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CHAIR



CHIEF (RETIRED) CHRIS BLUE
CHAIR

To: Joint Legislative Oversight Committee on Justice and Public Safety
Senator Danny Earl Britt, Jr., Co-Chair
Representative Ted Davis, Jr., Co-Chair
Representative Carson Smith, Co-Chair

From: The North Carolina Criminal Justice and Sheriffs' Education and Training Standards
Commissions in Consultation with the NC Department of Justice and NC Department of
Public Safety

Re: Model Law Enforcement Agency Protest and Engagement Policy

Date: April 19, 2024

Overview

In Session Law 2023-6, the North Carolina General Assembly tasked the Department of Justice (DOJ), in consultation with the Department of Public Safety (DPS), the North Carolina Criminal Justice Education and Training Standards Commission, and the North Carolina Sheriffs' Education and Training Standards Commission, to develop model law enforcement agency protest response and engagement policies.

Policy Research and Review

The DOJ Criminal Justice and Sheriffs' Standards Divisions led the efforts to research and prepare a model policy for the State of North Carolina. The divisions reviewed numerous policies from within and outside North Carolina. These include the policies of the:

- Asheville Police Department
- Brunswick County Sheriff's Office
- High Point Police Department
- Southern Pines Police Department
- Wilmington Police Department
- International Association of Chiefs of Police (IACP) (attached in Appendix A).

The above accredited law enforcement agencies appear to have adapted the IACP model policy for use in their jurisdiction.



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In addition to reviewing various policies, the divisions researched best practices for crowd control and protest engagement, in particular, the following sources, which are included below via hyperlink in the Resources Section and attached in Appendices B-E.

- US DOJ: COPS (Community Oriented Policy Services) and the National Policing Institute: The 21st Century Protest Response, Promoting Democracy and Advancing Community and Officer Safety Guide published in 2022.
- PERF (Police Executive Research Forum) February 2022 publication: Rethinking the Police Response to Mass Demonstrations: 9 Recommendations.
- Georgetown Law: Institute for Constitutional Advocacy and Protection in conjunction with the Crime and Justice Institute and 21 CP Solutions: Law Enforcement Guidance for Policing Public Demonstrations.
- North Carolina Task Force for Racial Equality in Criminal Justice (TREC) 2020 Report, Recommendation #27.

Curriculum Review and Consultation with Subject Matter Experts

The divisions reviewed the content of the current curriculum being instructed in North Carolina during Basic Law Enforcement Training (BLET), In-Service Training, and specialty courses offered by the NC Justice Academy and their partners. Last, but not least, the divisions consulted with the subject matter experts at the North Carolina Justice Academy, DOJ attorneys, and with attorneys from the Department of Public Safety General Counsel's Office.

IACP Model

After completing the research on this issue, we determined that there is no single one-size-fits-all policy that would address the needs of every law enforcement agency in the State, given the unique needs of each law enforcement agency and the communities they serve. DOJ has identified the Crowd Management Policy created by the International Association of Chiefs of Police (IACP) as the best starting point for law enforcement agencies to use in developing their agency protest response and engagement policies. See Appendix A, also available at: [Crowd Management FULL - 08062020.pdf \(theiacp.org\)](https://www.theiacp.org/Crowd-Management-FULL-08062020.pdf) IACP is a well-known and highly respected not-for-profit organization that provides resources and training to law enforcement agencies around the world. The IACP policy is accompanied by an extensive Concept & Issues paper which sets out the background of the model policy and provides guidance for how agencies can tailor the policy for use in their agencies.

This sample policy can and should be modified to include the policies and procedures of each law enforcement agency and to meet the needs of the communities they serve. We highly recommend that agencies consult with their agency legal counsel prior to development and implementation to ensure that the policy fits the needs of their agency and the communities that they serve.



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Resources

Training opportunities are available to North Carolina law enforcement on the topics of protest response and engagement, including the following instruction by the NC Justice Academy:

- Basic Law Enforcement Training (BLET) Crowd Management.
- Field Force Operations
- SWAT Operator I training.
- FEMA Public Order and Public Safety- Train the Trainer course.
- Previous In-Service training topics which can be provided to LEAs:
 - 2019 In-Service Best Practices for Officers During Community Dissent
 - 2022 In-Service Subversive Groups

Other resources available to Law Enforcement Agencies as they develop their protest response and engagement policies include:

- The 21st Century Protest Response, Promoting Democracy and Advancing Community and Officer Safety Guide published by US DOJ: COPS (Community Oriented Policy Services) and the National Policing Institute published in 2022.
https://www.policinginstitute.org/wp-content/uploads/2022/09/e062201018_Protest_Response_v16_06sep22_final_508-1.pdf
- Rethinking the Police Response to Mass Demonstrations: 9 Recommendations published by PERF (Police Executive Research Forum) in February 2022.
<https://www.policeforum.org/assets/ResponseMassDemonstrations.pdf>
- Law Enforcement Guidance for Policing Public Demonstrations published by Georgetown Law: Institute for Constitutional Advocacy and Protection in conjunction with the Crime and Justice Institute and 21 CP Solutions.
<https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2021/04/ICAP-Law-Enforcement-Demonstrations-Guidance-4-19.21.pdf>
- North Carolina Task Force for Racial Equality in Criminal Justice (TREC) 2020 Report Recommendation #27-28, Facilitate Peaceful Demonstrations.
https://ncdoj.gov/wp-content/uploads/2021/02/TRECReportFinal_02262021.pdf

Copies of the above referenced sources are included in Appendices B-E.



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- FEMA's National Incident Management System - [National Incident Management System | FEMA.gov, and](#)
- [North Carolina Emergency Operations Plan \(NCEOP\) Emergency Operations Plan | NC DPS](#)

Conclusion

If each law enforcement agency in North Carolina modifies the IACP model to suit the needs of their agency and community, in consultation with their legal counsel, they will have a solid policy that will protect the constitutional rights afforded to all people to assemble and to free speech (on the one hand) and help prevent crime, protect citizens, protect property during civil unrest should it occur, and protect law enforcement officers during such activities.

APPENDIX A

Model Law Enforcement Agency Protest and Engagement Policy: *Policy Research and Review*

International Association of Chiefs of Police Crowd Management Model Policy and Concept and Issues Paper	1
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Crowd Management

April 2019

The IACP Law Enforcement Policy Center creates four types of documents: Model Policies, Considerations Documents, Concepts & Issues Papers, and Need to Know one-page summaries. Typically, for each topic, either a Model Policy or a Considerations Document is created, supplemented with a Concepts & Issues Paper. This file contains the following documents:

- [**Model Policy**](#): Provides police agencies with concrete guidance and directives by describing in sequential format the manner in which actions, tasks, and operations are to be performed.
- [**Concepts & Issues Paper**](#): Designed to provide context and background information to support a Model Policy or Considerations Document for a deeper understanding of the topic.
- [**Need to Know...**](#): Synthesizes the key points of the topic into a brief, one-page overview. This document is developed by Policy Center staff following the final approval of the policy and paper.

Model Policy

Updated: April 2019

Crowd Management

I. PURPOSE

The purpose of this policy is to establish guidelines for managing crowds, protecting individual rights, and preserving the peace during demonstrations and civil disturbances.

II. POLICY

It is the policy of this agency to protect individual rights related to assembly and free speech; effectively manage crowds to prevent loss of life, injury, or property damage; and minimize disruption to persons who are not involved.

III. DEFINITIONS

- *Civil Disturbance*: A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.
- *Crowd Control*: Techniques used to address civil disturbances, to include a show of force, crowd containment, dispersal equipment and tactics, and preparations for multiple arrests.
- *Crowd Management*: Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining lawful status through event planning, pre-event contact with event organizers, issuance of permits when applicable, information gathering, personnel training, and other means.
- *Demonstration*: A lawful assembly of persons organized primarily to engage in free speech activity. These may be scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Lawful demonstrations can devolve into civil disturbances that necessitate enforcement action.
- *Impact Projectiles*: Projectiles designed and intended to deliver non-penetrating impact energy from safer than contact range. These may include direct fire or non-direct skip-fired rounds. The latter are projectiles that are discharged toward the ground in front of a target, theoretically delivering the energy to the subject following contact with the ground.

IV. PROCEDURES

A. Preparation and Planning¹

1. Every effort should be made to make advance contact with event organizers and to gather the following necessary information about the event to ensure accurate assignment of personnel and resources:
 - a. What type of event is involved?
 - b. When is it planned?
 - c. Will the event coincide with other routine, large-scale events (e.g., sporting events)?
 - d. Is opposition to the event expected?
 - e. How many participants are expected?
 - f. What are the assembly areas and movement routes?
 - g. What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest?
 - h. What critical infrastructures are in the proximity of the event?
 - i. Have permits been issued?
 - j. Have other agencies such as fire and EMS been notified?
 - k. Is there a need to request mutual aid?
 - l. Has the appropriate level of properly equipped personnel been allocated to ensure safety of bystanders, officers, and demonstrators?
 - m. Will off-duty personnel be required?
 - n. What is the history of conduct at such events?
 - o. Are event organizers cooperative?
 - p. Who are the potential counter-protest groups?
 - q. Is there a history of violence between the group demonstrating and potential counter-protest groups?
2. The incident commander (IC) or a designee, shall prepare a written plan subject to the approval of the chief executive officer or his or her designee. The plan should address the following and be distributed to all participating agencies.
 - a. Command assignments and responsibilities
 - b. Personnel, unit structure, and deployment considerations to include the need for special response teams (i.e., SWAT, emergency medical personnel, and plainclothes officers).
 - c. Regular communication with legal advisors
 - d. Liaison with event planners, to include their legal advisors, where applicable
 - e. Liaison with outside agencies
 - f. Communications plan, to include release of information to the media
 - g. Pre-event intelligence analysis
 - h. Weather and terrain at the event location
 - i. Transportation, support, and relief of personnel

¹ See the IACP Policy Center documents on Small-Scale Special Event Preparedness available at <https://www.theiacp.org/resources/policy-center-resource/special-event-preparedness> for a list of additional items to consider when planning such an event.

- j. Staging points for additional resources and equipment
- k. Traffic management, including perimeter security
- l. First aid stations established in coordination with emergency medical service providers
- m. Demonstrator devices, extrication teams, and equipment
- n. Transportation of prisoners
- o. Arrestee processing areas
- p. Any laws, ordinances, or administrative rules specific to the event

B. Management and Organization Principles

1. Government may impose reasonable restrictions on the time, place, and manner in which persons assemble and engage in free speech activity. This agency shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, facilitate uninhibited speech, commerce, and freedom of movement.
2. An Incident Command System (ICS) shall be used in crowd management and civil disturbances to ensure control and unified command.²
3. Organization of responsibilities shall be as follows:
 - a. The chief executive officer shall designate an incident commander (IC) responsible for overall control of a demonstration or civil disturbance.³
 - b. The IC shall implement the written plan.
 - c. In the case of a widely dispersed demonstration or disturbance, or event with multiple locations, multiple ICs may be assigned at the discretion of the chief executive officer.
 - d. The IC shall be responsible for preparing operations plans and management details associated with planned demonstrations.
4. The primary objectives of the IC at a civil disturbance are to accomplish the following:
 - a. Protect persons, regardless of their participation in the disturbance.
 - b. Disperse disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence.
 - c. Arrest law violators, including those responsible for property damage, and remove or isolate persons inciting violent behavior.
5. Officers shall be briefed on what to expect and appropriate responses. They shall be informed that the IC or their designee(s) shall be responsible for ordering any response deemed appropriate.

C. General Crowd Response

1. Officers shall be deployed to monitor crowd activity. Sufficient resources to handle multiple unruly persons should be available, depending on the fluidity of the situation and degree of actual or likely disruption.
2. Uniformed personnel shall wear their badges and nameplates or other identification in a visible location on their person at all times.

² For example, agencies may wish to follow the protocols outlined in the United States' National Incident Management System.

³ Note that, for the purposes of this discussion, the designation of ICs is included. However, agencies may choose to utilize a unified command (UC) function instead. For more discussion on UC, please refer to the IACP Policy Center documents on Special Event Preparedness available at <https://www.theiacp.org/resources/policy-center-resource/special-event-preparedness>.

3. Officers shall be positioned in such a manner as to minimize contact with the assembled crowds.
4. Officers should avoid engaging in conversations related to the demonstration with attendees, refrain from reacting in response to comments from demonstrators, and maintain a courteous and neutral demeanor.
5. Persons who reside, are employed, or have emergency business within the area marked off by a police line shall not be prevented from entering the area unless circumstances suggest that their safety would be in jeopardy or their entry would interfere with law enforcement operations.
6. Individuals designated by the IC should establish and maintain communication with event organizers and relay information on crowd mood to the IC.
7. Supervisors should maintain close contact with their assigned officers to ensure compliance with orders, monitor behavior and disposition, and ensure that they are aware of any changes in crowd behavior or intent.
8. Audio and video recording of agency crowd response should be considered for evidentiary purposes.
9. Mass arrests shall be avoided, unless necessary.
10. Officers shall ensure that a means of egress for all individuals is present at all times.

D. Response to Spontaneous Civil Disturbances

1. The first officer to arrive on the scene of a spontaneous civil disturbance should:
 - a. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent;
 - b. Notify communications of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons, the location and estimated number of participants, current activities (e.g., blocking traffic), direction of movement, and ingress and egress routes for emergency vehicles;
 - c. Request the assistance of a supervisor and necessary backup;
 - d. Attempt to identify crowd leaders and agitators engaged in criminal acts; and
 - e. At the first available opportunity, request the crowd to voluntarily disperse.
2. The first officer or supervisor in charge at the scene should:
 - a. Deploy officers at vantage points to report on crowd actions;
 - b. Establish a perimeter sufficient to contain the disturbance and prohibit entrance into the affected area;
 - c. Ensure that, to the degree possible, uninvolved individuals are evacuated from the immediate area of the disturbance;
 - d. Establish a temporary command post;
 - e. Provide ongoing assessment to communications;
 - f. Move and reroute pedestrian and vehicular traffic around the disorder;
 - g. Control unauthorized ingress and egress by participants; and
 - h. Prevent outside attempts to assist or reinforce participants.
3. The IC should also ensure that:
 - a. Adequate security is provided to fire and EMS personnel in the performance of emergency tasks;
 - b. Support and relief for personnel are available;
 - c. A secure staging area for emergency responders and equipment is designated;

- d. Liaison and staging points for media representatives are established and available information is provided as appropriate;
- e. The IC event log is maintained to document activities and actions taken during the course of the incident;
- f. Photographic or video evidence is preserved, in accordance with applicable law and agency policy, of crowd actions and officer response;
- g. Photographs or videos are taken of any injuries sustained by law enforcement officers or the public; and
- h. The need for full mobilization of sworn officers and the recall of off-duty officers are determined.

E. Use of Force

1. Officers should follow their agency's policy on use of force.
2. Unless exigent circumstances justify immediate action, officers shall not independently make arrests or employ force without command authorization.
3. The following restrictions and limitations on the use of force should be observed during demonstrations and civil disturbances. In all cases, weapons should be carried and deployed only by trained and authorized officers.
 - a. Canine teams may respond as backup when appropriate but should not be deployed for crowd control (i.e., containment or dispersal). Canines should remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of the crowd. Canines may be deployed in appropriate circumstances related to bomb detection, pursuit of suspects in buildings, and related situations.
 - b. Horses may be used to contain, control, and direct groups in nonviolent demonstrations as appropriate. They should not be used against passively resistant demonstrators, including those who are sitting or lying down. Unless exigent circumstances exist, horses should not be utilized when the use of chemical agents is anticipated or deployed, or in icy or snowy conditions or when similar lack of footing may jeopardize the animal, rider, or others.
 - c. Motor vehicles may be used to contain, control, and direct persons as appropriate but shall not be intentionally brought into contact with them unless the use of deadly force is authorized.
 - d. Bicycles may be used to control and move persons as appropriate.
 - e. Impact projectiles shall not be fired indiscriminately into crowds.
 - i. Non-direct (skip-fired) projectiles and munitions may be used in civil disturbances where life is in immediate jeopardy or the need to use the devices outweighs the potential risks involved.
 - ii. Direct-fired impact munitions, to include beanbag and related projectiles, may be used during civil disturbances against specific individuals who are engaged in conduct that poses an immediate threat of death or serious injury.
 - iii. A verbal warning should be given prior to the use of impact projectiles, when reasonably possible.
 - f. Electronic control weapons (ECWs) should be used during civil disturbances only for purposes of restraint or arrest of actively resistant individuals when alternative less forceful means of control

are not available or are unsuitable and only when the individual can be accurately targeted. ECWs shall not be fired indiscriminately into crowds.⁴

- g. Aerosol restraint spray, known as oleoresin capsicum (OC), may be used against specific individuals engaged in unlawful conduct or actively resisting arrest, or as necessary in a defensive capacity when appropriate. OC spray shall not be used indiscriminately against groups of people where bystanders would be unreasonably affected, or against passively resistant individuals. High-volume OC delivery systems (such as MK-9 and MK-46) are designed for and may be used in civil disturbances against groups of people engaged in unlawful acts or endangering public safety and security when approved by the IC. Whenever reasonably possible, a verbal warning should be issued prior to the use of these systems.⁵
- h. CS (2-chlorobenzalmalononitrile) chemical agents are primarily offensive weapons that shall be used with the utmost caution. CS may be deployed defensively to prevent injury when lesser force options are either not available or would likely be ineffective. Such munitions shall be deployed at the direction of the IC and only when avenues of egress are available to the crowd. When reasonably possible, their use shall be announced to the crowd in advance. CN (phenacyl chloride) shall not be used in any instance.
- i. A baton or similar device can be used as a defensive weapon; as a means of overcoming resistance (e.g., used in the two-hand horizontal thrust on a police line); to stop, control, or neutralize perceived threatening resistance; as a show of force; or as a means to contain or disperse a crowd.
- j. All uses of force shall be reported and investigated in accordance with agency policy.⁶

F. Crowd Dispersal

1. Before ordering forced dispersal of a civil disturbance, the IC should determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:
 - a. Establish contact with event organizers or crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalation and dispersal.
 - b. Communicate to the participants that their assembly is in violation of the law and that the agency wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively.
 - c. Target specific violent or disruptive individuals for arrest.
2. Prior to issuing dispersal orders, the IC should ensure that all potentially necessary law enforcement, fire, and EMS equipment and personnel are on hand to successfully carry out tactical operations and that logistical needs for making mass arrests are in place.
3. When the IC has made a determination that crowd dispersal is required, he or she shall direct unit commanders, where time and circumstances permit, to issue warnings prior to taking action to disperse the crowd.

⁴ See the IACP Policy Center documents on Electronic Control Weapons available at <https://www.theiacp.org/resources/policy-center-resource/electron-ic-control-weapons>.

⁵ See the IACP Policy Center documents on Pepper Aerosol Restraint Spray available at <https://www.theiacp.org/resources/policy-center-resource/pepper-aerosol-restraint-spray>.

⁶ See the IACP Policy Center documents on Reporting Use of Force available at <https://www.theiacp.org/resources/policy-center-resource/reporting-use-of-force>.

- a. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes.
 - b. A second and third warning should be issued at reasonable time intervals before designated actions are taken to disperse the crowd.
 - c. Where possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.
4. Specific crowd dispersal tactics should be ordered as necessary where the crowd does not heed warnings. These include, but are not limited to, any one or combination of the following:
 - a. Display of forceful presence to include police lines combined with motorcycles, law enforcement vehicles, mounted units, bicycle units, and mobile field forces
 - b. Multiple simultaneous arrests
 - c. Use of aerosol crowd control chemical agents
 - d. Law enforcement formations and the use of batons for forcing crowd movement

G. Mass Arrest

During a civil disturbance, it may be necessary to make arrests of numerous individuals over a relatively short period of time. For this process to be handled efficiently, safely, and legally, the following should be observed:

1. Mass arrests should be conducted by designated squads.
2. An adequate secure area should be designated for holding arrestees after processing and while awaiting transportation to a detention center.
3. Arrest teams should be advised of the basic offenses to be charged in all arrests, and all arrestees shall be advised of these charges.
4. Arrestees who are sitting or lying down but agree to walk shall be escorted to the transportation vehicle for processing. Two or more officers should carry those who refuse to walk.
5. Arrestees shall be searched incident to arrest for weapons, evidence of the crime of arrest, and contraband.
6. Photographs should be taken of the arrestee and any arrestee property, and a field arrest form shall be completed.
7. Transporting officers should not accept arrestees without a properly prepared field arrest form and photographs and shall ensure that all property is properly processed.
8. Anyone who is injured, to include arrestees, shall be provided medical attention. Photographs should be taken of all known injuries.

H. Deactivation

When the disturbance has been brought under control,

1. All personnel engaged in the incident shall be accounted for and an assessment and documentation made of personal injuries.
2. Witnesses, suspects, and others should be interviewed or questioned.
3. All necessary personnel should be debriefed as required.
4. Any equipment utilized by officers should be replaced.

5. All written reports shall be completed as soon as possible after the incident.⁷ Comprehensive documentation should include the basis for the incident and the agency's response to the incident, with a statement of impact to include the costs of equipment, personnel, and related items.

I. Training

1. Officers should receive both initial and ongoing training on appropriate response to crowd control and management. Joint training should also be conducted with all agencies who are involved in crowd management activities.

⁷ For more information, see the IACP Policy Center documents on Small-Scale Special Event Preparedness available at <https://www.theiacp.org/resources/policy-center-resource/special-event-preparedness>.

Every effort has been made by the IACP Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no model policy can meet all the needs of any given law enforcement agency. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives, and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among other factors. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes. Law enforcement administrators should be cautioned that each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements that must be considered and should therefore consult their legal advisor before implementing any policy.

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Concepts & Issues

Updated: April 2019

Crowd Management

I. INTRODUCTION

A. Purpose of Document

This paper is designed to accompany the Model Policy on Crowd Management established by the IACP Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their communities and their law enforcement agencies.

B. Background

Officers responding to planned rallies, spontaneous crowds, and civil disturbances—and those called upon to assist in these incidents—must follow procedures best designed to protect life, the rights and safety of the persons involved, and property. Peaceful demonstrations can spawn protests and counter-protests that can lead to civil disorder. On a lesser scale, law enforcement agencies have been frequently called upon to manage crowds of political protestors arising from international or national summits and conferences and an array of discontented or angry persons with varying social or political agendas. Sports events, rock concerts, festivals, and celebratory gatherings can, and have, provided opportunities for large-scale disorders and disturbances.

Civil disturbances and demonstrations have changed over the years, as have the tactics and techniques of law enforcement agencies called upon to manage and control them. Demonstrations and public protests are not infrequent, but they have taken on a more systematic, organized nature and have invoked tools that were not available in past decades. Social media is now commonly used to mobilize and manage participants prior to and during demonstrations and civil disturbances. Group demonstration tactics that may serve a self-policing function have also been refined and are now disseminated through “how-to” manuals and field training by certain professional protest groups. In addition, a trend has emerged where out-of-town protestors are increasingly attending events. The anonymity of these participants adds a layer of uncertainty, as event organizers are often unaware of the identities or intent of these individuals, making pre-planning potentially ineffective.

