

# First Amendment Assemblies

## 470.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 470.2 POLICY

The Airport Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 470.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets 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. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

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 officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

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.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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#### 470.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

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.

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 in criminal conduct.

The public and media can videotape, take pictures or broadcast live, so long as the person is not interfering with law enforcement.

#### **470.4 UNPLANNED EVENTS**

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:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Emergency Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. 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. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### **470.5 PLANNED EVENT PREPARATION**

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

##### 470.5.1 INFORMATION GATHERING AND ASSESSMENT

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:

- Information obtained from outreach to group organizers or leaders.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

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.

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 actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 470.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

- (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 multi-jurisdictional event
- (g) Liaison with demonstration leaders and external agencies
- (h) Liaison with Airport 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 use of force in crowd control
- (o) Parameters for declaring an unlawful assembly
- (p) Arrest protocol, including management of mass arrests
- (q) Protocol for recording information flow and decisions

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- (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 body-worn cameras and other portable recording devices

#### **470.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

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 (see Policy 350 Outside Agency Assistance).

#### **470.6 NOTICE TO LEAVE ORDERS**

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.

Should the Incident Commander make a 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 leave of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, 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 that the participants must leave. 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. The announcement should be amplified and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to leave should be allowed following a notice to leave.

#### **470.7 MOBILE FIELD FORCE OBJECTIVES**

The department may deploy a Mobile Field Force (MFF) to address acts of civil disorder that cannot be effectively addressed by the workforce on duty.

If peaceful methods prove to be unsuccessful to resolve the situation, or where violence is directed towards citizens or the police, violators may be arrested and active methods of dispersal, including the arrest of large numbers of violators may be employed. In all cases, force used to accomplish the lawful mission of the department must reasonably appear to be necessary, and officers will act under the direction of supervisors in an organized manner.

In any event, the designated Incident Commander will consider a response in accordance with the Operations Plan. This plan must be considered when dealing with a civil disturbance.

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#### 470.7.1 MOBILE FIELD FORCE CONCEPTS

Historically the potential of civil unrest in the jurisdiction has been low. However, reasonable caution indicates that an effective response plan must be maintained. In a major event, it is necessary to quickly reorganize the department in order to staff an effective response. The possibilities of civil unrest leading to riot-type situations necessitates the formulation of a rapid deployment crowd control plan, known as the Mobile Field Force (MFF) concept. The MFF can be utilized to rapidly deploy officers to affected areas of civil disturbance. The MFF can be deployed to address several critical issues during a civil unrest situation.

- For restoration of law and order, preserving the peace, and protecting life and property.
- For crowd dispersal through established line formation tactics
- For evacuation and rescue of innocent citizens and injured victims from affected areas.
- For isolation of problem areas through perimeter security control measures to prevent the further spread of civil unrest and prevent innocent citizens from entering affected areas.

#### 470.7.2 MOBILE FIELD FORCE EQUIPMENT

The Airport Police Department provides specialized equipment to MFF team members. The Special Operations Lieutenant or designee is responsible for maintaining MFF equipment, conducting an annual equipment inventory and ensuring no expired equipment is deployed. MFF uniform will consist of, but not limited to: handgun, magazines, flex cuffs, and personal protective equipment (see Policy 712 Personal Protective Equipment).

#### 470.7.3 CONTROL DEVICES AND SPECIALTY MUNITIONS

Specialty munitions may be used by officers who have received training. The use of specialty munitions must be approved by the Incident Commander, unless there are exigent circumstances requiring immediate action to protect life or prevent personal injury or substantial property damage (see Policy 307 Control Devices & Specialty Munitions).

#### **470.8 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see Policies 300 Use of Force, 351 Handcuffing and Restraints, 307 Control Devices & Specialty Munitions, and 308 Conducted Energy Weapon).

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). Control devices and TASER (TM) 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 (see Policy 307 Control Devices & Specialty Munitions and Policy 308 Conducted Energy Weapon).

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Force or control devices, including oleoresin capsaicin (OC), 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.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **470.9 ARRESTS**

The Airport Police Department 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.

Efforts shall be made to isolate and remove specific individuals or groups of agitators whose purpose is to incite the crowd. Often times, removing agitators will cause others in the crowd to de-escalate activity or disperse without further law enforcement intervention.

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.

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 prosecuting authority, jail and courts (see Policy 420 Citation Releases).

#### **470.10 MEDIA RELATIONS**

The Public Information Officer 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 (see Policy 344 Media Relations).

#### **470.11 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

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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.

#### **470.12 POST EVENT / AFTER-ACTION REPORTING**

The Incident Commander or designee should assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Emergency Communications Center records/tapes
- (g) Media accounts (print and broadcast media)
- (h) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

These documents should be kept for review and future reference in the Airport Police Departments Critical Incidents Operational Planning folder.

#### **470.13 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.