Riotous - When the group as a whole is engaging in widespread property damage, violence or otherwise disturbing the public peace with the use of force or violence.
4. All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors that officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.
 - a. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace,

protect the free exercise of the First Amendment, protect life and prevent the destruction of property.

5. Officers should not:
 - a. Engage in assembly or demonstration-related discussion with participants.
 - b. Harass, confront or intimidate participants.
 - c. Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.
 - d. Restrict subjects from taking video or photographs in public areas.
 - e. Suppress the speech of one group over another when multiple viewpoints are represented.

6. For purposes of accountability, when assigned to a civil disobedience event, and deployed for a crowd management or crowd control function, wherein protective gear is donned, each officer will display their radio unit number on the backs of their helmet. This will be accomplished using tape colored coded for each platoon or unit.
 - a. Rolls of tape will be stored in each “Mass Arrest Kit” that is to be staged in each zone office.
 - b. Supervisors will ensure officers’ helmets are properly labeled before deployment.

7. Supervisors should continually observe officers under their command to ensure the officers’ interaction with participants and their response to crowd dynamics is appropriate.
 - a. If the supervisor deems an officer’s actions are inappropriate or the officer is showing signs of stress induced from a traumatic experience, the supervisor shall take immediate action and relieve the officer from their current assignment. The supervisor will prepare a memorandum detailing the officer’s actions to the Sheriff, through the chain of command.

B. Team Structure:

1. All officers will be assigned to a squad commanded by one (1) sergeant or corporal, when available. The span of control should be one supervisor commanding four (4) to ten (10) officers. Squad supervisors will be under the command of a lieutenant, when available, who could be in command of multiple squads.

2. To protect the integrity of the squad structure, minus exigent circumstances, no officer will take individual action until a supervisor or lieutenant has been advised and has ensured that the appropriate resources are in place in order to maintain officer safety.

3. All direction/action for squad officers on the skirmish line will be given by their respective squad supervisors.

C. Point of Contact/Rules of Engagement:

1. Physical contact by protestors/demonstrators is unacceptable. Verbal threats, spitting on officers, obstructing an officer's view by placing oneself within inches of their face and throwing objects at officers with the intent to cause harm can be cause for arrest under the appropriate charges. Squad supervisors will monitor and recognize these incidents and coordinate the appropriate response.
2. While assigned to a Civil Disobedience Team (CDT) skirmish line, officers will follow all orders given by their supervisor.
3. CDT supervisors and lieutenants will have the full authority to conduct the following:
 - a. Direct officers on the skirmish line;
 - b. Have agitators within the crowd arrested by CDT arrest teams;
 - c. Have protestors committing blatant criminal acts arrested by CDT arrest teams; and
 - d. Ensure officers maintain the integrity of the skirmish line.
4. CDT supervisors and lieutenants will be responsible for being cognizant of officer safety issues and watching for signs of fatigue among officers while on the line.

D. Photographs and Video Recordings:

1. Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.
2. Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved or has been involved in criminal conduct.
3. Photographs of each arrestee with the arresting officer should be taken at the scene whenever possible.

E. Unplanned Events:

1. 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:
 - a. Location;
 - b. Number of participants;

- c. Apparent purpose of the event;
 - d. Leadership (whether it is apparent and/or whether it is effective);
 - e. Any initial indicators of unlawful or disruptive activity;
 - f. Indicators that lawful use of public facilities or walkways will be impacted; and
 - g. Ability and/or need to continue monitoring the incident.
2. Initial assessment information should be promptly communicated to the Jefferson County 911 Communications Center.
 - a. The assignment of a supervisor should be requested.
 - b. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members.
 - c. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.
 - d. Additional resources should be requested as appropriate.

F. Planned Event Preparation:

1. For planned events, if appropriate, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

G. Information Gathering and Assessment:

1. In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:
 - a. Information obtained from outreach to group organizers or leaders.
 - b. Information about past and potential unlawful conduct associated with the event or similar events.
 - c. The potential day of the week, time, duration, scope and type of planned activities.
 - d. Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.
2. Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.
3. Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

H. Operation Plans:

1. An operational planning team with responsibility for event planning and

management should be established.