At the same time, law enforcement practices and protocols have undergone transformations. Studies of crowd behavior and law enforcement after-action reports have led to the development of new strategies and tactics for protest policing. Agencies now utilize tactical teams that work within the crowd to identify agitators and provocateurs, protocols that call for arrests only when absolutely necessary, systematic event pre-planning, established command and control, and the use of a variety of non-deadly force options.

Understandably, crowd control and management policy, procedure, and tactics vary somewhat between jurisdictions. Tactics that must be used to protect vital assets, the ability to conduct essential business, and the free movement of critical personnel and equipment in one location will sometimes differ from practices used in other jurisdictions that are not similarly affected. The nature of crowd management and control also varies somewhat by the cultural differences between jurisdictions. It is not within the scope of this document to identify the many differences associated with managing and controlling all possible events. Rather, this document is intended to identify some of the common principles of crowd policing that have been shown to serve the best interest of law enforcement agencies, their communities, and those who participate in peaceful crowds or potentially volatile protests.

II. PROCEDURES

A. Civil Disturbances and Demonstrations

United States Considerations. All persons in the United States have the right to march, demonstrate, protest, or undertake similar activities protected under the First Amendment of the U.S. Constitution. Freedom of speech, association, assembly, and the right to petition the government are subject only to reasonable restrictions on the time, place, and manner of their expression. The content of the speech or message does not provide the basis for imposing limitations on these rights, which incorporate a wide variety of both verbal and non-verbal communication.¹ These protected activities include the use of vigils, distribution of literature, displaying banners and signs, street theatre, and other forms of expression, as long as they are conducted legally. While law enforcement must strive to maintain the peace during events such as those listed above, officers and their agencies must also protect the rights of assembly and free speech guaranteed by the U.S. Constitution. By law, jurisdictions can impose reasonable restrictions on the time, place, and manner of public assemblies for expression of First Amendment rights; this provides for some law enforcement discretion.

Definitions. A *civil disturbance* is an unlawful assembly and is usually defined by law. Normally, it is a gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Civil disturbances are often, but not always, spontaneous occurrences that require the emergency mobilization of law enforcement officers and related emergency services. Law enforcement may employ crowd control techniques and tactics to address unlawful public assemblies to include a show of force, crowd containment, dispersal equipment and strategies, and preparation for possible multiple arrests.

A *demonstration* is a legal assembly of persons who have organized primarily to express political or social doctrine or views. These types of events often allow for law enforcement preparation as they are generally planned activities that often involve the procurement of permits. They include, but are not limited to marches, protests, and other assemblies that are largely designed to attract the attention of the public and the media. However, without the control of organizers and the presence of law enforcement, or with the presence of agitators and/or counter-demonstrators, legal demonstrations can evolve into civil disturbances that necessitate law enforcement interaction.

B. Planning²

Management and control of crowds are dependent on many factors including the size and intent of the gathering; propensity for violence or property damage; probability of counter-demonstrations; capabilities of the law enforcement

¹ For instance, see *Snyder v. Phelps*, 526 U.S. 443 (2011).

² For more detailed guidance regarding planning, please refer to the IACP Policy Center document on Small-Scale Special Event Preparedness available at <https://www.theiacp.org/resources/policy-center-resource/special-event-preparedness>.

agency; availability of officers from contiguous jurisdictions under mutual aid; and other related factors. Agencies should follow established incident management protocols.³

Law enforcement agencies generally have advance notice of events that will draw significant crowds. The degree of advance notice will, to some extent, govern how much time a law enforcement agency can invest in planning in order to prepare a fully responsive operational plan.⁴ The following are a few of the principal areas of concern that should be addressed given reasonable advance notice.

Information Gathering. Gathering information on the group(s) sponsoring or otherwise participating in the event is the basic starting point for organizational planning and preparation. Law enforcement agencies that have previously dealt with the same groups or organizations can be helpful and can often identify agitators or counter-demonstrators who frequently become involved. Fusion centers should be contacted for assistance in providing information on crowd events, event organizers, social media and other information of value in planning and response.

An effort should be made to identify and make advance contact with event organizers in order to gather information and establish the ground rules for the event. In particular, non-negotiable matters should be specified by the responsible law enforcement agency, with the intention that a common understanding be reached by both parties. Law enforcement agencies may wish to negotiate tentative agreements on force responses to crowd conduct in order to help organizers perform some degree of crowd control and self-management.

The following types of information should be obtained to allow for more responsive planning.

- What type of event is involved?
- When is it planned?
- Will the event coincide with other routine, large-scale events (e.g., sporting events)?
- Is opposition to the event expected?
- How many participants are expected?
- What are the assembly areas and movement routes?
- What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest?
- What critical infrastructures are in the proximity of the event?
- Have permits been issued?
- Have other agencies such as fire and EMS been notified?
- Is there a need to request mutual aid?
- Has the appropriate level of properly equipped personnel been allocated to ensure safety of officers, demonstrators, and bystanders?
- Will off-duty personnel be required?
- What is the history of conduct at such events?
- Are event organizers cooperative?
- Who are the potential counter-protest groups?
- Is there a history of violence between the group demonstrating and potential counter-protest groups?

³ For example, agencies may wish to follow the protocols outlined in the United States' National Incident Management System. See the IACP Policy Center document on Incident Command available at <https://www.theiacp.org/resources/policy-center-resource/incident-command>.

⁴ See the IACP Policy Center document on Small-Scale Special Event Preparedness for a comprehensive discussion of items to be considered when planning an event. The document is available at <https://www.theiacp.org/resources/policy-center-resource/special-event-preparedness>.

Agencies should also consider monitoring social media in advance of the event to obtain intelligence regarding the event. This may include information regarding instructions provided by attendees by event organizers or intended participation by opposing groups.

Resources. Many law enforcement agencies are ill-equipped to manage or control large crowds unless their jurisdiction is one that hosts events on a recurring basis or is one of the preferred locations for demonstrations and protests. Whatever the case, nearly all law enforcement and fire services should be party to established multijurisdictional agreements or mutual aid plans that will help meet the material and personnel resources necessary. These resources must be available where and when needed to manage demonstrations and civil unrest. Multijurisdictional agreements provide the basis of individual agency responsibilities, cost reimbursement, and mobilization plans. Joint periodic training must be undertaken to ensure collective understanding of policies, procedures, and rules that must be followed by all officers during crowd management and control operations.⁵ In cases where mutual aid is activated, incoming personnel must understand that they are under the command of the requesting agency and are required to follow its policies and direction.

Information gathering can help provide insight on any crowd management measures that could require mutual aid. Discussions should be held as far in advance as possible with involved jurisdictions to determine their capacity to respond. Staging areas should be identified for resources that may be needed during the event. This should include provisions for food, water, and rest for officers who should be rotated off crowd control assignments on a routine basis.

Full civil disturbance gear and related equipment should be staged at key locations—but should not be issued initially in crowd management situations, as it may escalate tensions and anxiety. Other types of equipment may include but are not limited to the following:

- Mobile command post
- First aid/triage station
- Mass arrest and field booking supplies
- Property and evidence control materials
- Backup vehicles and fuel
- Individual communications equipment
- Barriers, fencing, cutting tools, and containment options
- Arrangements for vehicle removal/towing

Crowd Management Plan. Once information has been gathered regarding the event, a single written plan should be developed. This plan may be referred to as an incident action plan (IAP) or event action plan (EAP). A single plan should be used by all agencies participating in the crowd response. This plan should be developed, reviewed, and approved by representatives from the involved disciplines.

Initial decisions must be made with respect to assignment of incident, operations, and tactical commanders and identification of circumstances in which command and control responsibilities transfer to another level. It is important that supervisors and commanders at the incident scene understand who is authorized to make decisions on selective matters, such as traffic control, resources, and related matters. In general, the chief executive officer shall designate an incident commander (IC) who is responsible for overall control; however, a unified command (UC) approach may be selected instead. Using the UC approach, representatives from the appropriate disciplines, such as law enforcement, fire, EMS, field services, waste management, traffic signals, water, housing, and code enforcement, are involved in the decision-making process. Normally, all decisions related to the use of force should be approved by the IC or UC.

⁵ Criminal Intelligence Coordinating Council, *Recommendations for First Amendment-Protected Events for State and Local Law Enforcement Agencies* (U.S. Department of Justice, 2011).

The plan should address:

- provisions for command assignments and responsibilities;
- manpower and potential call out requirements, to potentially include special response teams or plainclothes officers unit structure deployment;
- regular communications with agency legal advisors;
- liaison with event leaders, to include their legal advisors, where applicable;
- liaison with outside agencies, to include fire and EMS services;
- communications plan, to include release of information to the media;
- pre-event intelligence analysis;
- weather report and description of terrain at event location;
- transportation, feeding, and relief of personnel;
- traffic management, including perimeter security;
- demonstrator extrication teams and equipment;
- first aid/triage stations;
- transportation of prisoners;
- arrestee processing areas; and
- any laws, ordinances, or administrative rules specific to the event.

When sufficient advance notice is available, law enforcement can effectively leverage federal, state, and local resources to help address crowd management or, in other cases, give advance notice to agencies or departments that may be needed during or following the incident. These include such entities as jails, hospitals, parks and recreation, public works, public transportation, waste management, and utility companies.

The IC or similar authority must also ensure that the following actions are taken:

- Designate a location for and establishment of a single command post and assignment of command responsibilities. Multiple command posts are strongly discouraged.
- Determine the level of force and engagement tactics deemed reasonable to resolve unlawful actions (e.g., mobile field force, multiple simultaneous arrests, and embedded arrest teams).
- Identify egress routes in the event of forced crowd dispersal.
- Authorize arrest as a means of curtailing unlawful actions.
- Designate:
 - A liaison officer to coordinate with other local emergency service providers, as well as government offices, agencies, and departments, as appropriate
 - One individual, such as a public information officer (PIO), to manage information flow to the public through the media;
 - An officer(s) to monitor reports of officer uses of force and misconduct; and
 - A recorder for purposes of documenting crowd actions, responses and overall decision making.

Community Engagement. Officials should inform community members and business owners who are likely to be impacted by the event of the nature of the event and the planned response well in advance. This advance notice should include information regarding areas where access will be restricted. Agencies should also provide updates regarding the event to the public on the day of the event; social media is an excellent tool for distribution of this information.

C. Crowd Management and Control Considerations

Officers in squads or platoons should monitor crowd activity. Sufficient resources to make multiple simultaneous arrests should be available, irrespective of the purported peacefulness of the demonstration. Plans must be in place to deal with counter-demonstrators or hecklers who congregate, before they instigate a physical confrontation.

Officers assigned to duties at demonstrations and disturbances should wear their badges, nameplates, or other personal identification on the outside of their uniforms or on their helmets at all times. Officers should refrain from engaging in conversations related to the demonstration with, or reacting in response to comments from, demonstrators and should maintain a professional, neutral demeanor. Officers should focus on conveying the message that law enforcement is there to protect crowd participants and their right to demonstrate peacefully.⁶

Persons who reside, are employed, or have business of an emergency nature in the area marked off by a police line should not be barred from entering the demonstration area unless circumstances suggest that their safety would be in jeopardy or their entry would interfere with law enforcement operations. This issue can be a difficult one for law enforcement in its attempt to protect the rights of demonstrators and non-demonstrators alike. Non-demonstrators should, where reasonably possible, be given access to locations where demonstrations arise in order to conduct business and access their property. At the same time, such individuals can become caught up among demonstrators making them indistinguishable from those who may be creating disorder and those who are peaceful. Providing access and freedom of movement to and from businesses and residences should be included in the pre-planning stages with event organizers and appropriate law enforcement officials when possible.

Supervisors must maintain close contact with officers under their command to ensure their compliance with orders; monitor their behavior and disposition; and ensure that they are aware of any changes in crowd attitude or actions.

Whenever possible, mass arrests should be avoided. In addition, officers should ensure that a means of egress is available to individuals at all times.

D. Spontaneous Demonstrations and Civil Disturbances

There are instances in which law enforcement agencies have little or no warning to prepare for demonstrations or civil disturbances. Demonstrations or large gatherings of any kind that escalate into civil disturbances should be governed by the policies and regulations concerning crowd management, control, and dispersal identified here with respect to civil disturbances.

The first officer to arrive on the scene of a spontaneous demonstration or civil disturbance has a number of responsibilities, to include the following:

- Observe the situation from a safe distance to determine if the gathering is currently or potentially violent.
- Notify communications personnel of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons; crowd location and estimated number of participants; current activities (such as blocking traffic); direction of movement; and ingress and egress routes for emergency vehicles.
- Request the assistance of a supervisor and any necessary backup.
- Attempt to identify crowd leaders, potential agitators, and anyone engaged in criminal acts.
- At the first available opportunity, request the crowd to voluntarily disperse.

⁶ Criminal Intelligence Coordinating Council, *Recommendations for First Amendment-Protected Events for State and Local Law Enforcement Agencies*.

The first supervisor in charge at the scene should assess the situation and request sufficient personnel and related resources necessary to perform the following tasks:

- Deploy officers to the best vantage points to observe and report on crowd actions.
- Establish a perimeter sufficient to contain the disturbance and prohibit entrance into the affected area.
- Ensure that, to the degree possible, uninvolved civilians are evacuated from the immediate area of the disturbance.
- Establish a temporary command post based on proximity to the scene, availability of communications, space, and security from crowd participants.
- Continually assess the situation and update communications on the status of the crowd, along with any additional needs.
- Establish surveillance points to identify potential agitators, leaders, and individuals who may be committing crimes.
- Document and report on events as they happen.

When civil disturbances cannot be controlled with available field personnel within a reasonable period of time, the chief executive officer or officer in charge should serve as or appoint an IC to direct operations. The primary objectives of the IC in such circumstances should be to (1) protect persons, including nonparticipants and participants alike; (2) disperse disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence; and (3) arrest individual law violators, including those responsible for property damage, and remove or isolate those persons inciting violent behavior.

Outside the perimeter, efforts should be made to move and reroute pedestrian and vehicular traffic around the civil disturbance and to control ingress to and egress from the location. In addition, if the circumstances of the incident dictate a need,

- Adequate force security should be provided for fire and EMS personnel in the performance of emergency tasks.
- The feeding and relief requirements of personnel should be addressed.
- The adequacy and security of the incident command post should be ensured.
- A staging area for emergency responders and equipment should be designated.
- A liaison and staging point for media representatives should be established and, to the degree possible, available information should be provided.
- An event log should be created to document activities and actions taken during the course of the incident.
- Photographic or video evidence of crowd actions and officer response should be captured, in accordance with applicable law and agency policy.
- Photographs or videos of any injuries sustained by law enforcement officers or the public should be taken.
- The need for full mobilization of sworn officers; recall of off-duty officers; and/or activation of mutual aid agreements should be determined.

E. Use of Force

Officers should follow their agency's policy on use of force. Unity of action and command and control are key to the effective handling of demonstrations and civil disturbances. Therefore, unless exigent circumstances require immediate action, officers should not independently make arrests or employ force without command authorization.

Prior to deployment, all personnel engaged in crowd management or control should be made aware of the ground rules for the use of force as part of their briefing and any terms that may have been negotiated between law enforcement and demonstration organizers. Officers providing support from other agencies should always be briefed on policies

related to use of force and crowd control. The fact that some individuals in a crowd have engaged in unlawful conduct does not normally provide blanket grounds for use-of-force countermeasures, crowd dispersal, or declaration of an unlawful assembly. When lines of communication have been maintained between event organizers or leaders and a law enforcement liaison, it is sometimes possible to negotiate a resolution to the situation. Given such situations, many crowds tend to become self-enforcing to ensure that they can continue to assemble and convey their message.

Beyond the basic legal and operational requirements for the use of force, there are some restrictions that are generally recognized and are specific to crowd control and management. Individual law enforcement agencies must make independent decisions in this regard based on equipment and personnel availabilities, the severity of the situation, and other related matters. In general, the following are regarded as restrictions and limitations on the use of force that should be observed during demonstrations and civil disturbances. These measures should be addressed in training.

Canines should not normally be deployed for the purposes of crowd control. When their use as backup is deemed necessary and appropriate, canines should remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of the crowd. Canines should not be deployed for crowd control or management of peaceful demonstrations—but may be deployed in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations.

Horses can be a significant asset in controlling and managing crowds and can normally be used to contain, or direct groups in nonviolent demonstrations as appropriate. However, they should not be used against passively resistant demonstrators. This is especially true of individuals who are sitting or lying down. Unless exigent circumstances exist, horses should not be deployed when the use of chemical agents is anticipated or have been deployed or in ice or snow or other conditions where footing is problematic.

Fire hoses are not recommended for crowd containment or dispersal, due to the potential for negative connotations stemming from their inappropriate use in the past.

Motor vehicles under the control of law enforcement officers may be used to contain, control, and direct persons if required. Vehicles can be used to establish containment areas and barriers and to move persons if caution and coordination are employed. However, vehicles should not intentionally be brought into contact with persons unless deadly force is authorized.

Bicycles are an effective form of crowd control and barrier placement in certain situations when used in conjunction with additional ground personnel. Their mobility and ability to quickly deploy into areas accessible only by foot traffic can provide an additional resource to guide or direct a crowd into or away from certain areas. They may be perceived as less threatening than other force options, yet still provide a visible barrier for passage of foot traffic.

Impact projectiles are designed and intended to deliver non-penetrating impact energy from safer than contact range. These may include direct fire or non-direct skip-fired rounds. The latter are projectiles that are discharged toward the ground in front of a target, theoretically delivering the energy to the subject following contact with the ground. Impact projectiles can be used in crowd control situations when officers have had sufficient training and the projectiles are used appropriately based on the totality of circumstances presented.⁷

Skip-fired projectiles and munitions may be used in civil disturbances where life is or is likely to be in jeopardy, while recognizing that their lack of target specific accuracy increases the risk of accidental, unintended targets or body parts being contacted.

Direct-fired impact munitions, to include beanbag and similar munitions, should be deployed in a manner that recognizes the distinct factors involved, including the potential risk of hitting an unintended target due to officer-subject range and crowd density. Accordingly, direct-fire munitions are generally used against specific individuals who

⁷ See the IACP Policy Center documents on Impact Projectiles available at <https://www.theiacp.org/resources/policy-center-resource/impact-projectiles>.

are engaged in conduct that poses an immediate threat of death or serious injury or significant levels of property damage. A verbal warning should be given prior to the use of impact munitions when reasonably possible.

Electronic control weapons (ECWs) should be used during civil disturbances only for purposes of restraint or arrest of noncompliant and resistant individuals where proper target acquisition is possible and when alternative lesser means of control are not available.⁸

Aerosol restraint spray oleoresin capsicum (OC) is best used in crowd control situations against specific individuals who are engaged in unlawful acts or actively resisting arrest. OC may also be appropriate for defensive use when other alternatives are inadequate, unreasonable, or unavailable. OC should not be used indiscriminately against groups of people; in demonstrations or crowds where bystanders or other officers would be unreasonably affected; or against passively resistant individuals. High-volume OC delivery systems (such as MK-9 and MK-46) are designed for and can be used in civil disturbances against groups of people engaged in unlawful acts or endangering public safety and security, with approval of the IC. A warning should be issued prior to the use of these systems, whenever reasonably possible.⁹

CS (2-chlorobenzalmalononitrile) chemical agents in the “hot gas” configuration should be used with caution, as uncontrolled use can have negative consequences with respect to efforts to control, manage, or disperse crowds. In addition, they are subject to being thrown back and may escalate violence in some situations. Such munitions should be carried and deployed only by trained and authorized officers at the direction of the IC or his or her designee. The crowd should be warned prior to CS deployment and provided with avenues of egress. CN (phenacyl chloride) gas should never be used.

The **riot baton** can be used primarily as a defensive weapon or as a means of overcoming resistance when it is used in the two-hand horizontal thrust on a police line; to stop, control, or neutralize perceived threatening resistance; as a show of force; or as a means to contain or disperse a crowd.

F. Mass Arrest

During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely, and legally, a number of actions and procedures should be observed.

The IC should designate officers to perform mass or directed arrests and should be advised of the basic charges to be recorded in all arrests. Persons who appear to be the leading agitators for confrontation or who are inciting crowd violence should be identified and removed. Passive subjects who are sitting or lying down, but who agree to walk, should be escorted to the transportation vehicles for processing. Two or more officers should be designated to carry each individual who refuses to walk. If it is required, a designated secure area should be identified for holding arrestees after their initial field booking and while awaiting transportation. All arrestees should be advised of the charges and searched for weapons, evidence, and contraband.

Digital photographs should be taken of the arrestee with the arresting officer and of the arrestee and any property that is turned over to the transporting officer. Transporting officers should not accept arrestees without a properly prepared field arrest form and assurance that photographs have been taken. They should also ensure that all arrestee property is placed in a container that is legibly marked with the arrest form number. At the detention or processing facility, the transporting officer should deliver the arrestee together with the arrest form and personal property.

All injured arrestees should be provided medical attention prior to being transported to the detention facility; photographs or videos should be taken of all known injuries.

⁸ See the IACP Policy Center documents on Electronic Control Weapons available at <https://www.theiacp.org/resources/policy-center-resource/electronic-control-weapons>.

⁹ See the IACP Policy Center documents on Pepper Aerosol Restraint Spray available at <https://www.theiacp.org/resources/policy-center-resource/pepper-aerosol-restraint-spray>.

G. Crowd Dispersal

When the need for crowd dispersal becomes a possibility, the IC may have time to consider whether lesser alternatives may be effective, such as continued dialogue. In order to make this determination, the intention and motivation of leaders should be established along with exploring a mutually acceptable plan for de-escalation and dispersal of the crowd. Another option is to communicate to the participants that their assembly is in violation of the law and that the agency wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively. The IC may also opt to de-escalate violence by targeting and arresting specific individuals who are engaged in violence or inciting violence.

All potentially necessary equipment and personnel, such as law enforcement, fire, and EMS, should be on hand to successfully carry out tactical requirements and contingencies if dispersal of the crowd is required. This should also include logistical requirements related to the potential for making mass arrests. The IC should direct unit commander(s) to issue warnings prior to taking physical actions to disperse the crowd whenever this is reasonably possible. A warning should be issued loudly and often enough to be heard by the entire crowd. The warning should consist of an announcement citing the offenses or violations being committed; an order to disperse; and the designation of dispersal routes. A second and a third warning should be issued at reasonable time intervals if time permits before actions are taken to disperse the crowd. To ensure the warnings have been heard throughout the crowd, it is recommended that at least two officers go to the rear of the crowd to verify the warnings are audible. When practical, the warnings should be audio recorded at a location in the rear of the crowd. In addition, the time and the names of the issuing officers should be noted in the IC's event log.

Law enforcement agencies may employ several options when a crowd does not heed their warnings. These include, but are not limited to, any one or any combination of the following: Note that a means of egress for all individuals must be present at all times.

- Display of forceful presence, which can include police lines combined with motorcycles, law enforcement vehicles, and mobile field forces
- Multiple simultaneous arrests
- Use of aerosol crowd control chemical agents
- Law enforcement formations and use of batons for forcing crowd movement

H. Use-of-Force Reporting and Investigation

Use-of-force reporting requirements apply equally to policing demonstrations and civil disturbances. It is very important for law enforcement agencies to document and investigate uses of force during these events, not only for managerial and accountability reasons, but also to respond effectively to potential complaints alleging excessive force following an event.

However, reporting, documenting, and recording uses of force in the context of civil disturbances can be hampered by logistical and safety concerns. As such, the agency's internal affairs (IA) or designated managerial personnel may wish to have alternative protocols in place for these instances.

A member(s) of the agency's designated managerial personnel trained and equipped to investigate use-of-force incidents should be assigned to the command post of the IC during a declared civil disturbance to coordinate and record force-related information and complaints. This individual, or his or her equivalent, should be prepared to deploy quickly to a serious use-of-force incident and should complete a comprehensive use-of-force after-action report. However, only serious uses of force, as defined by the agency, should be investigated during the course of the civil disturbance. Events should be video recorded and photographed for the purposes of after-action reporting and as evidence for possible defense in future litigation or other legal inquiries.

I. Deactivation

When the demonstration or civil disturbance has concluded, all law enforcement officers engaged in the incident should be accounted for; and any personnel injuries should be assessed and documented. Officers should interview or question all witnesses, suspects, and others. In addition, all involved personnel should be debriefed, as required, and any equipment that has been used during the event, such as handcuffs or OC spray, should be replaced. This is particularly important for any standard equipment that is carried by officers in a patrol capacity.

All written reports should be completed as soon as possible after the event. They should provide comprehensive documentation of any incidents that occurred; any assessments to explain the origin(s) or basis for the incident; the agency's response; and a statement of impact and outcomes, to include the costs of equipment, personnel, continuing effects, and other related items or issues. These reports and the overall response to the event should be analyzed in an effort to develop best practices and to ensure that adequate training is provided to officers responding to similar events in the future.

J. Training

Officers should receive both initial and ongoing training related to crowd control and management. Training considerations should include the following:

- Training for all personnel, including new officers, to respond to crowd control events
- Periodic refresher training on a quarterly, semi-annual, or annual basis as appropriate for the agency
- Specialty units training together, such as bike units and mounted patrol, special response teams, crowd management teams, aircraft operations, and mobile response teams
- Joint training exercises with other agencies that will likely work together during major events, which should include reviewing the written plan and the incident command system
- Use of force training to ensure all members understand current case law, best practices, and latest trends
- Incorporating training in the use of less-lethal munitions and chemical agent deployment training during periodic training, joint training, or use-of-force training
- Initial and refresher incident management training for supervisors and team leaders

III. CONCLUSION

Wherever possible, law enforcement agencies should work with crowd event organizers to develop a written plan that outlines the response to planned gatherings of large numbers of individuals. By establishing open lines of communication with organizers, agencies can establish ground rules prior to the event and respond quickly to any items of concern during the event. However, in some instances, peaceful gatherings may devolve into civil disturbances. In these situations, law enforcement agencies must be prepared to respond to crowds in a way that protects individual rights related to assembly and free speech; prevents loss of life, injury, or property damage; and minimizes disruption to persons who are not involved.

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Need to Know ...

Updated: April 2019

Crowd Management

When encountering crowds, law enforcement efforts should focus on protecting individual rights related to assembly and free speech; preventing loss of life, injury, or property damage; and minimizing disruption to persons who are not involved.

- The **primary goal** of all law enforcement crowd response should be to protect individuals and their associated rights, including, but not limited to, those associated with assembly and free speech.
- Whenever possible, law enforcement agencies should attempt to make **advance contact** with event organizers to gather information about the event to ensure accurate assignment of personnel and resources. By establishing positive communication channels and working relationships in advance, law enforcement can help mitigate possible confusion and negative outcomes during the event.
- An **incident command system (ICS)** should be utilized in crowd management and civil disturbances to ensure control and unified command. In the United States, this may include the use of the National Incident Management System (NIMS).
- Agencies should develop an **event action plan (EAP)** prior to any event involving large gatherings of individuals. The EAP should address items such as command assignments and responsibilities, need for special response teams, staging points, traffic management, and communications plans.
- Officers should be deployed to **monitor crowd activity**. These officers should wear their badges, nameplates, or other personal identification on their uniforms or helmets in a manner that is clearly visible at all times and should refrain from engaging in contentious conversations with participants.
- **Mass arrests** in crowd situations should be avoided unless necessary.
- A **means of egress** must be available to all individuals at all times.
- In crowd situations, officers should be permitted to use only the **level of force** that is objectively reasonable to protect themselves or others from physical harm; to restrain or subdue a resistant individual; or to bring an unlawful situation safely and effectively under control.
- In situations where a demonstration or civil disturbance occurs **spontaneously**, the first officer on the scene should observe the situation from a safe distance, notify communications, request assistance from a supervisor, and attempt to identify any crowd leaders. Once additional resources are available, the goal should be to disperse the disorderly or threatening crowd in order to eliminate the immediate risks of continued escalation and further violence.
- In some situations, **crowd dispersal** techniques may be necessary. However, all potentially necessary equipment and personnel, such as law enforcement, fire, and EMS, should be on hand prior to beginning the dispersal.



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APPENDIX B

Model Law Enforcement Agency Protest and Engagement Policy: *US DOJ: COPS (Community Oriented Policy Services)*

US DOJ: COPS (Community Oriented Policy Services) and the National Policing Institute 2022 publication.....	28
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21st Century Protest Response

Promoting Democracy and Advancing Community and Officer Safety



COPS
Community Oriented Policing Services
U.S. Department of Justice



National Policing Institute
PURSUING EXCELLENCE THROUGH SCIENCE AND INNOVATION

The internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s), the contributor(s), nor the COPS Office can vouch for their current validity.

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Introduction

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably to assemble, and to petition the government for a redress of grievances.

The First Amendment to the U.S. Constitution establishes individuals' right to peaceably assemble and petition the government for changes. The right to assemble and critique the Federal Government—which was later extended by Supreme Court decision to cover state and local governments—has continued to be one of the foundations of American democracy and identity.¹

An overwhelming majority of protests are peaceful, involving people marching or gathering and chanting slogans. Protests sometimes include such activities as speeches and prayers, actions meant to temporarily block sidewalks and traffic or access to government buildings, loud and angry discussions, and planned but peaceful arrests as a means to raise awareness. Other protests focus on proposing actionable outcomes, including specific policies or legislation or changes in current practices. In more rare instances, mass demonstrations are specifically planned with the intent of wreaking havoc and causing harm. Violent acts during demonstrations, also commonly understood as riots, are not protected by the First Amendment and violate many federal, state, and local criminal and civil laws. In some cases, riots are planned with the intent of damaging property and of looting, creating chaos, and overwhelming responding public safety agencies.² Law enforcement and government officials are often placed in the difficult position of identifying as early as possible whether the assembling group intends any potential violence and to respond appropriately.

Law enforcement agencies play a critical role in preserving the people's fundamental right to peaceably assemble and in facilitating demonstrators' safety and security as they exercise their First Amendment rights. At the same time, they must also identify when law enforcement interventions are necessary in order to maintain safety and public order. Officials must protect the rights of citizens to protest, while simultaneously safeguarding property and preserving officer and community safety.

This project aims to address these challenges and provide recommendations for state, local, tribal, and territorial law enforcement agencies responding to mass demonstrations. The U.S. Department of Justice's (DOJ) Office of Community Oriented Policing Services (COPS Office) partnered with the National Policing Institute (NPI) and Police Executive Research Forum (PERF) to conduct this project. The areas examined for this project include

¹ *De Jonge v. Oregon*, 299 U.S. 353 (1937), <https://supreme.justia.com/cases/federal/us/299/353/>.

² ACLED defines *riot* as “a violent demonstration, often involving a spontaneous action by unorganized, unaffiliated members of society.” ACLED, *ACLED Definitions of Political Violence and Protest* (ACLED, n.d.), <https://acleddata.com/acleddatanew/wp-content/uploads/2021/11/ACLED-Event-Definitions-v1-April-2019.pdf>.

community relationship building before, during, and after mass demonstrations; officer safety and wellness; mass demonstration response strategies; communication; planning, preparation, and training; and community perspectives on mass demonstrations. The purpose, methods, and results of this report follow.

This project and resulting guide

Purpose

This document focuses on recommendations for law enforcement agencies responding to mass protests. It is intended to add to what should be an ongoing assessment of and dialogue about best practices concerning protests and mass demonstrations. The recommendations that follow are meant to guide state, local, tribal, and territorial law enforcement agencies in their response to mass demonstrations. The purpose of this guidance is to assist law enforcement agencies with protecting constitutional rights while prioritizing community and officer safety.

Methods

The issues addressed in this report were identified primarily through a series of virtual town hall meetings and roundtables hosted by NPI. The discussions focused on challenges in responding to protests and mass demonstrations in 2020–2021 and potential solutions. NPI reviewed notes from these engagements and organized them by key theme. Where available, evidence from other components of this project—including a literature review of academic and trade sources, evaluation of select after-action reviews (AAR), a brief questionnaire following the town halls, presentations, and recommendation review workshops—has been incorporated into the recommendations and proposed solutions.

NPI used a stratified approach, starting with more general information gathering and then soliciting more specific input from stakeholder groups. NPI obtained information in the following ways:

1. **Literature review.** NPI reviewed AARs from various law enforcement protest responses.
2. **Town hall discussions.** PERF organized two town halls (one featuring three large jurisdictions, serving populations of more than 450,000, and one featuring three medium-sized jurisdictions, serving populations between 50,000 and 450,000) with a total of 21 panelists and 500 attendees.
3. **Roundtables and focus groups.** NPI organized a set of focus groups with a total of 51 participants from 27 cities in a range of fields including law enforcement; national civil rights organizations; academia; community organizations and groups;³ local, state, and Federal Government; Peace Officer Standards and Training (POST); and public information offices.
4. **Recommendation workshops.** NPI coordinated two workshops to review and finalize recommendations with a total of 10 participants from law enforcement, academia, civil rights organizations, business, and local government.

³ Community organizations include nonprofit and for-profit organizations that serve local communities and have a stake in social and political issues. This document also uses the term *community groups* to refer to segments of the community that may not have a formalized structure but share a common social and/or political value.

Town halls

PERF planned and hosted the first meetings, which were two town halls. One town hall focused on medium-sized cities, and the other focused on large cities; representatives from three cities participated as panelists for each town hall. The chief law enforcement executive from each city attended, and most cities also had community members present. Representatives from each city were asked about their experiences during the 2020–2021 protests, the challenges they faced, and what they felt went well. In addition to the 21 panelists, nearly 500 observers affiliated with PERF, NPI, and DOJ attended the town halls. Observers were asked a set of six polling questions throughout the sessions. The results of the town halls informed the focus areas for the next stage of data gathering—the roundtables.

Roundtables

The COPS Office, Civil Rights Division (CRT), Community Relations Service (CRS), and NPI invited various stakeholders involved in 2020–2021 protests and demonstrations to participate in roundtable discussions. The team identified potential invitees based on their past participation in national conversations regarding protests, community relationships with police, and police response to demonstrations.

The team conducted seven roundtables focusing on six topics (see table 1). One facilitator and one note-taker participated in each session, and facilitators used semistructured protocols tailored to each of the topics of discussion. The questions in each protocol were derived from current literature on protest response, as well as from the prior town hall discussions.

Various stakeholders were assigned to each focus group to avoid repetitive feedback from members of the same group. Diversity within focus groups facilitated free-flowing conversation and healthy debate. Facilitators ensured that each participant could actively contribute to the conversation. Facilitators began with an opening script that explained the goals of the focus group, obtained participants' consent to video recording and explained that comments would not be attributed to individuals by name, described the facilitator's role, described participants' role, and emphasized the importance of honesty and candor.

Table 1. Roundtable and focus group topics and participants

Roundtable topic	Number of participants	Distribution of participant group representatives	Example of questions asked
Relationship building before, during, and after mass demonstrations	7	6 local law enforcement 1 civil rights organization	How would you describe the relationship between the police and your community before the 2020–2021 protests? How did those relationships come into play in planning for or during the protests?
Resilience, safety, and wellness: Line officers	7	3 local law enforcement 2 national law enforcement 1 academic 1 law enforcement family member	With police use of force as the focus of many of the 2020–2021 protests, law enforcement agencies experienced a new level of violence directed at officers and their families. How do you think this impacted officers' response on the ground during the protests?
Resilience, safety, and wellness: Command staff	7	5 local law enforcement 1 academic 1 national law enforcement	How are your agencies discussing the likelihood that this level of protests could happen again? How do you build resilience in your agency and prepare officers for that reality?
Mass demonstration response strategies	9	4 local law enforcement 3 civil rights organization 1 federal community agency 1 academic	Are there specific crowd management strategies that can increase mobility and agility?
Communication before, during, and after protests	6	2 community organizers 2 local law enforcement 2 mayors	What do you think would have made communication more effective between law enforcement and protest leaders?
Planning, preparing, and training for mass demonstrations	7	3 local law enforcement 2 community organizers 1 academic 1 civil rights organization	Did your jurisdiction use the National Incident Management System (NIMS)? If so, how long did it take to set up your command center?
Community perspectives on protests	8	4 community organizers 2 community members 1 academic 1 civil rights organization	How would you describe the communication between law enforcement agencies and the community during the 2020–2021 protests? What are the effective ways of doing it?

Recommendation workshops

Using all of the data gathered, NPI developed a set of draft challenges and recommendations. The challenges and recommendations were grouped into seven areas: (1) situational awareness, (2) community relationship building and involvement, (3) planning and training, (4) response strategies and tactics, (5) communication, (6) officer safety and wellness, and (7) AARs.

In May 2022, the COPS Office and NPI held two virtual convenings to review and refine the draft recommendations. Participants discussed the details and practicality of implementing the recommendations and identified areas in which more detailed information was required; they also provided feedback on the wording of recommendations and identified additional recommendations for consideration.

Results

The following sections outline the key findings drawn from this research. The sections are organized by focus area, highlighting themes that consistently emerged during the project. Within each focus area, recommendations are in temporal order based on when law enforcement agencies should begin implementation. The process for building community relationships and responding to community needs is complex, ongoing, and fluid, however, and cannot be entirely linear.

1. Situational Awareness— Understanding the Protest Operating Environment

It is critical that law enforcement maintain awareness of local, national, and international issues that could affect the local community. Social, economic, and political issues can spark impromptu demonstrations, and continuing awareness helps agencies avoid being caught off guard and being forced to respond reactively rather than proactively. Protests can occur in any jurisdiction, whether urban, suburban, or rural.

To understand the protest operating environment, law enforcement agencies must also consider other factors that can affect protesters' behavior, including the protesters' primary focus and mission, the identity of demonstration leaders and their willingness and ability to work with police, law enforcement communication with protesters and community members, and existing police-community relationships. Law enforcement leadership must think critically about how each aspect affects the trajectory of a protest, the response of their officers and other stakeholders, and how law enforcement can adjust and adapt while also protecting protesters, the community, officers, and property.

Protest environments are complex and dynamic. No community is homogenous, and law enforcement and city leaders sometimes have limited visibility into the community landscape. Understanding the community's religious, political, social, economic, and demographic characteristics can help law enforcement leaders and city officials prepare for a potential event; it can help them to identify community groups and leaders that might require particular interaction and communication before a potential event, to plan and coordinate with other government agencies and elected officials, and to identify the most effective strategies for scheduling and deploying personnel and resources.

The following recommendations are intended to help agencies increase situational awareness and improve their understanding of their operating environment.

Situational awareness recommendations

Well in advance of protests

1.1 Have organizational systems, processes, and policing strategies in place by which law enforcement engages community members; prioritizes community partnerships; and understands the issues, social structure, and context in anticipation of potential protests.

About 75 percent of local law enforcement agencies have fewer than 25 sworn full-time personnel,⁴ and many agencies are facing staffing shortages.⁵ Given these constraints, agencies should consider instituting community policing throughout the entire department. Community policing is “a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues.”⁶ This philosophy is implemented most successfully when it is embedded throughout the entire agency and practiced by every member of the department, not limited to a specific unit or team. All officers should engage regularly with the communities they serve to better understand their neighborhoods’ and jurisdictions’ social structures.

Some larger departments have enriched their commitment to community policing and the understanding of community social structure by creating special units to establish additional contact with protesters before, during, and after incidents.⁷ One law enforcement member shared that their agency started a Community Liaison Office through which the Assistant Chief directly interacted with protesters and community members, allowing the agency to leverage those relationships during protests. Although the presence of this type of office does not obviate the need for all officers in the department to engage regularly with community members, focused attention by a group within the agency can help establish specialized knowledge and professional relationships with local communities that may have interest in exercising their First Amendment rights through protests.

1.2 Be aware of the array of community leaders and organizers in your jurisdiction, and include them throughout engagement efforts to the extent possible.

In some cases, agencies have strong communication with older, historical community leaders but may lack direct lines of communication with newer or younger community members. One law enforcement leader noted that this lack of communication with some leaders was a missed opportunity. To avoid potential

⁴ Shelley S. Hyland and Elizabeth Davis, *Local Police Departments, 2016: Personnel* (Washington, DC: Bureau of Justice Statistics, 2019), <https://bjs.ojp.gov/library/publications/local-police-departments-2016-personnel>.

⁵ “Police Shortage: A Curated Collection of Links,” The Marshall Project, last modified January 26, 2022, <https://www.themarshallproject.org/records/1881-police-shortage>.

⁶ COPS Office (Office of Community Oriented Policing Services), *Community Policing Defined* (Washington, DC: Office of Community Oriented Policing Services, 2014), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P157>.

⁷ NPF (National Police Foundation), *A Crisis of Trust: A National Police Foundation Report to the Los Angeles Board of Police Commissioners on the Los Angeles Police Department Response to First Amendment Assemblies and Protests Occurring May 27–June 7, 2020* (Arlington, VA: National Police Foundation, 2021), <https://www.policinginstitute.org/publication/a-crisis-of-trust-a-national-police-foundation-report-to-the-los-angeles-board-of-police-commissioners-on-the-los-angeles-police-department-response-to-first-amendment-assemblies-and-protests-occurri/>.

selection bias (reaching only those in certain parts of the community), law enforcement leaders should implement strategies such as having open meetings in which any interested person can participate, allowing the virtual submission of comments, accepting invitations to engage with previously unfamiliar parts of the community, attending community events, and taking advantage of unstructured engagement opportunities to meet new people and organizations.⁸

In addition, law enforcement leaders should seek opportunities to engage representatives from national stakeholder organizations. Representatives from national civil rights organizations who are not affiliated with the community may attend local events. It is important for law enforcement agencies to understand who may be present during demonstrations and have established communication channels. Law enforcement agencies should also consider ways to engage community leaders and organizations that are often excluded or ignored because of assumptions that they cannot or will not be engaged. For example, law enforcement agencies should cultivate relationships with organizations that represent limited English proficient (LEP) community members. Failing to do so is a missed opportunity.

1.3 Proactively seek out and engage community leaders and organizations who have a stake in social and political issues locally, nationally, and internationally.

It is important for law enforcement to understand the interests, positions, and priorities of leaders and organizations throughout the community and to identify potential areas of alignment with them. Listening to their issues and proposed solutions, identifying priorities and opportunities to collaborate, and receiving input and feedback from all groups enhances a law enforcement agency's ability to serve the community.

Law enforcement agencies should encourage stakeholders to gather input and feedback from their audiences. They should also work to identify new community leaders and organizations with which to engage, including by leveraging news organizations, social media and other mechanisms and by using a "snowball" process or asking individuals and groups who else should be invited to future meetings. Agencies can use existing language services to engage with LEP communities. A layered approach using several of these strategies may help strengthen community-law enforcement partnerships. It is also important to note that law enforcement should view national protesters (i.e., protesters from outside the area who are tied to national civil rights organizations) as stakeholders rather than as outsiders. As our communities become more interconnected, local officers' actions may have national or global impact. Police-involved injustices are often viewed as national issues.

Respectful engagement and active listening that meets community members where they are is critical to this process. As one convening participant said, "Police should understand that for some, engaging with police is very difficult." Police leaders should embrace and acknowledge this difficulty as an opportunity to build trust and establish dialogue. They should resist being defensive to criticism or engaging in a way that could damage trust or stifle communication. The goals should be to contribute to the bank of trust, to better understand community group priorities and concerns, and to ensure community groups understand that law enforcement's goal is to facilitate the safe exercise of everyone's constitutional rights.

⁸ IACP (International Association of Chiefs of Police), *Options for Community Engagement and Dialogue* (Alexandria, VA: International Association of Chiefs of Police, n.d.), https://www.theiacp.org/sites/default/files/243806_IACP_Comm-Pol_Options_for_CED_p2.pdf.

1.4 Incorporate representatives from the jurisdiction’s government as well as representatives from diversity, equity, and inclusion; human rights; and social services offices in mass demonstration response planning, where appropriate.

Some community members have perceived that law enforcement agencies were biased in their responses to demonstrations based on the political or social affiliation of the protesting groups. Including personnel from other city departments as subject matter experts in policy and strategy development, and possibly in the unified command center, can be an opportunity to identify potential issues and create forward-thinking responses. For individuals to engage in meaningful discussions, it may be necessary to provide learning opportunities around basic crowd control and police tactics.

Immediately prior to protests

1.5 Develop an easy-to-understand reference document to share with community members that provides critical information on protest activity and response.

Officers should work with community organizers, protesters, elected officials, and local attorneys to create a Guide to Protests document that includes the foundational constitutional amendments, summaries of case law, relevant state and local laws and ordinances, department policies and procedures, points of contact, steps for responding to planned and spontaneous events, plans for communicating with the public, procedures for use of force and documentation of any uses of force, and the process and legal requirements for declaring an unlawful assembly. The document should also provide information about the types of responses that can be expected for varying types of demonstrations. American Civil Liberties Union (ACLU) guidance can be used for this purpose.⁹

The document should be shared throughout the agency so that all members are aware of protest-response procedures and expectations. The document should also be publicly disseminated online through agency websites or social media and provided to community organizations. The San Diego (California) Police Department’s publicly available guidelines are an example of such a document.¹⁰

1.6 Together with community leaders, agree on clear identifiers (vests, shirts, etc.) that community leaders and partners can wear so that they are easily recognized and can be communicated with during demonstrations.

Agencies should work with established community organizations that have an interest in protests remaining peaceful to act as protest marshals. Agencies should be clear about how leaders can assist during protests. Community leaders should be provided with training and guidance. It should be made clear that they are not an extension of the law enforcement agency but can assist with maintaining peace during a protest. Agencies should encourage community leaders to be easily identifiable in crowds so that community

⁹ ACLU (American Civil Liberties Union), “Know Your Rights: Protesters’ Rights,” accessed June 10, 2022, <https://www.aclu.org/know-your-rights/protesters-rights>.