- a. The planning team should develop an operational plan for the event.
- b. The planning team should set aside time to review with deployed officers **General Order 100.087 - Use of Force.**

2. The operational plan will minimally provide for:
 - a. Command assignments, chain of command structure, roles and responsibilities
 - b. Staffing and resource allocation.
 - c. Management of criminal investigations.
 - d. Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
 - e. Deployment of specialized resources
 - f. Event communications and interoperability in a multijurisdictional event.
 - g. Liaison with demonstration leaders and external agencies.
 - h. Liaison with County government and legal staff.
 - i. Media relations.
 - j. Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
 - k. Traffic management plans.
 - l. First aid and emergency medical service provider availability.
 - m. Prisoner transport and detention.
 - n. Review of policies regarding public assemblies and **General Order 100.087 - Use of Force.**
 - o. Parameters for declaring an unlawful assembly.
 - p. Arrest protocol, including management of mass arrests.
 - q. Protocol for recording information flow and decisions.
 - r. Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
 - s. Protocol for handling complaints during the event.
 - t. Parameters for the use of portable recording devices.

I. Mutual Aid and External Resources:

1. The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated.

J. Unlawful Assembly Dispersal Orders:

1. 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.
2. Should the Incident Commander make the determination that public safety is presently or is about to be jeopardized, he/she or the authorized

designee should attempt to verbally persuade event organizers or participants to disperse of their own accord.

- a. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.
3. When initial attempts at verbal persuasion are unsuccessful and it is determined that public safety is being jeopardized, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly and should order the dispersal of the participants.
 - a. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants.
 - b. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video.
 - c. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress.
 - d. A reasonable time to disperse should be allowed following a dispersal order.
 4. The dispersal order should be read verbatim, in the same manner with the same verbiage every time. The order should include the following:
 - a. The reason the assembly has been declared unlawful: what specific law violations are occurring;
 - b. The route the protestors should take to leave the area;
 - c. How much time the group has to disperse;
 - d. The consequences for those who do not comply; and
 - e. The number of warnings that have been given.

Example: “This has been declared an unlawful assembly. This is your order to disperse. You are impeding the flow of traffic and committing acts of property damage. Anyone who remains in violation of this order is subject to arrest and/or other actions up to and including the use of chemical munitions. You are hereby ordered to leave the area by traveling north or south on Highway 141. You have five (5) minutes to comply. This is your first dispersal order.”

K. Utilizing Force:

1. Force used during any civil assembly will be governed in accordance to **General Order 100.087 - Use of Force** and applicable laws.
2. 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).

3. Less lethal control devices and TASER® devices 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.
4. Force or less lethal control devices, including oleoresin capsaicin (OC) pepper spray, 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.
5. Any force used by a member of the Jefferson County Sheriff's Office shall be documented promptly, completely and accurately in an appropriate Use of Force Report, in accordance to **General Order 100.087 - Use of Force.**

L. Arrests:

1. The Jefferson County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest. Targeted arrests of specific unlawful participants should precede any mass arrest or unlawful assembly declaration, when possible.
2. Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful.
3. 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.
4. If employed, mass arrest protocols should fully integrate:
 - a. Reasonable measures to address the safety of officers and arrestees.
 - b. Dedicated arrest, booking and report writing teams.
 - c. Timely access to medical care.
 - d. Timely access to legal resources.
 - e. Timely processing of arrestees.
 - f. Full accountability for arrestees and evidence.
 - g. Coordination and cooperation with the Jefferson County Sheriff's Office Jail.

M. Media Relations:

1. The Public Safety Information Coordinator or designee should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event, in accordance to **General Order 100.118.1 - Media Relations.**

N. Demobilization:

1. When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources.
2. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

O. Post Event:

1. The Incident Commander should designate a member to assemble full documentation of the event, to include the following:
 - a. Operational plan;
 - b. Incident logs;
 - c. Assignment logs;
 - d. Vehicle, fuel, equipment and supply records;
 - e. Incident, arrest, use of force, injury and property damage reports;
 - f. Photographs, audio/video recordings, the Jefferson County 911 Communications Center records/tapes; and
 - g. Media accounts (print and broadcast media).

P. After-Action Reporting:

1. The Incident Commander should work with the Jefferson County Sheriff's Office legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:
 - a. Date, time and description of the event;
 - b. Actions taken and outcomes (e.g., injuries, property damage, arrests);
 - c. Problems identified;
 - d. Significant events; or
 - f. Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

Q. Training:

1. Jefferson County Sheriff's Office personnel should receive annual training regarding this policy, as well as the dynamics of crowd control and incident management.
2. The Jefferson County Sheriff's Office should, when practicable, train with its external and mutual aid agencies.