¹⁰ San Diego Police Department, *Procedure: First Amendment Activity Facilitation and Management* (San Diego, CA: San Diego Police Department, 2021), <https://ca-times.brightspotcdn.com/04/ac/754ed3ba44529a8b7b9cf47368a8/sdpd-protest-policy.pdf>.

members can seek them out for assistance and officers can identify and communicate with them. One town hall participant noted that, in protests organized by the NAACP in North Carolina, designated marshals were identified by orange vests. Responding law enforcement agencies knew to look for the vests and were able to communicate with the marshals in real time when necessary. The marshals worked to quell tensions and assist law enforcement in identifying instigators of violence and chaos.

During protests

1.7 Understand the role that community leaders and organizers can play during protests.

It is important that police understand the role that the community can play during protests. Community leaders and organizers can communicate expectations and set the tone for safe protests. They can watch for dangerous behavior and notify police of individuals who may be putting the crowd at risk. However, law enforcement agencies should be realistic about these individuals' abilities to ensure public safety. Some community organizers have reported feeling stuck in the middle at times—feeling as if both law enforcement and community members have unreasonable expectations of organizers' control over protesters.

After protests

1.8 Connect with individuals who organized and participated in demonstrations to discuss the police response and protester behavior during the demonstrations.

After each demonstration, law enforcement should meet with demonstration leaders and participants to discuss police response during the protest, perhaps through an AAR process. This will help agencies understand which aspects of their response went well from the community's perspective and which aspects need to be improved. This exercise can also bolster situational awareness by helping law enforcement reassess the community and protest landscape and identify partnerships or outreach that may have previously been missed or may have recently changed.

2. Community Relationship Building and Involvement

Law enforcement and community groups must communicate and coordinate before, during, and after protests. This was a clear and common theme across all methods of data collection (including town halls, survey responses, virtual roundtables, and academic and trade sources) and from all categories of stakeholders (including law enforcement, government, academic, and community organizations and members). Participants shared that coordination efforts varied between jurisdictions and agencies. In some cases, community leaders and members reached out to local law enforcement agencies through social media or direct department contacts. One law enforcement officer said, “We were unique in that community members started reaching out to us. They wanted to reach out to also establish a relationship. We had an ongoing dialogue with the community because of our community presence on social media. Pre-work really helps in those communication efforts.”

In other cases, law enforcement agencies relied on existing relationships with community leaders and organizations. Law enforcement shared how helpful those existing relationships were during protests. One law enforcement leader said, “Because we had built those relationships with the clergy and the community leaders, we didn’t have any significant issues. If it wasn’t for the clergy and the activists from our community that came out and supported us and said that they wouldn’t accept any of the destruction—it helped us realize that the agitators didn’t have the backing of the true demonstrators.”

All stakeholders agreed that relationships and trust are vital in moving toward a collaborative response to protests. Stakeholders also agreed that relationships cannot be built during a crisis; relationships and trust must be built and accumulated over time by facing challenges and successes together. Relationship-building should be regarded as a long-term commitment, beginning well before a mass event occurs and continuing after it ends. Engaging the community should be considered foundational work and should be prioritized throughout all policing efforts.

Fostering police-community relationships, partnerships, and trust can be challenging. Some groups who protest have no interest in engaging with police, through the permitting process or otherwise. In some jurisdictions, communities are generally unwilling to accept any type of police involvement. Engaging with the community, both the willing and the less willing, requires multiple types of initiatives and efforts.

The following recommendations are aimed at helping agencies reinforce their community engagement efforts.

Community relationship building and involvement recommendations

Well in advance of protests

2.1. Create a list of community organizations and groups to meet with, and collect at least one point of contact with contact information for each group.

A list of community organizations can be a starting point in proactively approaching community leaders to initiate relationships and build understanding. The list can also be used to identify stakeholders and create issue-based and neighborhood-based advisory groups, and it can show where membership in those groups may overlap. The list should be updated each time an agency staff member or officer engages with any point of contact at an organization, helping to create accountability for the department and ensure regular interaction and relationship building. Agencies should make clear to community organizations that the list is solely for the purpose of relationship building and communication and not used for surveillance or other tracking.

2.2 Make clear the ways in which the community can reach out to your agency.

Law enforcement agencies should provide clear and easily accessible information regarding points of contact, options for reaching out (e.g., email, text, in-person), and options for anonymity. The information should be provided in English and in other languages that are commonly spoken in the jurisdiction. Agencies should ensure that community organizations have a clear point of contact with direct contact information at the police department and ensure that department staff are responsive; this accessibility will help build trust and encourage community organizations to engage with the police department. Community members know to call 911 in an emergency or a tip line for crime reporting, and it should be equally clear how they can convey information about upcoming and ongoing protests. Agencies should also ensure that, to the extent possible, they can be reached by a variety of communication methods. Some community members may not feel comfortable having an in-person or telephone conversation with law enforcement but may be willing to exchange messages via text or social media. Some agencies have organized Virtual Coffee with a Cop or Social Media Chats, particularly during COVID-19, to communicate with different groups.

2.3 Define and identify opportunities to meaningfully engage community members in the co-production of public safety.

Agencies should consider the ways in which they have approached co-production of public safety in the past and evaluate whether adequate resources have been dedicated to prior efforts to engage community organizers, leaders, and members in problem solving. Consistent with a community policing philosophy, “co-production of public safety” refers to the involvement of community members (the end users) in the implementation and delivery of policy and services alongside the police (the service providers).¹¹ The core premise of co-production is that community members actively participate in the implementation of the services they

¹¹ Brian N. Williams, Ralph S. Brower, and W. Earle Klay, “Community-centred Police Professionalism: A Template for Reflective Professionals and Learning Organisations with Implications for the Co-production of Public Safety and Public Order,” *The Police Journal* 89, no. 2 (2016), 151–173, <https://doi.org/10.1177%2F0032258X16642449>.

will receive.¹² In a protest response context, co-production may involve community organizers and police officers coming together ahead of time to define what public safety entails during protests and to identify ways to support one another in efforts to maintain peaceful protests by co-managing protest activities.

Agencies should consider hosting discussions with select groups or a series of smaller listening sessions to discuss ways to create collaborative and mutually beneficial systems for responding to protests. Agencies should also consider providing language services at these meetings to facilitate discussion with LEP individuals.

2.4 Treat community liaison officers and related positions like other specialized units in terms of status, pay, training, recognition, and promotions.

All officers should be engaged in community policing. But officers with specialized training who focus on community relationship building, rather than responding to calls for service, can spend additional time building social capital to co-produce public safety. These officers should be considered a specialized unit—similar to specialized weapons and tactics (SWAT) teams, search and rescue, and task forces—in terms of pay, training, and recognition. In addition to developing and implementing community engagement plans and actively cultivating relationships with key stakeholders, successful community liaison units can engage in foot patrol and regular proactive engagement with community members.¹³

2.5 Incorporate the community in development of metrics and data collection strategies to assess how the department responded to demonstrations.

Community members in many jurisdictions have perceived that their law enforcement agencies place more value on technical and tactical metrics than on investments in the community and relationship building. Following protest incidents, agencies should report on the estimated number of protesters and the number of days the protest lasted, the dollar amounts of damage caused and overtime incurred, the number of cars and buildings damaged or destroyed, the number of arrests made, and the number of instances of police use of force. In addition to these metrics, it is important to have a comprehensive list of benchmarks on which the department and the community have agreed ahead of time. These metrics may include such things as the number of community activists and organizations engaged, the number of specific meaningful engagements with various groups prior to and during mass demonstrations, contacts with agency support associations, proactive public communications (e.g., press releases, press briefings, and social media posts), and AAR participation opportunities.

¹² Taco Brandsen, Trui Steen, and Bram Verschuere, eds., *Co-production and Co-creation: Engaging Citizens in Public Services* (New York: Routledge, 2018), 322.

¹³ Brett M. Cowell and Anne L. Kringen, *Engaging Communities One Step at a Time: Policing's Tradition of Foot Patrol as an Innovative Community Engagement Strategy* (Washington, DC: Police Foundation, 2016), <https://www.policinginstitute.org/publication/engaging-communities-one-step-at-a-time/>; Jerry H. Ratcliffe et al., "The Philadelphia Foot Patrol Experiment: A Randomized Controlled Trial of Police Patrol Effectiveness in Violent Crime Hotspots," *Criminology* 49, no. 3 (2011), 795–831, <https://doi.org/10.1111/j.1745-9125.2011.00240.x>.

2.6 Engage community members and organizations in developing or reviewing department policies, procedures, and reported data regarding protest response.

Agencies should invite community members and organizations to review and advise on policies and procedures pertaining to the response to mass demonstrations. This engagement fosters relationship building, transparency, and trust between the police and the community. This engagement should continue regularly to ensure that new research and promising practices are included on an ongoing basis.

Immediately prior to protests

2.7 Work with businesses, neighborhood leaders, and groups who are in potential protest locations to address concerns about the possible impact on their businesses and homes and to discuss suggestions for bolstering safety.

Agencies are encouraged to provide tips to business and neighborhood leaders on how to keep safe during mass demonstrations and how to determine when a situation may become violent. Before the 2016 Republican National Convention, leaders from the Cleveland (Ohio) Division of Police met with community members and businesses on potential demonstration routes to address traffic and other enforcement issues. Likewise, during the 2016 Democratic National Convention, the Philadelphia (Pennsylvania) Police Department established a virtual Business Emergency Operations Center that included daily conference calls to inform local business stakeholders.

During protests

2.8 Identify alternative channels of communication to attempt to engage groups who do not want to engage with the police.

If an organization or individual is clear about not wanting to engage with police, the agency must abide by that decision. The agency should communicate an interest in discussing and listening to the organization or individual's concerns when and if they are ready but make clear that their position is respected. Trust-building efforts should continue in hopes that they ultimately recognize the agency's commitment to positive relationships and become willing to engage.

Leveraging relationships with others who do have relationships with these groups can facilitate communication. Efforts to engage and communicate with difficult-to-reach groups in ways that are more acceptable to them can also demonstrate to other groups and community members the department's continuing commitment to community policing. Agencies can attempt to connect with groups through social media and other virtual communication methods or leverage relationships with other government organizations and social agencies. Agencies that serve jurisdictions with LEP populations should look for ways to connect through social media and other virtual communications that these groups use.

Agencies can also practice a strategy known as “dialogue policing,” which originated in Sweden in the early 2000s. Under a dialogue policing model, specially trained officers who focus on conflict management are involved at all stages of protests.¹⁴ During an event, the officers are in contact with organizers or working to identify and influence key persons if contact was not established before the event. These officers interact with the crowd in a constructive and empathetic manner and attempt to minimize problems and de-escalate situations.

2.9 Continue to regularly communicate and update community leaders throughout the protest, as possible.

Where relationships are not strained, agencies should engage in continuous contact and conversation reinforcing the public safety partnership. It is sometimes possible to develop communication or engagement strategies in advance for execution during the protest. Agencies should keep their engagement professional and focused and be aware of how interaction may be perceived. Agencies should also work with CRS Community Command Centers (CCC), which serve as a base for community leaders and members to seek water, shelter, information, and other services during protests. CCCs identify issues in real time, facilitate problem solving, conduct rumor control through social media monitoring and verification, and act as a single point media center for both the community and law enforcement agencies.

During the 2020–2021 protests, some police chief executives “took a knee” in support of Black Lives Matter groups following the murder of George Floyd. Officers and the media criticized some of those chiefs; some officers thought that taking a knee with protesters while officers were defending against projectiles being thrown at them showed disrespect toward officers, while some media suggested the act of solidarity seemed disingenuous. In other protest environments, some protesters have felt that one political or ideological group garnered more police protection, support, and courtesy than others. However an agency might decide to interact with community members during protests, actions should be focused on protection of constitutional rights and public and officer safety.

After protests

2.10 Create intentional opportunities for community members and other relevant stakeholders to sit at the table during protest AARs and to collaborate on needed modifications to training, policy, and programs—particularly those related to mass demonstration responses.

Collaborations built from these opportunities can be leveraged when protests and other large-scale situations ensue. Following the 2020 demonstrations in Detroit, Michigan, the Detroit Police Department (DPD) hosted a series of Police-Community Summits to allow community members to voice their concerns with the department’s response. The summits also included opportunities for community members and DPD officers to engage in role reversal to see incidents from the other perspective and identify ways to improve processes and increase community confidence.

¹⁴ Stefan Holgersson, *Dialogue Police: Experiences, Observations, and Opportunities* (Stockholm: Swedish National Police Board, 2010), https://kipdf.com/dialogue-police-swedish-national-police-board-experiences-observations-and-oppor_5ac663661723dd83017dfc85.html.

AARs can also be opportunities to foster and enhance relationships with attorneys and legal organizations, who can explain how certain law enforcement tactics and strategies may affect judges' decisions to drop charges (or not file charges in the first place) against protesters. Enhancing these relationships can also help front-line officers understand what will be prosecuted and what types of arrests and charges they should avoid depending on the situation.

2.11 Continue community policing efforts after protests, including hosting and attending meetings with local community members and community organizations who are likely to organize and participate in protests.

In NPI's AAR of the Los Angeles Police Department's (LAPD) response to the 2020 protests, recommendations included identifying opportunities to continue engaging with community members after protests.¹⁵ Some of these efforts included opportunities for training on implicit bias while continuing to establish trust within communities.

PERF also published a 2022 report on key recommendations and lessons learned from protests in 2020–2021. The report recommends expanding community members' roles before, during, and after protests to maintain order while still protecting First Amendment rights.¹⁶ Community members should be included in police planning and training discussions and invited to activities related to mass demonstrations.

2.12 Develop and commit to a process of information sharing with the community following protests to continue relationship and trust-building.

A community organizer suggested, "Share information about the response to the protests, including the agencies that provided mutual aid assistance, the number of officers who responded each day, the chain of command, etc., so the community doesn't feel skeptical of the process." Agencies should also report on the number of arrests (or report that there were no arrests). Ongoing efforts to communicate with demonstrators and other community members before, during, and after events can also relay peaceful intentions and support de-escalation during otherwise tense situations.

Before, during, and after protests

2.13 Take an empathetic approach and actively listen when having conversations with protesters and community members about the issues they are protesting about.

Communicating in an empathetic manner is an important part of engaging constructively with community members. As one law enforcement member explained, "If people are trying to be peaceful and we communicate in a way that offends them or we respond in a way that they don't appreciate, they may end up aligning themselves with more radical people. It's crucial to our success that we treat people the way they want to be treated. Using empathy [and] sympathy for the decedent in an officer-involved situation and how it was referred to and how it was communicated really says a lot about your department, and the content of what you're saying right after an incident is really important."

¹⁵ NPF, *A Crisis of Trust* (see note 7).

¹⁶ PERF (Police Executive Research Forum), *Rethinking the Police Response to Mass Demonstrations: 9 Recommendations*, Critical Issues in Policing Series (Washington, DC: Police Executive Research Forum, 2022), <https://www.policeforum.org/assets/ResponseMassDemonstrations.pdf>.

The way officers communicate regarding serious social issues affects the overall quality of their interactions with community members. Researchers therefore caution against the use of nonempathetic language, which can evoke negative perceptions from the community.¹⁷ In a moment of crisis, communication that is too matter-of-fact can be perceived as callous and can further upset community members.¹⁸

Further research shows that in the aftermath of fatal use of force incidents against unarmed Black individuals, criminal justice executives rarely use empathetic or sympathetic language in public statements.¹⁹ There are notable exceptions, in which officials made statements such as “I want to extend my heartfelt sorrow and sympathies to . . .” and “I cannot fathom the pain [decedent’s name’s] family is feeling. This didn’t have to happen, and it should not have.” All written and oral public statements should be evaluated by trusted colleagues for both content and tone. Depending on the situation, the agency’s message can range from expressions of empathy to outrage to apology, but a just-the-facts approach should be avoided.²⁰

It can be difficult to find ways to respond empathetically during a protest, and attempts to do so can threaten departmental response neutrality. For these reasons, it is best to build relationships outside the protest environment, where it is easier to have a productive conversation about community members’ concerns.

2.14. Ensure multiple methods of accountability and transparency regarding protest response are in place and are well publicized.

Accountability mechanisms before, during, and after protests are a critical component of building community trust and relationships. Law enforcement agencies should ensure that officers and their agencies are clearly identifiable during protest response, that there is sufficient staff in control during protests (from officer to sergeant or lieutenant), that key data (including officer uses of force) are tracked accurately, and that behavioral expectations for both officers and protesters are well understood. Agencies should also require officers to record interactions with community members in accordance with their own policies. This may result in more body-worn camera footage than an officer typically records, so officers should be equipped with extra batteries.

After protests, agencies should make accountability data available on their websites. The data could address, for example, the number of protesters, arrests, protester injuries, officer injuries, uses of force by type, and complaints; body-worn camera footage could also be made available. Making this information available would help the community understand what transpired and what the department did in keeping it safe.

¹⁷ Nicholas P. Camp et al, “The Thin Blue Waveform: Racial Disparities in Officer Prosody Undermine Institutional Trust in the Police,” *Journal of Personality and Social Psychology* 121, no. 6 (2021), 1157–1171, <https://psycnet.apa.org/doi/10.1037/pspa0000270>.

¹⁸ Darrel W. Stephens, Julia Hill, and Sheldon Greenberg, *Strategic Communication Practices: A Toolkit for Police Executives* (Washington, DC: Office of Community Oriented Policing Services, 2011), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P222>.

¹⁹ Edward R. Maguire and Howard Giles, “Public Expressions of Empathy and Sympathy by U.S. Criminal Justice Officials after Controversial Police Killings of African-Americans,” *Journal of Language and Social Psychology* 41, no. 1 (2022), 49–75, <https://doi.org/10.1177/0261927X211057238>.

²⁰ Stephens, Hill, and Greenberg, *Strategic Communication Practices* (see note 18).

2.15 Ensure multiple and coordinated methods for individuals to file complaints or commendations for officers working the protests as well as published and well-publicized processes for investigating and adjudicating them.

A major finding of the AAR of the 2014 protests in Ferguson, Missouri, following the shooting death of Michael Brown was the need to simplify the process for filing complaints.²¹ Agencies should ensure that they can receive complaints in multiple ways—including in person, by phone, and by email—and in multiple languages, with translation services. Agencies should also take reasonable steps to ensure that complaints regarding a protest response that included multiple responding law enforcement agencies are routed to the appropriate agencies. People should be able to file complaints both during and after protests.

Law enforcement agencies should also have established and well-publicized processes for receiving, investigating, and adjudicating complaints. Transparency regarding officer discipline is likewise important. Agencies should have proper procedures for following up with complainants regarding their complaints and the results of associated adjudications. Agencies should respond to complaints in both English and the language the complaint was received in. When community members see that their complaints are taken seriously and are appropriately investigated and responded to, overall trust can improve.

2.16 Publicly reinforce the agencies' commitment to transparency when agency personnel appear to commit actions that are counter to the department's mission and violate relevant policies.

Agencies should ensure they have policies that demonstrate a commitment to constitutional policing and serving the community fairly and equitably. When officers appear to engage in public misconduct, agencies should address the behavior with the community as soon as possible, thereby reinforcing the agencies' commitment to transparency. Officers have due process and privacy rights, so any communications addressing the specific behavior at issue should re-emphasize the agencies' mission and values.

The community needs to hear that the agency will respond with appropriate discipline if it is determined, after appropriate procedures, that misconduct occurred. Publicizing complaint data and investigative processes can help foster transparency on this issue. For example, the Seattle, Washington, Office of Police Accountability created a public dashboard that outlines investigations related to the complaints issued against the Seattle Police Department following its response to 2020 protests there.²²

When misconduct occurs, agencies should talk directly with impacted individuals, families, and community members. They should maximize the accessibility of information about the misconduct, using multiple platforms and language interpretation services if necessary. Agencies should use a communications team to identify the best ways to communicate with various communities. Optimal communications methods might differ by jurisdiction and agency: for example, in some places, internet access might be limited, and newspapers or radio might be more effective modes of communication.

²¹ IIR (Institute for Intergovernmental Research), *After-Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson, Missouri* (Washington, DC: Office of Community Oriented Policing Services, 2015), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P317>.

²² "Demonstration Complaint Dashboard: Completed Investigations," Seattle Office of Police Accountability, last modified February 28, 2022, <https://www.seattle.gov/opa/case-data/demonstration-complaint-dashboard#completedprotestinvestigations>.

2.17 Agencies should use existing resources and engage in innovative intervention programs to have meaningful conversations with the communities they serve.

Research from the field of intergroup communication suggests that contact between conflicting groups can reduce prejudice between the groups. Conversations that foster understanding between groups have shown to be effective for building trust.²³ Resources are available to help law enforcement agencies have meaningful, empathetic, and nondefensive conversations with the communities they serve.

CRS provides several resources to help law enforcement agencies improve partnerships with the community. One is a one-day program called *Strengthening Police and Community Partnerships* (SPCP), which "engages local law enforcement and community leaders in a dialogue to identify issues and solve problems collaboratively."²⁴ Through SPCP, community members are trained as facilitators who oversee discussions between law enforcement and the community. As a result of these discussions, participants create an action plan with easily implemented solutions, and an SPCP Council is formed to work with the law enforcement agency. CRS also provides mediation and facilitated dialogue services when relations are strained between law enforcement and the community, particularly after controversial incidents.²⁵

Law enforcement agencies could also employ a recent initiative called VOICES, an intervention program designed to bring together police officers and specific community groups with a history of conflict with the police, found that having meaningful and personable conversations with officers improved community members' perceptions of the police.²⁶

Law enforcement agencies can also engage in reconciliation, a process for earning communities' trust through gestures that acknowledge historical injustices and other reasons for distrust. Reconciliation efforts are generally directed toward the community rather than at individuals²⁷ and can be directed at groups that have faced disparate harm by police, such as Black and Brown communities, LGBTQ communities, and people with disabilities. As part of a reconciliation effort, someone in authority might offer a public apology that includes specific references to the history of policing in the United States and in their specific area. One study found that police leaders who combined an apology with an acknowledgement of responsibility for the distrust they represent to some in the community could gain the cooperation of people who would otherwise

²³ Miles Hewstone, Nicholas Hopkins, and David A. Routh, "Cognitive Models of Stereotype Change: (1). Generalization and Subtyping in Young People's Views of the Police," *European Journal of Social Psychology* 22, no. 3 (1992), 219–234, <https://doi.org/10.1002/ejsp.2420220303>; Thomas F. Pettigrew and Linda R. Tropp, "A Meta-analytic Test of Intergroup Contact Theory," *Journal of Personality and Social Psychology* 90, no. 5 (2006), 751–783, <https://psycnet.apa.org/doi/10.1037/0022-3514.90.5.751>.

²⁴ CRS (Community Relations Service), *Building Trust Through Police and Community Partnerships* (Washington, DC: U.S. Department of Justice, n.d.), <https://www.justice.gov/file/1376591/download>.

²⁵ CRS (Community Relations Service), *Helping Communities Resolve Conflicts Through Meditation* (Washington, DC: U.S. Department of Justice, n.d.), <https://www.justice.gov/file/1425961/download>.

²⁶ Shawn Hill, Howard Giles, and Edward R. Maguire, "VOICES: A Theory-driven Intervention for Improving Relationships between Police and the Public," *Policing: An International Journal* 44, no. 5 (2021), 786–799, <https://doi.org/10.1108/PIJPSM-09-2020-0154>.

²⁷ Thomas O'Brien and Tom Tyler, "Rebuilding Trust between Police & Communities through Procedural Justice & Reconciliation," *Behavioral Science & Policy* 5, no. 1 (2019), 34–50, https://issuu.com/behavioralsciencepolicyassociation/docs/bsp_journal_volume_5_issue_1_web?e=28763323/52195868.

have been unlikely to trust the police. An apology without acknowledgement, by contrast, is typically perceived as less genuine.²⁸ Agencies that have engaged in reconciliation include the Stockton (California) Police Department, Wellesley (Massachusetts) Police Department, and LaGrange (Georgia) Police Department.²⁹ The COPS Office–funded National Initiative for Building Community Trust & Justice and CRS have resources for agencies interested in this process.³⁰

²⁸ Thomas C. O’Brien, Tracey L. Meares, and Tom R. Tyler, “Reconciling Police and Communities with Apologies, Acknowledgements, or Both: A Controlled Experiment,” *The Annals of the American Academy of Political and Social Science* 687, no. 1 (2020), 202–215, <https://doi.org/10.1177%2F0002716220904659>.

²⁹ Sam Kuhn and Stephen Lurie, *Reconciliation Between Police and Communities: Case Studies and Lessons Learned* (New York: John Jay College, 2018), <https://nnscommunities.org/guides/reconciliation-between-police-and-communities-case-studies-and-lessons-learned/>; “Georgia Police Reconciliation Program Held in LaGrange on Saturday,” *The LaGrange Daily News*, August 19, 2019, <https://www.lagrangenews.com/2019/08/19/georgia-police-reconciliation-program-held-in-lagrange-on-saturday/>.

³⁰ Zoe Mentel, *Racial Reconciliation, Truth-Telling, And Police Legitimacy* (Washington, DC: Office of Community Oriented Policing Services, 2012), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P241>; Community Relations Service, *Dialogue on Race*, Program Guide (Washington, DC: U.S. Department of Justice, 2020), <https://www.justice.gov/file/1376321/download>.

3. Planning and Training

Planning, preparation, and training are vital to effective protest response. Focus group participants noted how unprepared many agencies were when the 2020–2021 protests began. Many law enforcement leaders explained that they faced challenges due to the size and length of the protests they experienced, the sophisticated and well-coordinated tactics used by demonstrators, the use of social media, the number of disparate groups involved, and internal agency challenges. Some agencies were hampered by the lack of unified incident command, personnel and resource deployment, and intelligence gathering. Some agencies also described relying on training that had not been updated in years.

Planning around communication was also a major challenge. Many jurisdictions did not include the development of strategic communications plans in their planning for protest response. In addition, political involvement from government officials in police response can be counterproductive if not properly managed. Coordination among police agencies, fire departments, and paramedics was also difficult during protests in some places.

The 2020–2021 protests also made clear to focus group participants that many in law enforcement were not adequately trained to communicate with protesters in challenging and charged situations. Law enforcement officers and first-level supervisors often lack training in soft approaches that can de-escalate violence during high-stakes protests.

In addition, as noted in the discussion of recommendation 2.11, PERF’s 2022 report on key recommendations and lessons learned from protests in 2020 and 2021 recommends expanding community members’ roles before, during, and after protests to maintain order while still protecting First Amendment rights;³¹ these opportunities provide community members the chance to participate in planning and preparation of the event.

The following recommendations are aimed toward helping law enforcement agencies improve their planning and training efforts in preparation for future mass protests.

Planning and training recommendations

Well in advance of protests

3.1 Assume more protests will occur in the future; preparing for mass protests should be an active and continuous process.

Protest landscapes and police-community relations change with time, and preparation is critical. Law enforcement agencies should continue to assess their mass demonstration response at all levels, including training, strategy, and community engagement. As one community leader explained, “After the protests, things get excited and then die down a bit, so what we try to do is keep having that conversation with our city and county councils and law enforcement. We also try to be part of the trainings so that we’re not working in silos.”

³¹ PERF, *Rethinking the Police Response* (see note 16).

3.2 Train all agency personnel on the policies, procedures, and legal issues that govern the department's response to demonstrations to ensure public and officer safety and the protection of property during demonstrations.

All police officers—recruits and experienced officers alike—should receive basic training in civil disturbance and crowd management. Officers should be trained on laws, the scope of their legal authority, and the differences between demonstrations and riots. Officers should also be trained on how and when to properly use batons, conducted energy devices (e.g., Taser), riot gear, less lethal munitions, etc. Officers should be trained on their department's overall philosophy and goals for handling demonstrations, including that protest response should be neutral and not influenced by political or other affiliations. Training that is provided or informed by federal, state, and local prosecutors and defense attorneys can ensure that the material is consistent with current law and can give agency personnel an opportunity to ask questions of those who will be responsible for charging and trial decisions.

Small and rural agencies should seek training assistance from larger jurisdictions. Federal programs like the Bureau of Justice Assistance's (BJA) Rural Violent Crime Reduction Initiative (RVCRI) are also designed to assist small and rural agencies in developing and implementing problem-solving strategies that address violent crime.³²

3.3 Consider ways in which law enforcement can educate the community about the protest training officers receive, and incorporate community perspectives into protest training when possible.

Incorporating the community in trainings—for example, by having community members assist in practical exercises—opens channels for communication and coordination during actual events. An agency can gather feedback from the community through surveys, focus groups, and inclusion in after-action exercises, which can then inform training and policy changes. Community feedback should be incorporated and discussed with the community to promote continued involvement and engagement in the co-production of effective responses. Agencies can also inform community members about the training officers receive and ways in which they respond during protests through community academies and other opportunities.

3.4 Review protest response training to ensure it has contemporary application; is evidence-based; and incorporates updated theories of crowd psychology and dynamics, de-escalation, social structures, and community organizing.

Agencies should implement training curricula that incorporate evidence-based strategies on issues associated with modern-day protests. For example, training should use adult learning techniques such as role playing scenarios. Curriculum development should also incorporate diverse perspectives, including input from protesters, organizers, police officers, community members, business owners, and others with a stake in protest behavior and response.

³² U.S. Department of Justice, "Justice Department Awards Nearly \$444 Million to Support Violence Intervention Efforts," press release, December 23, 2021, <https://www.justice.gov/opa/pr/justice-department-awards-nearly-444-million-support-violence-intervention-efforts>.

3.5 Adopt and use National Incident Management System (NIMS) protocols regularly in smaller incidents to exercise training and keep NIMS protocols fresh in officers' memories.

NIMS protocols should be activated at least annually in response to smaller incidents or in training exercises to ensure that individuals are familiar with implementing the protocols. Agency policies regarding the use of NIMS and incident command system (ICS) protocols should be clearly defined and understood, especially by the command staff responsible for overseeing these systems. This means that NIMS training should be required for all personnel (sworn and civilian) who will be involved in any part of a protest response and should be refreshed or exercised regularly to keep the knowledge in place. When multiple agencies work together, each agency should delegate a senior staff member to be involved in all meetings.³³ Agencies should also identify a contact person for NIMS and ICS—ideally the same person delegated to meeting involvement.

3.6 Prioritize building and reinforcing officers' interpersonal and communication skills through training—both academy and in-service—as well as through incentives and recognition.

Enhancing officers' empathy, emotional awareness, and control during volatile situations can help equip them for mass protest response as well. As one law enforcement member stated, “Essentially in the academy we spend 3 percent on interpersonal skills, [yet] 99 percent [of the time] we deal with people having a bad day. This is what happens when we don't value interpersonal skills. We must be more overt about soft skills and how important they are.” An American University report released in 2021, addressing changes to police training for the 21st century, recommended that emotional intelligence trainings be included in entry-level training curricula.³⁴

3.7 Provide annual training and updates to all department members regarding policies and procedures related to mass gatherings and demonstrations.

Training should clarify the requirements for and the conveyance of instructions and orders to crowds, provide policy and procedure updates, and highlight promising practices and lessons learned from other demonstrations and AARs. It may be helpful to include hotwashes or debriefs with mutual aid agencies to review issues with differing tactics, equipment, response styles, or rules of engagement. Mutual aid agencies should be included in regional training efforts to ensure tactics and strategies align where those agencies will be responding to protests. Training should also cover the public's right to record officers.

³³ PERF (Police Executive Research Forum), *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned* (Washington, DC: Office of Community Oriented Policing Services, 2018), <https://www.policeforum.org/assets/PoliceResponseMassDemonstrations.pdf>.

³⁴ School of Public Affairs, *Re-Envisioning Police Training in the U.S: Rejecting the Status Quo, Speeding the Pace of Progress Toward a True 21st Century Model* (Washington, DC: American University, n.d.), https://www.american.edu/spa/jlc/upload/policing-report_v8-web.pdf.

3.8 Provide police supervisors, particularly those responsible for approving deployment of less lethal munitions, with additional training on the circumstances under which less lethal munitions can and should be deployed and the potential impacts those decisions can have on crowd psychology and behavior.

Training should help officers and supervisors think critically about how to adjust their responses based on crowd dynamics. Concepts like de-escalation and precisely extricating individuals with intent to destroy or cause violence can help facilitate protest while minimizing violence and damage. Authority for the deployment of less lethal munitions should be clear, and individuals with that responsibility should receive specialized instruction and training.

3.9 Apply for and use DOJ funding for evidence-based research related to crowd psychology and behavior during mass demonstrations, particularly related to the crowd's response to specific law enforcement strategies and tactics.

The effects of varying police strategies on protesters' response behaviors is an underresearched area. Such research is paramount to understand the costs and benefits of specific strategies and their actual and intended effects on crowd response.

3.10 Agencies should participate in CRS's Reducing Risks During Public Events: Contingency Planning training.

The CRS in-person and virtual training program, *Reducing Risks During Public Events: Contingency Planning*, is designed to assist community members, event organizers, government officials, and law enforcement in planning mass demonstrations.³⁵ The training covers best practices and tools for public events, focusing on how law enforcement and communities can work together to promote safe mass demonstrations. The program covers (1) event planning considerations, (2) event stage planning, (3) key players, and (4) planning for potential issues.

During protests

3.11 Conduct roll call training and discussions that highlight the incidents of the previous 24 hours and the current incident action plan (IAP) to plan for the current day.

Mass protests seldom last just one day. Given the dynamic nature of protests, active reflection on what worked and did not work the previous day can help inform agencies' resource deployment and response strategies. Promising practices, important strategic and tactical decisions, and the importance of constitutional policing should then be shared and reinforced in daily IAPs and during roll calls. Officers should be reminded on their department's goals, objectives, intelligence, and tactics.

³⁵ CRS (Community Relations Service), *Reducing Risk During Public Events: Contingency Planning* (Washington, DC: U.S. Department of Justice, n.d.), <https://www.justice.gov/file/1376376/download>.

3.12 Ensure necessary resources are in place to provide appropriate span of command and control during protests.

It is important to ensure that there is an appropriate ratio of supervisors to officers during each deployment. In many cases, front-line supervisors are also responsible for documenting their officers' actions. Overloading supervisors can affect their ability to monitor officer safety and well-being, ensure adherence to policies and procedures, and control use of force. In addition, supervisors whose responsibilities are too broad may lack the training and experience necessary to adequately handle difficult situations and tensions during a mass demonstration.

After protests

3.13 Continue to collaborate and identify ways to enhance co-response with other public safety and social services agencies to respond to protests and provide effective and efficient emergency services.

In the aftermath of the 2020–2021 demonstrations, some agencies identified opportunities to better engage with fire and emergency management services (EMS) partners, parks and recreation personnel, highway patrol agencies, and other safety and social services agencies. These partnerships were identified as imperative, particularly where demonstrators or officers suffered from heat exhaustion or demonstrators blocked traffic. Parks and recreation and highway patrol agencies also have resources—including chain-link barriers, additional bicycles or motorcycles, and portable water stations—that can be used during demonstrations. As agencies explore these collaborations, it is important that relationships be formalized through updated memoranda of understanding or agreement (MOU or MOA), that relevant policies and trainings be adjusted, and that joint exercises be planned as needed.

4. Response Strategies and Tactics

Many of the protests in 2020–2021 focused on police use of force, and some law enforcement agencies faced significant challenges in developing responses that met the expectations of the communities they serve. Focus group participants noted the unique dynamic that protests against police use of force created between protesters and responding officers. Moreover, some focus group participants reported that they perceived disparate treatment by police of some types of protesters or counterprotesters, depending on the police's perceptions of the protesters' political or ideological views. For example, armed community groups (perceived as aligned with law enforcement, or those who saw themselves as "additional enforcement") were reportedly treated differently than groups protesting police use of force.

How the police initially respond to a protest can set a continuing tone and affect outcomes. In some cases, law enforcement arrived at protest scenes in heavy, tactical uniforms and in militaristic vehicles.³⁶ In these cases, community members often perceived that law enforcement was there to shut down the demonstrations (potentially by force) instead of facilitating the protesters' constitutional rights, escalating crowd tensions and behaviors. According to focus group participants, police response was not always perceived as appropriately considering protesters' constitutional rights, as illustrated by examples of kettling (surrounding protestors to keep them in place),³⁷ announcements of dispersal orders without directions for those who wanted to leave, and mass arrests. Focus group participants acknowledged that individuals have a constitutional right to protest, even when protests are directed at the government (and the police themselves), and police response must align with that principle.

As outlined in the *National Consensus Policy and Discussion Paper on Use of Force*, "Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances."³⁸ Law enforcement, community, and academic participants agreed that there is an important difference between using force because it is permissible and using force because it is needed. As one law enforcement

³⁶ Kim Barker, Mike Baker, and Ali Watkins, "In City after City, Police Mishandled Black Lives Matter Protests," *New York Times*, last modified June 28, 2021, <https://www.nytimes.com/2021/03/20/us/protests-policing-george-floyd.html>; Andrew W. Lehren et al., "Floyd Protests Renew Debate about Police Use of Armored Vehicles, Other Military Gear," NBC News, June 20, 2020, <https://www.nbcnews.com/news/us-news/floyd-protests-renew-debate-about-police-use-armored-vehicles-other-n1231288>.

³⁷ Wyattte Grantham-Philips, Tyler J. Davis, and Nick Coltrain, "What Is Kettling? Here's a Look into the Usage and History of the Controversial Police Tactic," *USA Today*, last modified June 25, 2020, <https://www.usatoday.com/story/news/nation/2020/06/24/kettling-controversial-police-tactic-black-lives-matter-protests/3248681001/>.

³⁸ *National Consensus Policy and Discussion Paper on Use of Force* (Alexandria, VA: International Association of Chiefs of Police, 2020), 2, [https://www.theiacp.org/sites/default/files/2020-07/National Consensus Policy On Use Of Force%2007102020%20v3.pdf](https://www.theiacp.org/sites/default/files/2020-07/National%20Consensus%20Policy%20On%20Use%20Of%20Force%2007102020%20v3.pdf).

executive suggested, there are alternatives to force in many protest situations. For example, sometimes the most appropriate solution when a group of protesters blocks a road is to reroute traffic until the protesters move rather than agitating the group by using force to move or arrest them.

Traditional police strategies did not seem sufficiently agile to respond to the size, magnitude, and dynamic nature of some of the 2020–2021 protests. Traditional crowd management strategies appeared to be ineffective. In some protests, leadership changed quickly, with some groups breaking away from the larger crowd, increasing the need for agile police responses. Many agencies reported an inability to adjust strategies quickly to respond to fast-moving, splintering protest groups with varying agendas and interests.

Law enforcement and the community also faced challenges in responding to individuals in the crowd who were intent on violence and destruction. Both groups sought to prevent these individuals from hijacking protests and causing violence and destruction of property. While it can be difficult to prevent interference in large-scale protests by those who want to inject harm, it is imperative that law enforcement and the community identify mutually beneficial strategies to identify and remove such individuals from protests before they can further enflame tensions, while also ensuring that the removal itself does not escalate matters.

Response strategies and tactics recommendations

Well in advance of protests

4.1 Agency leadership must clearly, consistently, and regularly convey to all department personnel and to the community the legitimate right and importance of the act of protest for the functioning of democracy.

Leadership should emphasize to agency personnel and to the community that peaceable assemblies are constitutional actions that law enforcement officers have sworn to uphold and protect. It may be helpful to discuss with personnel why people are protesting in the first place. When protests are focused specifically on law enforcement, agencies should engage with individuals in the community to obtain feedback on community members' feelings about government institutions and the role of the police.

4.2 Engage in regular reviews and updates of mobilization plans.

Recognizing that the dynamics of demonstrations can change quickly, agencies should review mobilization plans for personnel and resources at least annually. Mobilization plans should align with promising practices such as having teams that can adjust to group dynamics and are sufficiently agile to respond quickly to unanticipated movements and acts of violence during mass demonstrations and gatherings while maintaining operational command and control.

4.3 Develop an overarching “response to dynamic protests and civil unrest” policy that provides for the nuances of this type of event, incorporates critical thinking skills, and offers decision-making models to guide responding officers.

Dynamic mass demonstrations require agencies to shift their responses and tactics. Agencies should consider a policy incorporating a matrix that identifies potential protester activities and appropriate police responses. Agencies should revisit this policy often, as the response protocol may change based on the type of protest.

4.4 Work with elected officials, special interest groups, prosecutors, and other legal experts to identify ways to reduce arrests, including using citations in lieu of arrest.

A citation is “a written order, in lieu of a warrantless arrest, that is issued by a law enforcement officer or other authorized official, requiring a person to appear in a designated court or governmental office at a specified time and date.”³⁹ For many agencies, citations serve as a means to divert nonviolent offenders from the full custodial arrest process.⁴⁰ Issuing citations in lieu of arrest can resolve personnel and resource strains and other challenges associated with arresting large numbers of protesters during large-scale protests.

Law enforcement and elected officials should consider working with relevant stakeholders to identify opportunities to reduce arrests by using citations. A recent study showed that approximately 87 percent of law enforcement agencies involved embraced citations in lieu of arrest, particularly for misdemeanors commonly associated with protests—including disorderly conduct and trespassing. The study demonstrated that citations take significantly less time to process than arrests—an average of 24 rather than 86 minutes—which is of critical import during mass demonstrations.⁴¹ In addition, using citations in lieu of arrest can avoid the hardship that individuals suffer when they are arrested, even for a minor offense. which can help enhance police-community relations.

Before the 2016 Democratic National Convention in Philadelphia, the City decriminalized many nuisance crimes generally associated with protests, allowing the police department to focus on de-escalation and to address misbehavior through civil citations in lieu of arrest, saving resources for more serious crimes.⁴² This coordination between the city and police department helped avoid a situation in which elected officials contributed to escalating protests by countering police response tactics.

4.5 Work with elected officials as well as city legal departments, states’ attorneys, and federal prosecutors to determine if firearms are allowed during or near protests or in common protest locations, based on relevant laws and ordinances.

While many state and local laws allow registered individuals to carry firearms, in some cases openly, some governments have enacted restrictions on where and when they can be carried and displayed. Law enforcement and elected officials should work with federal, state, and local attorneys in their jurisdictions to determine if and under what circumstances they can enact measures to prevent potential issues at demonstrations.

³⁹ “Citation in Lieu of Arrest,” National Conference of State Legislatures, last modified March 18, 2019, <http://www.ncsl.org/research/civil-and-criminal-justice/citation-in-lieu-of-arrest.aspx>.

⁴⁰ IACP (International Association of Chiefs of Police), *Citation in Lieu of Arrest : Examining Law Enforcement’s Use of Citation across the United States* (Alexandria, VA: International Association of Chiefs of Police, 2016), <https://www.theiacp.org/sites/default/files/all/i-j/IACP%20Citation%20Final%20Report%202016.pdf>.

⁴¹ IACP, *Citation in Lieu of Arrest* (see note 40).

⁴² NPF (National Police Foundation), *The Philadelphia Police Department Protection of the 2016 Democratic National Convention: A Quick-Look Analysis of Public Safety Best Practices and Lessons Learned*. (Arlington, VA: National Police Foundation, 2018), https://www.policinginstitute.org/wp-content/uploads/2019/06/Philadelphia-DNC-Quick-Look_508c.pdf.

The discussion of how to balance First Amendment and Second Amendment rights at public events is ongoing, and variations in state and local laws add to the challenging task of regulating firearms during protests. Nonetheless, evidence demonstrates that armed protesters can increase volatility.⁴³ Acknowledging that protests have increasingly become armed events,⁴⁴ scholars have discussed the options that state and local officials have for responding to armed protests, consistent with the Constitution. Options may include limiting open carry at designated “sensitive places” where protesters tend to congregate, limiting open carry to unloaded firearms, requiring that openly carried firearms be properly holstered or carried, banning armed private militias, and banning open carry of certain firearms.⁴⁵ All firearm measures require thorough analysis under federal, state, and local law, as well as consideration of the agency resources that would be needed for their enforcement. Any measure should be carefully selected and planned and well communicated both internally and to the community.

4.6 Work with elected officials as well as city legal departments, states’ attorneys, and federal prosecutors to create and publicize guidance that incorporates constitutional, state, and protest law on the issue of firearms—openly carried and concealed—at mass demonstrations.

Despite perceptions that protesters have a right to use their firearms to protect property, the Second Amendment does not create a blanket right to possess firearms at protests.⁴⁶ To ensure that policy and community members are working from the same understanding of the same laws, agencies should educate their officers, protest organizers, and the communities they serve about the law governing firearm possession at mass demonstrations. It is important to ensure that the same explanations and guidance are provided to all protest organizers, regardless of the demonstration topic, and that if extra steps are taken based on the likely presence of firearms, the bases for those decisions are explained. The community can be informed of applicable rules through means such as public awareness campaigns and signage at protests.

4.7 Develop, implement, and regularly review MOUs or other formalized agreements with mutual aid providers to clearly define roles, responsibilities, and protocols of mass demonstrations.

The concept of mutual aid during protests involves several nearby law enforcement agencies working together to respond to a protest. Mutual aid plans must be completed before the protest to clearly outline each agency’s responsibility. The lead agency should oversee this coordination, and all decisions and policies should go through this agency. Agencies should develop a work plan that describes each participating

⁴³ Erica Turret, Chelsea Parsons, and Adam Skaggs, “Second Amendment Sanctuaries: A Legally Dubious Protest Movement,” *The Journal of Law, Medicine & Ethics* 48, no. 4 (2020), 105–111, <https://doi.org/10.1177%2F1073110520979408>.

⁴⁴ Katlyn E. DeBoer, “Clash of the First and Second Amendments: Proposed Regulation of Armed Protests,” *Hastings Constitutional Law Quarterly* 45, no. 2 (2018), 333, https://repository.uchastings.edu/hastings_constitutional_law_quaterly/vol45/iss2/5/.

⁴⁵ Timothy Zick, “Arming Public Protests,” *Iowa Law Review* 104 (2018), 223, <https://ilr.law.uiowa.edu/print/volume-103-issue-6/arming-public-protests/>.

⁴⁶ ICNL (International Center for Not-for-Profit Law, *Keeping Guns Away from Protests*, U.S Program Briefer (Washington, DC: International Center for Not-for-Profit Law, 2022, <https://www.icnl.org/wp-content/uploads/Guns-at-Protests-Briefer-vf-02.2022.pdf>.

agency's role,⁴⁷ identifies an incident commander and unified command process to ensure that everyone knows who is in charge overall and who is responsible for each section within the NIMS model, and sets out communication practices and protocols.⁴⁸ Coordinating with partner agencies and conducting practice exercises can benefit all agencies involved.

Agencies should execute formalized mutual aid agreements that specify how agencies will provide support and how they will address areas where their procedures do not align. Mutual aid agreements should be revisited and updated regularly. In some cases, because of disparate protocols, it may be best for mutual aid agencies to support non-protest public safety activities like responding to traditional calls for service, freeing up primary jurisdiction officers to deploy to the protests. MOUs should organize mutual aid responses; ensure mutual aid roles; and address the impact of their potentially different protest response strategies, use of force and complaint investigations, and incident documentation prior to incident response. There should be clear command and control, reporting locations, equipment checks, and review of operating protocols before any outside agencies are deployed.

Mutual aid encompasses the sharing of personnel, supplies, equipment, and information across local, state, and federal jurisdictions, and from a resource management perspective, the importance of regularly reviewing mutual aid agreements cannot be overstated. It is particularly important for local agencies when entering a state of emergency, which mass protests or spontaneous protests can quickly become. The lack of mutual aid can be detrimental to law enforcement's ability to quickly muster the resources needed to address disorder and violence. It is vital that agencies engage in thorough reviews and reworks of MOUs to ensure a coordinated response.

4.8 Take a leadership role in forming partnerships, coordinating, training, and communicating regularly with federal law enforcement agencies that may be responsible for co-response to protests because of shared jurisdictions or responsibilities.

Federal law enforcement agencies are sometimes responsible for adjacent or specific locations within local jurisdictions. Some protests take place on both federal and local property, engaging both local and federal law enforcement response. Research shows that federal agencies are often not as well trained as local agencies to handle these events,⁴⁹ so it may be appropriate for local agencies to take the lead. In any event, it is important that local and federal law enforcement establish relationships before protests occur so that they

⁴⁷ Global Justice Information Sharing Initiative, *Recommendations for First Amendment-Protected Events for State and Local Law Enforcement Agencies* (Washington, DC: Bureau of Justice Assistance, 2011), https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/Role_of_State_and_Local_Law_Enforcement_at_First_Amendment_Events_Reference_Card.pdf.

⁴⁸ PERF (Police Executive Research Forum), *Managing Major Events: Best Practices from the Field*, Critical Issues in Policing (Washington, DC: Police Executive Research Forum, 2011), https://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf.

⁴⁹ Edward R. Maguire, *The Role of the U.S. Government in the Law Enforcement Response to Protests* (Washington, DC: The Niskanen Center, 2022), <https://www.niskanencenter.org/wp-content/uploads/2022/04/The-Role-of-U.S.-Law-Enforcement-in-Response-to-Protests.pdf>.

can coordinate and communicate during mass demonstrations. Gaining an understanding of agencies' protocols, policies, and rules of engagement before protests occur can also enable authorities to inform the community about potential differences in responses from representatives of different agencies.

4.9 Develop and commit to a process of accountability and transparency that includes requiring every use of force be clearly documented, detailed, and assigned a distinct tracking number.

Agencies should require officers to use body-worn cameras to record uses of force during mass demonstrations. Where possible, videos from the incident (both those captured by body-worn cameras and those submitted by witnesses and media) should be identified and tagged with corresponding tracking numbers. In that vein, agency policy and procedures should require responding officers to wear clear identifiers while in uniform.⁵⁰ As part of mutual aid agreements, participating agencies should work to align their documentation procedures to better track and share information about uses of force, including videos. Because the 2020–2021 protests were in large part galvanized by incidents of police use of force, it is essential that agencies actively work on facilitating the process for more transparent reviews of these incidents. In addition, agencies should keep, track, and make available to the public their protest data, including the number of force incidents and the types of force used.

It is important that agencies be thoughtful about the system that will be necessary to accomplish this transparency. The complexity of use of force during protests demands that law enforcement agencies create processes for accountability, transparency, and data collection and preservation well before protests begin and that they dedicate adequate resources and staff to the process.

Immediately prior to protests

4.10 Be proactive in enhancing coordination between information gathering and special event resource planning, especially when demonstration organizers do not follow the permit process.

The timely and accurate gathering, analysis, and dissemination of information regarding persons participating in demonstrations—specifically with respect to threats to public safety—must be a high priority. Personnel and equipment must be deployed in a way that reduces the threat to public safety, and all personnel assigned to large-scale events should be trained in the tactics and strategies used by persons committed to property damage or violence.

Many law enforcement leaders noted that protest organizers did not follow permit processes (or in some cases obtain permits at all) before the demonstrations in 2020–2021, depriving law enforcement of valuable information regarding demonstration size, scale, and location. When agencies do not get the information they need from the permit process, they can collect some details from social media, although it is not ideal to rely on social media to stay informed about demonstrators' plans. Some law enforcement leaders have reported that there can be so much chatter surrounding demonstrations on social media that it becomes extremely challenging to monitor and to determine what posts are accurate and authoritative.

⁵⁰ IIR, *After-Action Assessment* (see note 21).

4.11 Develop a process to ensure that information gathered to improve public safety during protests is appropriately disseminated among command-level personnel.

Some demonstrations are related to national and global movements and issues rather than local situations. In these cases, information should be gathered from multiple sources rather than a singular national source. Monitoring information from similar events and groups in other areas—not to target specific ideologies, groups, or individuals but to gain insights into the events—can inform protest response planning and open potential channels of communication with local and external organizers. This information should be shared promptly and consistently with the incident commander as well as relevant supervisors and should be factored into planning and preparedness.

4.12 Work with business and community stakeholders to identify and vet technology solutions and strategies to assist during protest response. Do not assume that the community will support the use of all forms of technology during responses.

Agencies should consider collaborative approaches that will enhance situational awareness and improve community and officer safety. There should be a public awareness campaign to educate the community about the purpose of any technology that is used and to address privacy concerns. For example, unmanned aerial systems (UAS), or drones, should be used only in accordance with best practices and for the purpose of quickly identifying individuals who intend to destroy property or cause violence.⁵¹

One police department met with the ACLU and other community groups before the 2020 demonstrations to assure them that the department's long-range acoustic devices (LRAD) were being used only as an amplification system and that the department had disabled other functions, including the sound cannon and sonic weapon, that the community opposed. In addition, every time the LRADs are used to broadcast information to crowds, the department captures the announcement on video.

4.13 Create a system of neutrality to support consistent response to all protesters in mass demonstrations, regardless of the issue being protested. Increase awareness about the system among both police personnel and the community.

Police actions should be consistent across protest groups, and individuals across all political and ideological spectra should be treated equally. As one law enforcement participant explained, "As officers, we have to be agnostic to the cause that is being protested." Some community organizers noted that some law enforcement agencies responded differently to demonstrations about police use of force than they did to demonstrations about the 2020 elections or other topics, and organizers attributed the difference to the demographics of the demonstrators and other biases. It is important to acknowledge this perception of disparate treatment and to communicate processes and procedures to combat potential biases during response. Just as law enforcement agencies analyze calls for service and crime data, agencies should review how they respond to demonstrations to determine whether biases might exist.

⁵¹ Lisa Mantel, *Roadmap to Implementing an Effective Unmanned Aircraft System (UAS) Program* (Washington, DC: Office of Community Oriented Policing Services, 2020), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0912>; Maria Valdovinos, James Specht, and Jennifer Zeunik, *Community Policing & Unmanned Aircraft Systems (UAS): Guidelines to Enhance Community Trust* (Washington, DC: Office of Community Oriented Policing Services, 2016), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0822>.

During protests, agency personnel can be deployed to monitor officers' actions and behaviors. For example, investigators from the Washington, D.C., Office of Police Complaints conduct protest monitoring to ensure that officers are engaging with protesters constitutionally and are abiding by established policy, procedure, and laws.⁵² Data from different protests regarding personnel and specialized team deployment, use of force, and arrests can also be compared to provide insight into potential biases in responses. Jurisdictions that have civilian police review boards or other community investigators can provide qualitative feedback and assess the police response to different demonstrations. Likewise, communicating the processes used to inform planning and personnel and resource deployment and response to protest organizers and the public after each protest can also contribute to transparency.

Evidence shows disparate law enforcement responses, in some cases, to protests with different aims. An assessment by the Armed Conflict Location & Event Data (ACLED) Project found that local and federal agencies were three times more likely to intervene in Black Lives Matter–related protests than in other protests, regardless of whether the protests were peaceful.⁵³ Some academics note recent examples of protests in which police seemed to underrespond, including the Unite the Right rally in Charlottesville, Virginia, in 2017.⁵⁴ A community might perceive these examples as evidence of bias against certain political and social ideologies. Law enforcement leaders should thoughtfully monitor their agencies' protest response to ensure that decisions are content-neutral and not influenced by political or other affiliations.⁵⁵

During protests

4.14 Communicate regularly with elected officials during mass demonstrations to ensure consistency in response tactics and messaging.

In some cases, public comments made by elected officials during the 2020–2021 protests required local law enforcement personnel to depart from the tactics they had trained on and affected the resources they had at their disposal. For example, some elected officials responded to uses of less lethal munitions by publicly announcing that they would revoke authorization for their police department to use specific less lethal munitions. Other comments publicly criticized departments' deployment and response strategies while then asking for additional personnel to respond to demonstrations outside their homes. In addition to hampering the response, these comments created friction between elected officials and law enforcement and often further demoralized officers on the front lines. Ensuring regular communication can prevent confusion for officers and decreases in morale.

⁵² Police Complaints Board, *OPC Monitoring of the "Women's March" January 21, 2017* (Washington, DC: Office of Police Complaints, 2017), https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Women%27s%20March%20Protest%20Monitoring%20Report.FINAL_.pdf.

⁵³ Roudabeh Kishi et al., *A Year of Racial Justice Protests: Key Trends in Demonstrations Involving the BLM Movement* (Armed Conflict Location & Event Data Project, 2021), <https://acleddata.com/2021/05/25/a-year-of-racial-justice-protests-key-trends-in-demonstrations-supporting-the-blm-movement/>.

⁵⁴ Edward Maguire, "Policing Rival Protests," in *Rethinking and Reforming American Policing: Leadership Challenges and Future Opportunities*, ed. Joseph A. Schafer and Richard W. Myers (New York: Springer, 2022), 289–310, https://link.springer.com/chapter/10.1007/978-3-030-88896-1_12.

⁵⁵ Maguire, *The Role of the U.S. Government* (see note 49).

4.15 Establish real-time communication between first-line supervisors in the field and appropriate leaders in the command center to allow for more immediate decision-making and strategy adaptation based on changes in the environmental and situational circumstances.

Law enforcement leadership must be adept at evaluating how environmental and situational circumstances can affect the trajectory of a protest, how their officers and other stakeholders will respond, and how they will adjust when necessary. Strong and immediate lines of communication between first-line supervisors in the field and command and control centers can greatly facilitate a coordinated and consistent response. In addition, it can allow immediate supervisors on the ground to respond quickly and innovatively to situations they confront.

4.16 Use a tiered protest response, starting with softer appearance and tactics, and adjust as needed.

While a soft uniform can place officers in danger, especially if events turn violent quickly, too “hard” (or militaristic) a look—officers in full personal protective equipment—can escalate tensions with a crowd. Likewise, officer deployments and formations that convey less aggressive tactics can help keep tensions at bay, so long as officers remain safe.

Tiered deployment is one of the most promising strategies emerging from the literature on protest response and is consistent with low-profile methods to interact with the crowd when circumstances allow. A tiered approach can consist of (1) starting with officers in soft uniforms engaging positively with the crowd, (2) using bicycle officers and motorcycle squads with officers in soft clothes and helmets, and (3) staging public order platoons with full gear nearby but out of sight.⁵⁶ Using officers and supervisors with previous success in handling similar events can enhance tiered approaches.⁵⁷

4.17 Use bicycle patrols and officers in softer uniforms as first responders.

The use of officers on bicycles using professional and constitutional policing can be an especially effective strategy during mass demonstrations.⁵⁸ Bicycle officers can maneuver easily and can be used to form a barrier if necessary. While bicycle officers wear regular uniforms, they do wear helmets, which can be less intimidating than full riot gear but can provide the officers some protection.⁵⁹ Mobile field forces in heavier equipment used outside of bicycle patrol in a tiered response should be deployed only when necessary; unless needed, they should be placed out of the sight of protest crowds.

⁵⁶ PERF, *The Police Response* (see note 33).

⁵⁷ Blake Norton et al., *An Assessment of the St. Louis County Police Department*, Collaborative Reform Initiative (Washington, DC: Office of Community Oriented Policing Services, 2015), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P316>.

⁵⁸ Frank Straub et al., *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct* (Washington, DC: Office of Community-Oriented Policing Services, 2017), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0836>; Frank Straub et al., *Advancing Charlotte: A Police Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to the September 2016 Demonstrations* (Arlington, VA: Police Foundation, 2018), <https://www.policinginstitute.org/publication/advancing-charlotte-a-police-foundation-assessment-of-the-charlotte-mecklenburg-police-department-response-to-the-september-2016-demonstrations/>.

⁵⁹ PERF, *The Police Response* (see note 33).

4.18 Work with community leaders and use precision tactics to identify individuals determined to be engaging in violent or destructive activity and extract them from the crowd, the goal being to maintain peaceful demonstrations.

Actions should be taken to identify and strategically remove individuals determined to be engaging in violent or destructive behavior that warrants removal or arrest. It is important to communicate this differentiation to the crowd; agencies should ensure that peaceful protesters know the police are going after only people causing violence and property destruction. Ideally, community members can work with police, identifying for officers the individuals who have engaged or threatened to engage in violence or destruction, to help ensure that individuals participating in peaceful protest can continue to exercise their First Amendment rights. Law enforcement must express to community organizers their priority of protecting First Amendment rights and public safety, discuss ways to communicate when individuals with ill intent are identified, and explain their processes for strategically extracting those individuals. This discussion can help to identify issues on which law enforcement and community groups are aligned and open channels for communication and collaboration.

“Kettling” and other mass arrest strategies—which tend to increase tensions, expend significant resources and time for few criminal convictions, and damage trust between law enforcement and the community—should not be used.⁶⁰ These policies should be well communicated to all department staff.

The ineffectiveness of undifferentiated, mass strategies for maintaining order and peace is supported by the elaborated social identity model (ESIM). ESIM helps explain how the experience of being in a crowd shapes individuals’ identities and provides a framework for understanding the escalation process that can occur when an outgroup, such as the police, treats a crowd in a homogenous manner. For example, if police officers take enforcement action toward the entire crowd for the unlawful actions of one group, instead of recognizing that different groups within a protest crowd may be engaging in different activities, the crowd as a whole will come together to resist the police because of a consequent shared sense of opposition toward them.⁶¹

4.19 Ensure policies and procedures clearly prohibit certain uses of force—including the deployment of less lethal munitions—against demonstrators who do not pose an immediate threat to officers, members of the public, or property.

Agencies must clearly acknowledge that certain uses of force are a last resort—appropriate to use only when there is a significant and immediate threat to officers, members of the public, or property—and appropriate to use only at a level that is “objectively reasonable” when the totality of the circumstances are taken into account. Inherent in the definition of “objectively reasonable” is the understanding that if there is not an immediate threat, force shall not be used. Policies should note the impact that unnecessary use of force can have on police-community relations, police legitimacy, and litigation against officers and the agency. They should also highlight that ubiquitous deployment of less lethal munitions can quickly waste department resources that

⁶⁰ PERF, *Rethinking the Police Response* (see note 16).

⁶¹ Edward Maguire, “Policing the 2021 U.S. Capitol Insurrection,” unpublished manuscript; Edward Maguire and Megan Oakley, *Policing Protests: Lessons from the Occupy Movement, Ferguson & Beyond: A Guide for Police* (New York: Harry Frank Guggenheim Foundation, 2020), https://www.hfg.org/hfg_reports/policing-protests-lessons-from-the-occupy-movement-ferguson-and-beyond/.

may be needed for more significant events. The overuse of force—or even the threat of force—can trigger continued protests and a greater willingness among protesters to engage in property damage and violence, including violence against police officers.⁶² Agencies should consider all of these factors when determining whether alternatives to uses of force may produce more desirable short- and long-term outcomes.

4.20 Ensure policies and procedures provide clear definitions of different types of uses of force, clearer direction on appropriate and authorized types of force, examples of uses of identified levels of force, and documentation processes. These policies and procedures should be reviewed and revised annually.

State and local agencies should ensure that their use of force policies are equivalent to or exceed the standards, obligations, and requirements of the DOJ use of force policy.⁶³ Internally, agency supervisors should ensure that the rules of engagement related to use of force are well communicated to those responding to protests and that all personnel understand the implications of excessive force, up to and including termination and civil and criminal lawsuits. Officers should be trained on any policy and procedure updates as advised in recommendations in section 3.

Some agencies have very detailed policies and procedures related to the use of force during civil disturbances. The standard operating procedure from one large agency provides guidance for all responding personnel, including mutual aid officers, and includes definitions and examples of different levels of uses of force. It outlines levels of force that are reserved for specifically trained personnel, requirements that must be met before force is used, options for on-scene commanders and officials, the approval processes for each type of force, circumstances in which the use of force should be discontinued, and the required documentation for each use of force.⁶⁴

4.21 Where appropriate, legal, and necessary, ensure policies and procedures explicitly limit the use of force to specific individuals and groups committing criminal offenses, not entire groups of demonstrators.

Individuals or small groups of individuals intent on violence and destruction will often use the perceived anonymity afforded by being in a larger crowd to commit destructive or violent criminal actions. It is important that law enforcement identify specific individuals and criminal behaviors and decide what level of response or force is necessary. Officers should consider whether alternative options (including de-escalation, dispersal warnings, and identification and arrest at a later time) will stop the behavior. It is also important that any actions to stop criminal behaviors be taken only against the specific individuals committing the identified behaviors and that the level of force is appropriate to the level of threat.

⁶² Edward Maguire et al. “Attitudes towards the Use of Violence against Police among Occupy Wall Street Protesters,” *Policing: A Journal of Policy and Practice* 14, no. 4 (2020), 883–899, <https://doi.org/10.1093/police/pay003>.

⁶³ Merrick B. Garland, Attorney General of the United States, “Department’s Updated Use-of-Force Policy,” memorandum to Christopher Wray, Director, Federal Bureau of Investigation; Anne Milgram, Administrator of the Drug Enforcement Administration; Gary M. Restaino, Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Ronald L. Davis, Director of the U.S. Marshals Service; Michael Carvajal, Director of the Bureau of Prisons; and Michael Evan Horowitz, Inspector General, Office of the Inspector General, May 20, 2022, <https://www.justice.gov/ag/page/file/1507826/download>.

⁶⁴ Metropolitan Police Department, *Handling First Amendment Assemblies and Mass Demonstrations*, Standard Operating Procedures (Washington, DC: Metropolitan Police Department, 2016), https://go.mpdonline.com/GO/SOP_16_01.pdf.

4.22 Ensure policies and procedures require at least one discernable dispersal warning, using multiple communication methods, prior to any police use of force.

To demonstrate their commitment to use of force as a last resort, agencies should provide at least one dispersal warning that includes an explanation of what is likely to happen—including some of the potential uses of force that any violent individuals who stay may be subject to. Each progressive dispersal warning should include the same acknowledgment of potential uses of force. These warnings should be recorded by officers in multiple locations to ensure that demonstrators can reasonably be expected to hear them.

4.23 Constantly read the environment, think critically and adjust response tactics and strategies accordingly, and be prepared to de-escalate as soon as practical.

De-escalation principles and tactics have emerged as a promising practice in law enforcement. Agencies nationwide have incorporated de-escalation principles into policies, procedures, and training curricula. These principles and strategies have a critical role in the response to mass demonstrations, especially as front-line supervisors must recognize and adapt to crowd dynamics that can change quickly. One participant believed that law enforcement supervisors on the front line should be empowered to monitor changes in the crowd dynamics and their impact on community and officer safety and adapt as necessary: “Having a commander on the ground to read the crowd and make decisions can help to de-escalate the crowd.” Empowering supervisors to determine which de-escalation tactics to use when and how to interact and communicate with demonstrators based on the dynamics of the crowd can reduce tensions before they flare up without changing the approval process required to deploy certain elevated types of force.

Before, during, and after protests

4.24 Leverage body-worn cameras and resulting video footage for documentation and transparency. Ensure policies and procedures clearly outline the use of cameras and footage in complaints and investigations.

Many agencies found that body-worn cameras were an important tool during the protests. Body-worn cameras can provide transparency and help build legitimacy with the community. They also can support critical record-keeping and documentation efforts for use of force reporting and investigating community complaints. It is important that agencies prepare for protracted deployment of body cameras by providing extra batteries, supplying appropriate mounting hardware for body-worn cameras on protective gear, and ensuring that procedures for tracking and documenting footage captured during protests are up to date and understood by officers.

4.25 Publicly show appreciation for protest organizers and leaders who run peaceful protests, who quickly attend to unacceptable group behavior, and who promote peaceful expression of First Amendment rights

Voicing appreciation for community organizers can be a powerful way of demonstrating to the community that the agency supports their right to protest. This can strengthen relationships and positively reinforce peaceful protest behavior.

5. Communication

Participants reflected on the challenges they experienced in communicating within agencies, with city leaders, and with the public. During the 2020–2021 protests, agencies faced challenges in identifying and connecting with protest leaders, communicating dispersal orders and general orders to large groups of demonstrators, and communicating information to the public. Moreover, differences in messaging from elected officials and public safety command added to tensions, created additional confusion, and further depleted officer morale.

Some law enforcement agencies lacked internal and external communication coordination and agility. The pace of protests and the speed at which information travels on social media demand that public safety organizations and their government counterparts speak with one voice and with authority. One law enforcement member recounted that “For the most part, protests were static [in the past]; however, the ones seen in 2020 were more dynamic, with individuals spending little time in locations before moving to the next.” Being able to move rapidly between locations can help with internal and external communication. In some cases, protests moved too quickly for traditional Joint Information Centers (JIC) to be formed and managed, so they were less useful than usual in approving and dispersing messaging.

In some places, local government and law enforcement leaders created public service announcements that conveyed important information before planned demonstrations. It is important to build rapport and understanding with media outlets prior to the event. The media plays an important role in transparency and accountability during mass demonstrations. Importantly, protesters commonly communicate via social media, and many agencies have yet to harness the power of this mode of communication in ways that would be effective during protests.

Effective communication within agencies and with local government leaders and the public requires active planning. The following recommendations are aimed at informing agencies of ways to improve internal and external communication efforts.

Communication recommendations

Well in advance of protests

5.1 Develop, share, and exercise strategic communications plans.

Strategic communications plans should cover topics including what channels will be used (email, social media accounts, press releases, press conferences, etc.); which department employees are authorized to post or make official comments; the approval process for all official communications; how and when information will be shared; when the agency will be the primary communicator and under what circumstances it will serve in a support role; and training requirements. These should be coordinated and planned by an agency’s Public Information Officer or Communications Office, and agencies should ensure that resources are available to support these individuals, who can be overwhelmed with information requests and media activities.

Most importantly, the strategic communications plan should be grounded in the narrative of the agency, as identified by the agency's mission and vision. The plan should include methods of communicating with the community, media, and government officials before, during, and after an incident or event, including strategies to reach different audiences. As one law enforcement member stated: "Even if you are a small or rural [agency], it is still important that you practice and have this plan so that when it hits you are ready. You can be international news at any moment, and you need to be prepared."

5.2 Establish an infrastructure to communicate with the public in real time.

An integral part of an agency's strategic communications plan is the ability to communicate with the public in real time. Agencies should consider devoting resources to establish or strengthen a social media presence in preparation for events. Updates, regulations, and expectations can be readily shared via social media platforms. Agencies should also consider the language needs of their community and incorporate non-English speaking outlets as necessary to communicate with the community. As one law enforcement member said: "We had an ongoing dialogue with the community because of our community presence on social media."

Likewise, traditional media outlets and other stakeholders—including government officials and organizations with large audiences—should be included in the dissemination component of a strategic communication plan. Law enforcement should impress upon stakeholders the importance of sharing law enforcement posts, press releases, and information with their audiences in real time, particularly during a critical incident.

Agencies can also use CRS' CCCs as a method to communicate quickly with the public. Agencies should use social media to inform the public and traditional media about developing events. Agencies should monitor social media sites that individuals engaging in violent or destructive behavior may be on, which may not be common social media sites. Social media can also be used to send instructions to attendees⁶⁵ or reinforce the concept that the police are there to promote safety and facilitate protesters' rights.⁶⁶

5.3 Identify and develop multiple ways to deliver messages to demonstrators.

One law enforcement member shared that their agency handed out pamphlets to protest groups and community stakeholders: "The pamphlet laid out not the police department expectations, but the expectations that were created and developed by the community for protests. Some of these expectations are guided by statute, but they all revolve around facilitating and making sure constitutional rights are protected." Agencies should consider non-English pamphlets and other methods for delivering messages if necessary.

5.4 Together with local government leadership, establish a unified narrative and public messaging strategy around protests (before, during, and after) that informs the public about the jurisdiction leadership's position on supporting free speech during protests but clearly defines consequences for those responsible for committing violence or destruction during such assemblies.

Public officials and public safety leaders should collaborate during planning to identify individual roles and responsibilities for the response, and they should avoid being overly involved or critical of tactical response decisions. To the extent possible, it may be useful to include community stakeholders in this process. In

⁶⁵ PERF, *Managing Major Events* (see note 48).

⁶⁶ PERF, *The Police Response* (see note 33).

some jurisdictions, when time to plan is available, local government and police leaders have created public service announcements and briefs that clearly define protest protocol and expectations and disseminated them via television and web platforms.

Immediately prior to protests

5.5 For events with multiagency responses, consider designating one organization or body in the jurisdiction that will coordinate messaging from city executives and public safety.

All the messages directed to the public regarding expectations of protest behavior by protesters and protest response by police should be provided by one person or body and supported by the others involved to ensure messages are consistent and from an authoritative source.

Agencies should have an existing relationship with the media and should develop a multimedia communications strategy to keep the media and the community informed. All partner agencies and organizations should have plans and coordination in place to ensure consistent messaging to the press.⁶⁷

5.6 Develop policies and procedures that use all relevant jurisdiction social media accounts to push information to the community and quickly disseminate accurate information in response to rumors, misinformation, and false accusations.

To ensure unified messaging, jurisdictions should establish a process for sharing information from the organization with initial responsibility for messaging and communication. Particularly on social media, sharing or retweeting information can significantly expand the number of people each message reaches.

5.7 Identify ways to incorporate traditional news and social media outlets in communication and coverage plans.

Media will often report on a protest event and request constant information from public safety officials and Public Information Officers on strategies and tactics, incidents, road closures or traffic detours, arrests, and property damage. Law enforcement representatives can influence the public perception of their response to protests through media relationships and a cogent media plan. Agencies can share their plans for responding to protests, release critical information, and provide regular updates by holding pre-event meetings with media outlets. It is important to build this rapport and understanding with media outlets before the event.

In some places, local government and law enforcement leaders created public service announcements that conveyed important information prior to planned demonstrations. Public service announcements may need to be translated from English depending on community needs. The media plays an important role in transparency and accountability during mass demonstrations. Responding agencies can leverage expected media coverage to communicate and demonstrate their commitment to community policing, transparency, and accountability.

⁶⁷ Straub et al., *Maintaining First Amendment Rights and Public Safety* (see note 58); Straub et al., *Advancing Charlotte* (see note 58).

5.8 Work with elected officials to develop a process for creating and issuing badges or identifiers for media personnel covering mass demonstrations and protests. The process should include traditional news media personnel and create a registration portal for acknowledging and providing access to approved nontraditional and social media reporters.

While it is easier to identify traditional news media personnel and outlets than bloggers and other new media representatives, local websites and social media are increasingly popular means for obtaining news. Individuals affiliated with these organizations often will not have recognizable credentials but can play an important role in covering demonstrations, especially for younger audiences. Law enforcement and elected leaders should create a process for individuals to register and establish that they should be considered media. Officers should also be trained in how to interact with reporters during protests.

During protests

5.9 Communicate with protesters during the event in respectful, procedurally just, clear, and informative ways both in person at the protest and online.

Officers' and protesters' ability to see one another as humans first can provide some space for creating rapport, although it is a departure from historical protest response training.⁶⁸ Yelling orders or cursing at protesters can antagonize them and escalate already tense situations. Encouraging officers who are responsible for communicating with protesters to show their humanity, as opposed to forcing dissociation that makes them appear robotic or impersonal, can help build rapport between protesters and police.

5.10 Prioritize communicating via social media during ongoing demonstrations.

During mass demonstrations, information about road closures and traffic alerts, corrections of inaccurate information or rumors from other sources, dispersal warnings and areas to avoid, and other critical information should be communicated via social media. It is likely that those messages will be further shared by traditional media outlets and organizations that are involved in the demonstrations. Using social media as a critical part of information sharing is no longer a luxury but a necessity.

5.11 Prioritize consistent and frequent communication through a variety of channels of expectations for both officer and protester behavior and consequences for not abiding by public safety rules. Be clear about the consequences of unlawful actions, and communicate those widely to the public, so that there is a clear distinction between lawful and unlawful protest.

These messages should be spread through traditional and social media and shared by other government stakeholders and community organizations. Agencies should also consider explaining the consequences of unlawful actions to demonstrators in real time well before dispersal orders are given so that demonstration leaders can help govern themselves. In some places, for example, the chief of police creates audio and video public service announcements and other notifications that inform the public of expectations for public and officer behavior during protests. This is a great opportunity to reaffirm to the public that the police are present to facilitate the safe exercise of First Amendment rights.

⁶⁸ Hill, Giles, and Maguire, "VOICES: A Theory-driven Intervention" (see note 26).

5.12 Agency leaders should ensure officers are aware of the consequences of actions that violate agency policy or criminal code or that jeopardize the community’s trust during response to protests.

Responding officers should know what behaviors their agency considers inappropriate, what behaviors are unlawful, and what consequences will result from engaging in those behaviors. Although responding officers are individuals with their own thoughts on many of the issues that lead to protests, they have chosen to work in public service and should not knowingly engage in behaviors that can jeopardize community trust in their agencies. Agencies should also consider making public any document that outlines the consequences officers face if they engage in inappropriate or unlawful behaviors.

5.13 When large-scale actions must be taken in response to a protest, communicate reasoning and process both on site and virtually.

Agencies should focus on communicating with demonstrators rather than simply giving orders. Community members noted instances in which they believed officers deployed less lethal munitions and used force or gave dispersal orders without explaining their rationale. Clearly communicating this reasoning over loudspeakers or social media can help to ease community concerns, provide clarity, and foster mutual understanding.

Before, during, or after protests

5.14 Identify the audiences with whom communication is required before, during, and after each demonstration and the most effective means of communicating with each as part of a communications strategy development.

Agencies that understand their audiences and how to share their messages effectively and efficiently can help ensure widespread communication. Some community organizations and leaders may be more responsive to press releases, while others may respond more readily to social media or emails. Others may be involved with the protest, thus receiving real-time information. Agencies should have a list of local and national media contacts ahead of time.

5.15 Adapt the concept of a formal, in-person JIC to create something more agile, more responsive to 21st-century messaging, and more effective when dealing with potentially limited resources.

A traditional JIC can include Public Information Officers and communications representatives from the first responder agencies involved, relevant government agencies, elected officials, and sometimes invitees from business and neighborhood associations. The JIC helps coordinate messages and determine what information should be shared with the public, who will be responsible for sharing it, and how the sharing will be done. In some cases, nearby agencies and stakeholders can also provide and receive additional information and resources from a JIC, including creating and sharing messaging for their events. However, as one law enforcement member noted: “It was hard to set up a JIC because we were all having incidents. We might have to rethink how the system works if there’s a widespread issue. We didn’t realize that there were not many resources to deal with everything that we were going through. We didn’t have any information about where demonstrations were going to happen. The protests and unrest that occurred [were] so widespread and dispersed throughout the suburbs that it would have been difficult for an information system to cover it all and deploy resources for those events.” To alleviate these challenges, agencies should consider strategies such as using virtual meeting spaces, personnel and resource sharing partnerships across agencies and potentially organizational sectors, and other opportunities to create more versatile JICs.

6. Officer Safety and Wellness

2020 and 2021 were some of the most trying times in history for law enforcement officers and their families. Throughout the COVID-19 pandemic, officers faced unprecedented stress because of concerns that they would bring the virus back to their families as they continued to work in public areas. Shortly after, the protests began. Protracted deployments; extended shifts to cover protest response and calls for service; highly contentious protest environments; and inability to satisfy basic wellness needs, including nutrition, exercise, and sleep, created a highly stressful situation for officers and their families. As one law enforcement member said: “[The time] from COVID into the initial demonstrations was exhausting. We canceled days off for almost 30 days, there were a lot of unknowns related to pandemic personal safety, and the ongoing exposure of violence that went beyond First Amendment rights.” Some officers also reported that they felt abandoned and lacked support from elected officials, command staff, community, and even their own friends and family at times.

Law enforcement officers’ families were also deeply affected during the protests. In addition to watching their family members endure difficult deployments, some families were subject to considerable vitriol from the public themselves. Police officers feared that people would “dox” them and their families (that is, publicly share their names, home addresses, and other personally identifiable information). Cars with police stickers were repeatedly vandalized. As one community leader explained: “We had families ripped apart due to cancel culture. Our church was supportive for police and then came out and were awful towards police. Even churches across the United States were no longer a safe place due to that difference of opinion. We saw kids of police officers being bullied by protesters and in some cases, there were teens out there demonstrating and were bullying teens of officers.”

Safety and wellness are vital to officers’ capacity to protect community and protestors, to feel empathy for others, and to resolve conflict. However, some agencies lack the organizational wellness infrastructure to promote officer wellness generally, and especially during protest response. Moreover, police culture can hinder officer wellness initiatives and preclude officers who are struggling from seeking help. Fostering healthy officers serving in healthy law enforcement organizations advances healthy and communities.

The following recommendations aim to inform law enforcement officers and leaders on ways to improve their wellness and safety efforts.⁶⁹

⁶⁹ For additional resources on officer safety and wellness, please visit “Officer Safety and Wellness,” Office of Community Oriented Policing Services, accessed June 2, 2022, <https://cops.usdoj.gov/officersafetyandwellness>; “Law Enforcement Officer Safety and Wellness,” Bureau of Justice Assistance, accessed June 2, 2022, <https://bja.ojp.gov/program/law-enforcement-officer-safety-and-wellness/overview>. DOJ also has funding opportunities to support officer safety and wellness; please visit “Law Enforcement Mental Health and Wellness Act (LEMHWA) Program,” Office of Community Oriented Policing Services, accessed June 2, 2022, <https://cops.usdoj.gov/lemhwa>; “VALOR Officer Safety and Wellness Initiative,” Bureau of Justice Assistance, accessed June 2, 2022, <https://bja.ojp.gov/program/valor/overview>.

Officer safety and wellness recommendations

Well in advance of protests

6.1 Develop officer wellness programs that go beyond the needs of traditional EAPs and meet the specific needs of law enforcement.

In some cases, law enforcement agencies are covered under their jurisdiction's EAP, but the program may not adequately address some of the unique stresses and experiences of law enforcement personnel. Whether the agency develops a peer support program, contracts with additional law enforcement and trauma-educated mental health clinicians and wellness services, or procures some other combination of services, it is important that the unique needs of law enforcement personnel—sworn and civilian staff—are adequately addressed.

6.2 Conduct annual equipment checks to ensure appropriate personal protective equipment is available, tested, and restocked for all officers.

Some law enforcement members noted that a lack of personal protective equipment, including masks to protect against COVID, tactical vests, body-worn camera mounts for those vests, helmets, and other safety equipment, created anxiety during protest response. Equipment inventories should be up to date to ensure each officer on the line is well equipped.

6.3 Local government leaders should work with law enforcement and community leaders to consider officers' safety needs and provide resources to secure the technology and equipment necessary to keep them safe.

Budget cuts often eliminate funding for personal protective and other safety equipment used for protests or other major incidents, as that equipment is not necessary from day to day. It is important that this equipment be procured, maintained, and available to all officers when they need it. Police personnel reported that personal protective equipment in one agency had mold on it because it had been stored improperly. Others reported having only enough body armor for a fraction of the officers working the protests. Law enforcement leaders and elected officials are responsible for ensuring the availability of adequate equipment that is maintained appropriately to keep officers safe.

6.4 Provide training to mid-level supervisors to recognize and address officers' needs, including safety and wellness needs, during responses to protests.

The NPI's Center for Mass Violence Studies has created a training for supervisors that teaches them strategies to support officer safety and wellness during protest deployments and other large-scale or protracted events.⁷⁰

⁷⁰ NPI (National Policing Institute), *Staying Healthy in the Fray: The Impact of Crowd Management on Officers in the Context of Civil Unrest* (Arlington, VA: National Policing Institute, 2021), <https://www.policinginstitute.org/publication/staying-healthy-in-the-fray-the-impact-of-crowd-management-on-officers-in-the-context-of-civil-unrest/>.

6.5 Create family and partners' association programs to support families during deployments to protest response.

Some agencies have family and spouse associations that provide counseling, education, support, and bonding opportunities for officers' families. In multiple agencies, officers and their spouses said these associations were invaluable during the demonstrations. One law enforcement member recommended that spouses' associations could host pop-up events at important law enforcement events, including at the academy, to facilitate sign-ups.

Immediately prior to protests

6.6 While extended hours and shift changes may be unavoidable, prepare a support plan for officers who may be held over during shifts.

Plans should include meals, even if officers are unable to leave their posts to eat. Support should also include resources to allow officers to rest in between shifts and to sleep as soon as possible.

6.7 Create opportunities to involve officers' families and partners in protest response preparation to the extent possible.

Including loved ones in planning can both multiply resources and help inform families about what the response will entail and what officers will be doing. For example, one law enforcement member said that their organization invited members' partners to help prepare meals for the officers. Creating opportunities for involvement can help boost morale.

Departments should prepare a plan for officers who work the protests, including provisions for overtime, meal plans, and rest between shifts.⁷¹ The department should emphasize the availability of mental health services during and after an event. Chaplains or mental health service providers specially trained in critical incident stress management should be made available to officers during and after events.⁷² Agencies should also support officers whose families experience harassment and privacy breaches.

During protests

6.8 Designate an Officer Safety and Wellness Commander as part of the ICS structure to help officers get their needs met during protest response.

The Officer Safety and Wellness Commander would be responsible for ensuring appropriate equipment is available and monitoring for, recognizing, and readily addressing signs of extreme stress and fatigue in officers. This commander would also be responsible for ensuring that officers have access to water, nutrition, and restrooms when necessary.

⁷¹ Police Foundation, *2017 Presidential Inauguration First Amendment Assembly Independent Law Enforcement Review* (Washington, DC: Police Foundation, 2018), <https://www.policinginstitute.org/wp-content/uploads/2018/07/DC-Inauguration-Report-Final-070918.pdf>.

⁷² Straub et al., *Maintaining First Amendment Rights and Public Safety* (see note 58).

6.9 Prioritize breaks for officers and ensure they are rotated through positions in which they have direct contact with demonstrators, especially when there are high levels of tension, to reduce stress and prevent unnecessary and inappropriate uses of force.

Supervisors play a key role in mental health and management. Accordingly, they must be trained in supporting mental health so they can recognize when line officers are fatigued and make the proper adjustments to get them off the line.

If circumstances do not allow for officers to rest during or between shifts, agencies should consider rotating assignments during shifts to provide breaks in intensity. Special attention should be paid to ensuring that officers who may be subjected to verbal abuse, threats, and risks to their physical safety from some individuals within larger demonstration groups are rotated when needed. Agencies should take appropriate action to allow those working the line to have reasonable breaks and time off to sleep and recharge and should leverage mutual aid to respond to calls for service. Alternative response models should be identified as necessary.

6.10 Encourage officers and their families to distance themselves from social media and traditional media to the extent possible during times of ongoing protest responses.

Constant review and monitoring of social media can be detrimental to people's psychological well-being. One law enforcement member expressed the wish that he could prohibit officers from looking at social media during response times. Another law enforcement member brought up the effects of "cancel culture," a form of ostracism common across social media platforms to demonstrate disapproval toward a person or group, on officers' families. The member discussed cases in which officers' children experienced bullying and as a result had to change their names on social media or leave the platforms all together.

6.11 Create a family hotline that officers' family members can call to get updates about their loved one.

Some family members complained that they were unable to see or talk to their loved one for days because of extended shifts and concerns about potentially contracting COVID. These family members highlighted the stresses that not having their officer at home placed on the family. If they are unable to talk to the family members directly, agencies should establish a hotline that uses deployment information and Incident Action Plan (IAP) reports to provide status updates and potential injury details to family members.

After protests

6.12 Conduct internal debriefing sessions and publicly recognize the stressful events that have impacted agency staff.

Agencies should openly and intentionally acknowledge officers' experiences during response to protests. They should allow officers to share their experiences and have staff, such as counselors or chaplains, to provide support during these discussions. Officers may not be comfortable discussing their difficulties with senior leadership present, so it may be advisable to limit sessions to line officers and first-line supervisors. However, senior leadership should encourage officers to attend sessions.

6.13 Continue to follow up with agency partners' associations after protests to provide resources for after-care.

Agencies should continue to work with and support partners' associations after protests. For example, one law enforcement member explained how they use their partners' association after protests to broadcast important messages and resources to partners and their families.

Before, during, and after protests

6.14 Ensure, to the extent possible, that officers have scheduled time off following protracted or intense deployments to work protests.

Many agencies report that staff shortages and high violent crime rates have made it difficult, if not impossible, to give officers time off. Agencies need to create opportunities for officers to rest, particularly given the harm that long work hours can inflict on officers' health, safety, and performance.⁷³ Some agencies have used mutual aid from nearby departments to respond to calls for service. Others have reduced response to some low-level calls for service, opting to take reports remotely.

6.15 Ensure law enforcement personnel are educated about post-traumatic stress and trauma, its connection to suicide, and its impact on law enforcement.

Agencies should ensure that their personnel have access to literature on post-traumatic stress and trauma and can recognize the signs in themselves and others. DOJ makes various resources freely available to agencies on these topics, including *The Signs Within: Suicide Prevention Education and Awareness*,⁷⁴ *Effective Leadership Response to the Challenges of Law Enforcement Suicide*,⁷⁵ *Icebreakers*,⁷⁶ and *While We Have You . . . Let's Talk about PTSD*.⁷⁷

6.16 Create resources for officers and their families to access together, including clinicians trained in trauma and first responder stress to help them adapt and prioritize health.

Agencies should refrain from relying solely on established EAPs, as research shows that officers tend to be unaware of them or to feel that they cannot navigate the process or do not fit with the clinicians provided through the program. EAPs should be complemented with other resources. Among other things, agencies

⁷³ Bryan Vila, "Impact of Long Work Hours on Police Officers and the Communities They Serve," *American Journal of Industrial Medicine* 49, no. 11 (2006), 972–980, <https://doi.org/10.1002/ajim.20333>; Karen L. Amendola et al., *The Impact of Shift Length in Policing on Performance, Health, Quality of Life, Sleep, Fatigue, and Extra-Duty Employment* (Washington, DC: Police Foundation, 2011), <https://nicic.gov/impact-shift-length-policing-performance-health-quality-life-sleep-fatigue-and-extra-duty-employment>.

⁷⁴ IACP (International Association of Chiefs of Police), *The Signs Within: Suicide Prevention and Awareness* (Washington, DC: Office of Community Oriented Policing Services, 2018), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0855>.

⁷⁵ James D. Sewell, *Effective Leadership Response to the Challenges of Law Enforcement Suicide* (Washington, DC: Office of Community Oriented Policing Services, 2021), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0944>.

⁷⁶ SAFLEO (National Suicide Awareness for Law Enforcement Officers Program), "Icebreakers," accessed June 2, 2022, <https://safleo.org/ResourceLibrary/Resource/08c5f88b-88a1-4722-11f2-08da39a5e9ac>.

⁷⁷ VALOR Officer Safety and Wellness Program, "While We Have You . . . Let's Talk about PTSD," accessed June 2, 2022, <https://www.valorforblue.org/Clearinghouse/1357/While-We-Have-You-Let%E2%80%99s-Talk-About-PTSD->.

might consider designating relaxation and sleep rooms, reconsidering shift-work schedules, and seeking public and private partnerships that can provide access to more resources.⁷⁸

6.17 Openly recognize and educate department personnel, elected officials, and community members on the negative impact that crowd management and other critical incidents have on law enforcement personnel, their significant others, and their children.

The aftermath of deployments can both undermine officer morale and officers' ability to positively engage with the community—a cornerstone of community policing—and contribute to the cycle of community trauma. Elected officials and command staff must support police officers who do their jobs honorably with both their actions and their words.

6.18 Invest in consistent and ongoing resilience and wellness training that provides officers with a career-long learning process in wellness.

Programs and trainings should be chosen intentionally, in a proactive rather than a reactive manner. Officers and families notice when initiatives are “check-the-box” trainings rather than tools for consistent care and ongoing improvement.

6.19 Leadership should support the use of counseling, peer support, and other wellness activities and encourage informal departmental leaders to openly acknowledge use of it.

Communication like the “It’s OK to Not Be OK” video by the Orange County (Florida) Sheriff’s Office⁷⁹ can motivate officers to take steps necessary to help themselves. Counseling and peer support responses should be available for everyday stressors and not just critical incidents.

6.20 Work toward a culture and environment in which mental health and wellness is a standard part of officer safety and department culture.

Creating a culture of wellness requires that agencies eliminate stigmatization and normalize mental health care.⁸⁰ Officers and supervisors should be encouraged to talk openly about their wellness while maintaining the required sensitivity for personal topics. Agencies should be consistent, relentless, and patient with this process, as it takes time. One law enforcement participant said, “Old-school thinking and unprocessed trauma is not safe.” Agency leadership should observe their officers to see how they are doing. They should also engage with them, ask how they are doing, and show concern for their well-being all the time, but especially following protest responses.

⁷⁸ NPI, *Staying Health in the Fray* (see note 70).

⁷⁹ Orange County (Florida) Sheriff’s Office, “It’s OK to Not Be OK,” Facebook, September 16, 2021, <https://www.facebook.com/watch/?v=966838817196679>.

⁸⁰ NPI, *Staying Health in the Fray* (see note 70).

7. After-Action Review / Follow up

Agencies should engage in AARs or follow-up assessments of their responses to protests to evaluate whether existing procedures and mechanisms worked as intended and identify opportunities for improvement. For example, some agencies reported a lack of preparedness for the 2020–2021 protests, in which many used outdated and inefficient procedures. By honestly reflecting on past experiences, organizations can anticipate emerging challenges, incorporate promising practices, and work collaboratively to evolve and prepare for future events. Instilling a culture that encourages continuous learning through the assessment and identification of promising practices and lessons learned is vital to ensuring first responder and community safety and building effective responses to major events.⁸¹

AAR recommendations

After protests

7.1 Conduct honest and thorough AARs following major incidents.

Agency leadership should create an environment that encourages honest learning from incidents through AARs that identify promising practices, lessons learned, and similar experiences of other agencies and jurisdictions. It may be beneficial to use an independent organization to conduct AARs when appropriate to avoid the appearance of bias. Agencies should avoid “check-the-box” reviews and should avoid focusing solely on positive, punitive, or negative aspects. Independent reviews provide the best opportunity for this thoroughness. For guidance on how to conduct AARs, refer to the National Policing Institute’s guidelines. The NPI AAR library contains dozens of AARs of mass casualty attacks and mass demonstrations.⁸²

7.2 Incorporate stakeholders, and use AARs as a platform for honest conversation with community stakeholders about necessary improvements.

Agencies should engage independent facilitators for conversations with community stakeholders so that an unbiased party leads the event. While law enforcement and community members should both have opportunities to talk, neither party should guide the discussion. It is also important to ensure that the facilitator or an equally unbiased party is responsible for sending the invitations if law enforcement or community stakeholders are unwilling to engage. As one law enforcement leader suggested: “Bring in the toughest critics to engage in after-protest conversations.”

⁸¹ NPF (National Police Foundation), *How to Conduct an After-Action Review* (Washington, DC: Office of Community Oriented Policing Services, 2020), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0878>.

⁸² NPI (National Policing Institute), “After-Action Review Library,” accessed June 2, 2022, <https://www.policinginstitute.org/aarlibrary/>.

7.3 Complete the learning cycle by establishing a process to ensure that lessons learned are incorporated back into policy, process, and training.

Agencies can benefit from setting up internal mechanisms to review officer responses following protests, revising rules of engagement as needed, and updating procedures to better prepare for future events.

7.4 Engage with outside experts to develop metrics, data collection, and analysis to evaluate protests and corresponding police response, which can be tailored to jurisdictions' needs. These data should be made public as soon as possible.

Agencies may struggle to decide where to begin in identifying the types of information and data that should be collected. If agencies do not have staff with expertise on data and measurement, they are encouraged to seek outside assistance from subject matter experts or researchers. Many agencies are near colleges and universities with graduate students and professors with experience in measurement and evaluation. In addition, the Collaborative Reform Initiative – Technical Assistance Center (CRI-TAC)⁸³ and CompStat 360 (CS360)⁸⁴ are two federally funded initiatives that provide customized, no-cost technical assistance for individual agencies on a host of topics, including community and youth engagement, problem-solving techniques, data collection and analysis, and community policing.

⁸³ "CRI-TAC," Office of Community Oriented Policing Services, accessed June 2, 2022, <https://cops.usdoj.gov/collaborativereform>.

⁸⁴ "CS360 Dimensions," CompStat360, accessed June 2, 2022, <https://www.compstat360.org/>.

About the National Policing Institute

Established in 1970, the **National Policing Institute (NPI)**, formerly the National Police Foundation) is the oldest nationally known 501(c)(3) nonprofit, non partisan, and non–membership driven organization dedicated to improving policing in the United States. The National Policing Institute supports change makers in policing, communities, and government by harnessing the power of science and innovation to challenge the status quo and to promote public safety for all.

In the last 50 years, the National Policing Institute’s work has remained a catalyst for significant change in policing and communities. The institute contributes to scholastic exploration and discovery; informs policy makers, community members, and practitioners alike; and serves as a model for the systematic and fact-based examination of real-world challenges. To accomplish this mission—Pursuing Excellence through Science and Innovation—the National Policing Institute works closely with those working in and affected by policing across the United States and internationally. The institute continues to advance the principles of 21st century democratic policing through its work.

Today, the National Policing Institute’s specialized Research Division complements the value of experience in our Programs Divisions that include staff who have served in law enforcement and related organizations at the federal, state, and local levels. This diversity of expertise and intersection of science and experience create the unique blended approach that NPI brings for the benefit of the communities we serve.

To learn more, visit the National Policing Institute at www.policinginstitute.org.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem-solving approaches based on collaboration. The COPS Office awards grants to hire community policing officers and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Since 1994, the COPS Office has invested more than \$14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing. Other achievements include the following:

- To date, the COPS Office has funded the hiring of approximately 130,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations and the COPS Training Portal.
- Almost 500 agencies have received customized advice and peer-led technical assistance through the COPS Office Collaborative Reform Initiative Technical Assistance Center.
- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs and flash drives.
- The COPS Office also sponsors conferences, roundtables, and other forums focused on issues critical to law enforcement.

COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, <https://cops.usdoj.gov>.

The First Amendment to the U.S. Constitution guarantees the people’s right “peaceably to assemble, and to petition the government for a redress of grievances,” and many political, economic, and social concerns throughout our nation’s history have been confronted and ameliorated by marches, sit ins, rallies, demonstrations, and protests. Law enforcement agencies play a critical role in preserving and protecting these rights, but they must also identify when intervention is necessary in order to maintain safety and public order. This publication provides recommendations for state, local, tribal, and territorial law enforcement agencies for addressing the challenges of mass demonstrations in the 21st century and responding with the goal of protecting the right to protest while safeguarding property as well as preserving officer and community safety.



COPS

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APPENDIX C

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Rethinking the Police Response to Mass Demonstrations: *9 Recommendations*



CRITICAL ISSUES IN POLICING SERIES

Rethinking the Police Response to Mass Demonstrations: 9 Recommendations

February 2022



POLICE EXECUTIVE
RESEARCH FORUM

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Acknowledgments

THIS REPORT IS THE PRODUCT OF A MULTI-faceted project that took place over the course of 16 months and involved many people. The project started with the Daily Critical Issues Reports that PERF produced on the demonstrations of 2020-21 (see page 8). PERF is grateful to all of the police chiefs, sheriffs, and other experts who agreed to be interviewed for more than 20 Daily Reports about the challenges they were facing and their strategies for managing demonstrations, safeguarding protesters' Constitutional rights, and protecting public safety.

PERF is also thankful to the eight experts who participated in PERF's webinar¹ on demonstrations and helped to guide the content of this report:

- Assistant Police Chief Jeffery Carroll, Metropolitan Police Department, Washington, DC
- Brian Castner, Senior Crisis Advisor, Amnesty International
- Louisville, KY Mayor Greg Fischer
- Baltimore Police Commissioner Michael S. Harrison
- Dr. Tamara D. Herold, University of Nevada, Las Vegas
- Columbia, SC Police Chief William "Skip" Holbrook
- Deputy Chief Constable Will Kerr, Police Scotland
- Tara Murray, Civil and Human Rights Attorney, Washington, DC

PERF is grateful to the Motorola Solutions Foundation, which for more than 20 years has supported PERF's *Critical Issues in Policing* series of research projects. One of the key benefits of the *Critical Issues* series is that PERF can address the vital issues in policing as they happen, without a lag time.

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Many PERF staff members contributed to this project. Chief Program Officer Kevin Morison managed the project and was actively involved in all aspects of it, including the Daily Reports, the webinar and assistance from the panel of experts, and overseeing the development of this report. Research Assistant Adam Kass reviewed approximately 25

1. PERF. "Managing Demonstrations: New Strategies for Protecting Protesters and the Police." <https://youtu.be/WBAiuPucZQ0>

after-action reports by cities that experienced major demonstrations in 2020 and conducted or commissioned reviews to learn if their response to such events could be improved. Research Associate Jason Cheney assisted Adam in organizing, cataloging, and synthesizing the information contained in the reports. Senior Research Associate Sarah Mostyn, Assistant Director of Communications James McGinty, and Director of Applied Research and Management Tom Wilson contributed to the Daily Reports and webinar, and provided further guidance and insight on the project.

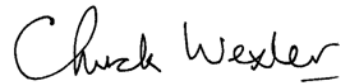
Consultant Ben Heller further analyzed the after-action reports and webinar discussions, synthesized that information into the findings and recommendations in this report, and drafted most sections of the document. Communications Director Craig Fischer

edited and managed production of this report, and Graphic Designer Dave Williams designed the publication.

Back in 2014, then-Police Chief Steve Anderson of Nashville made headlines for his response to protests about a Missouri grand jury's decision not to charge Ferguson Police Officer Darren Wilson in the fatal shooting of Michael Brown.

Steve and his officers greeted protesters with coffee and hot chocolate, and closed streets to accommodate the demonstrations. He told protesters that the Nashville police saw their role as protecting everyone's First Amendment rights.

The result was a peaceful demonstration in Nashville, with no arrests or incidents of violence. This report is intended to help all police agencies to achieve those kinds of results.

A handwritten signature in black ink that reads "Chuck Wexler". The signature is written in a cursive, flowing style with a horizontal line under the last few letters.

Chuck Wexler
Executive Director

Introduction: The Three Crises of 2020

By Chuck Wexler

POLICE AGENCIES' MANAGEMENT OF PROTESTS and demonstrations is not a new issue. PERF produced major reports on this topic in 2006, 2011, and 2018 (see pp. 15-17).

And yet, the demonstrations of 2020 required PERF to throw out those playbooks and realize that we had to look at demonstrations very differently. **Police simply did not expect and were not prepared for the level and extent of violence they encountered. It was unlike anything they had seen in 20 years.**

Police actually faced three major crises in 2020:

Crisis 1: The COVID-19 pandemic,

Crisis 2: Thousands of demonstrations following the murder of George Floyd, and

Crisis 3: A spike in homicides and shootings.

This report is mainly about Crisis 2, demonstrations. But I want to briefly discuss all three crises, because each one posed difficult, sometimes unprecedented challenges to law enforcement agencies, and the three crises compounded each other, creating a synergy that made all of the problems worse.

Crisis 1: COVID-19 upends nearly every aspect of policing

In January-February 2020, we all heard about a new disease called COVID-19 that was threatening to become a global pandemic. For a few days or weeks, we hoped the impact might be limited, but it soon

became clear that COVID-19 was spreading across the United States.

Police departments quickly responded with dozens of changes in how they operated. Unlike many professions where employees could shift to working from home, most police work requires an in-person response. So the basic question was how to keep police agencies operating.

Police executives recognized the danger of the coronavirus sweeping through their departments. It could become impossible to maintain adequate staffing levels if a high percentage of officers became sick or had to quarantine. And without functioning police departments, cities might experience lawlessness.

By March 2020, police agencies across the United States and around the world were taking quick actions to protect officers against the virus, so they could keep doing their jobs. To reduce opportunities for the virus to spread, police departments cancelled community meetings and events. They suspended many types of internal meetings, such as recruit training and in-service training sessions. They held roll calls outdoors, or online. They stopped responding in person to incidents like minor traffic accidents or property crimes, having individuals instead report those incidents over the phone or online. They changed work schedules to reduce the number of daily contacts among officers. They closed precinct stations to the public, scrambled to acquire supplies of personal protective equipment, and in dozens of other ways, worked to reduce the spread of the coronavirus.

In March, PERF began documenting these changes in “Daily COVID-19 Reports.”² Over the course of the next year, PERF produced 116 of these reports, providing a daily digest of original research into how COVID impacted policing and how police leaders were responding. That information and other research is summarized in PERF’s recent publication, *Lessons from the COVID-19 Pandemic: What Police Learned from One of the Most Challenging Periods of Our Lives*.³

Crisis 2: Thousands of demonstrations after the murder of George Floyd

On May 25, 2020, another event shook the policing profession. George Floyd was killed by a police officer in Minneapolis, and video footage of Mr. Floyd’s death was captured by a 17-year-old bystander. Officer Derek Chauvin was promptly fired, criminally charged, and later found guilty of murder and manslaughter charges in Mr. Floyd’s death.

The killing of George Floyd – and other incidents of police use of force in the months to come – triggered a wave of demonstrations unlike anything the policing profession has seen in modern history.

Many large cities experienced dozens or even hundreds of demonstrations in the next few months. By September, Portland, OR Police Chief Chuck Lovell told PERF that Portland had experienced demonstrations and/or riots for nearly 100 nights in a row.⁴ In many cities, the demonstrations were not necessarily about any complaints about the local police; rather, demonstrators turned out to show solidarity with those protesting George Floyd’s death and other incidents in various locations.

Crisis 3: Spikes in violent crime rates

In the fall of 2020, PERF began hearing about sharp increases in violent crime in many cities. PERF and the Major Cities Chiefs Association conducted surveys of our members, and found that among 223 responding agencies of all sizes, the total number of homicides in the first 9 months of 2020 was 28% greater than in the same period in 2019.⁵ Aggravated assaults also increased 9%. Later, a follow-up survey of PERF members found that increasing violent crime trends had continued through the first seven months of 2021.⁶

In September 2021, the FBI released UCR data indicating that there were more than 21,500 homicides reported in 2020, a level not seen since the 1990s. This was the largest single-year increase in murders recorded by the FBI since the 1960s.

The three crises were interconnected

These three crises compounded each other in ways that made their total impact worse.

For example, many police chiefs reported that the COVID pandemic contributed to the increases in violent crime. COVID forced many court systems to drastically curtail their operations, because in-person trials would have endangered the health of everyone in the courtroom. With few or no trials being held, many criminal offenders saw little reason to accept plea agreements, so major elements of the criminal justice system essentially ceased to function in some places. And many jails, worried about COVID sweeping through their facilities, released large numbers of inmates early, in order to allow for greater social distancing among those who remained.

So there were thousands more criminal offenders on the streets as a result of COVID-19. And often the offenders were not subject to the same controls

2. PERF. “Responding to COVID-19.” <https://www.policeforum.org/covid-19-response>

3. Police Executive Research Forum. “Lessons from the COVID-19 Pandemic: What Police Learned from One of the Most Challenging Periods of Our Lives.” December 2021. <https://www.policeforum.org/assets/COVIDPandemic.pdf>

4. PERF Daily Critical Issues Report, “Demonstrations in Portland and Washington, DC.” September 3, 2020. <https://www.policeforum.org/criticalissuessep3>

5. PERF Daily Critical Issues Report, “PERF Analysis Reveals a Spike in Some Violent Crimes This Year.” November 18, 2020. <https://www.policeforum.org/criticalissuesnov18>

6. PERF Special Report, “Violent Crime Trends: Homicides, Shootings, and Carjackings Are Increasing in 2021; Robberies Continue to Decline.” September 22, 2021. <https://www.policeforum.org/violentcrimesurveyseptember2021>

they would have received in normal times, such as enforceable probation conditions. Released inmates also did not receive resources, such as drug treatment, that they might have normally received.

In a number of cities, offenders committed serious crimes, such as carjackings,⁷ and did not face any meaningful sanctions, adding to the chaos on the streets.

The thousands of demonstrations also likely contributed to increased crime, in part because the protests, occurring day after day, forced police to move detectives and officers from crime-fighting units in high-crime neighborhoods to policing demonstrations.⁸

The demonstrations also increased COVID risks to the police, because officers had no choice but to be in close contact with often-maskless demonstrators. It was impossible to maintain 6 feet of distance during many of these large, crowded events.

The focus of this report: Demonstrations and violence

This report is about the second crisis described above: the demonstrations that continued through the summer and into the fall of 2020, and the unprecedented violence that occurred in many cities.

This report provides 35 recommendations for actions that law enforcement agencies can take to improve their planning for, and response to, demonstrations in their communities.

The demonstrations of 2020 were especially difficult to manage because the protests were *about* policing. And in many jurisdictions, the police response to the demonstrations added to the anger and distrust toward the police that many demonstrators felt. How can police meet with protest leaders and discuss how to facilitate peaceful demonstrations when some protest leaders view the police as the enemy?

And yet, as we learned throughout this project, engaging the community is vitally needed to achieve the twin goals of safeguarding First Amendment rights and protecting public safety.

The challenge is to find new approaches to working with community leaders during peaceful times, and then engaging them in new ways when demonstrations emerge.

We must take police-community engagement on demonstrations to a higher level

The #1 recommendation in this report, the most important one, calls upon police to rethink how they engage the community regarding demonstrations.

Police departments and sheriffs' offices should broaden community engagement in at least two important ways:

1. Police should invite community leaders to participate in police meetings and training sessions about planning the police response to demonstrations. These meetings should discuss the police response to demonstrations as a general matter, as well as planning for particular demonstrations.

These meetings should include discussions of key issues, such as how police balance their role in facilitating First Amendment expression with the need to protect public safety when demonstrations begin to turn violent.

In many of the 2020 demonstrations, violent agitators embedded themselves among peaceful protesters, and sometimes threw rocks or other projectiles at police, started fires, or threatened public safety in other ways. Police have limited tools for responding to these kinds of situations. Often, when faced with acts of violence during the 2020 demonstrations, police used CS gas to disperse crowds, which prompted complaints that police were using excessive force to shut down demonstrations that appeared to be mostly peaceful, but included dangerous elements.

By inviting community leaders to participate in police planning sessions about how to handle these difficult situations in the future, police agencies

7. PERF Daily Critical Issues Report, "Increases in Carjackings." February 8, 2021. <https://www.policeforum.org/criticalissues8feb21>

8. PERF Daily Critical Issues Report, "Violent crime increases in large cities." November 23, 2020. <https://www.policeforum.org/criticalissuesnov23>

can gain valuable input, while also building trust and showing their communities that police share the same goals of facilitating the peaceful exercise of First Amendment rights.

These forums can serve as a good sounding board for discussions about tactics and the police response to various types of situations.

Police also can build trust by inviting community members to observe police training sessions and tabletop exercises about demonstrations.

2. Police should build trust during demonstrations, by inviting community leaders who have strong credibility among the general public to serve as observers and partners on the streets.

By letting community leaders see the police department's systems and procedures for managing a demonstration, police can help the community to understand the challenges they are facing and develop solutions, while building trust.

For example, in a situation where violent agitators, embedded in a mostly-peaceful crowd of demonstrators, are throwing rocks or fireworks at police at the south end of a park, community leaders might communicate with protest leaders on the ground, and ask the peaceful protesters to separate themselves from those who are committing violent acts.

In this way, a joint police-community response could potentially help police resolve situations without having to resort to CS gas or other types of force.

Police might also consider designating interested community leaders as marshals who observe and document demonstrations and the police response. In the aftermath of a demonstration, these marshals can provide the community with feedback about what occurred and why.

The community members should not be merely observers. Rather, police should work with these individuals to identify specific roles they can take to be helpful.

Of course, one of the challenges that many law enforcement agencies faced during the protests of 2020 was identifying community leaders with whom they could work. Many of the demonstrations that focused on calls for police reform were carried out by "leaderless" groups of protesters, who organized

organically on social media platforms. This made it difficult for police officials to single out individuals who (1) carried weight with the demonstrators and (2) would be willing to work with the police.

This situation demands that police agencies redouble and expand their efforts to reach out to and engage broad segments of the community on an everyday basis, not only during demonstrations. Traditional community leaders may not be the individuals who lead anti-police protests, and they may have little connection to those who do lead protests. Police officials at all levels need to develop contacts and initiate communication with a wider range of community members and leaders, and work to build their trust long before a major demonstration occurs. This outreach can be done in-person and online, through the social media platforms that protesters use.

This work won't be easy: many of the people involved in demonstrations about policing have little faith or trust in the police. But by doing the hard work of outreach and engagement today, agencies will be better prepared to work with the community to manage tomorrow's protests.

Police agencies also must rethink their approach to use of force during demonstrations.

Another major issue during the demonstrations of 2020 was that suddenly many police departments were using "less-lethal force" tools they hadn't used in years. CS gas, pepper spray, beanbag rounds, rubber bullets, "flash-bang" devices, and other tools were being used in many cities, and often, police officers hadn't received special training on their use. It simply hadn't been a priority for training, because these devices hadn't been widely used for many years.

This report provides recommended guidance on limiting the use of various less-lethal tools to certain specified situations. We also recommend that decisions about whether to use less-lethal tools be made only at a high level in a police department. The name "less-lethal" suggests that these devices are relatively safe, but the fact is that they can and do cause serious injuries. We also recommend that officers be trained to use the Critical Decision-Making Model (CDM) as they face complex situations during demonstrations.

We also believe that the U.S. Justice Department's research branch, the National Institute of Justice, could take an important role in evaluating specific less-lethal weapons and making detailed recommendations about when and where each type of weapon may be used, or should not be used.

The level of violence and destruction in the demonstrations of 2020 was unlike anything police had seen in decades. In many cities, agitators threw Molotov cocktails and rocks at police, committed acts of arson, smashed windows and looted stores, and often used peaceful demonstrators as

cover to commit acts of violence. This combination of violent agitators and peaceful demonstrators became the most challenging situation for police to manage.

As this report will explain, too often in 2020, existing approaches and tools proved inadequate for these complex incidents. We need to create and test new approaches that are different from the ways things are done now. This report is intended to help police departments and sheriffs' offices develop these new concepts.

Chuck Wexler

Chuck Wexler
Executive Director



Los Angeles Police Chief Michel Moore in a discussion with George Floyd protesters

Sources of Information in This Report

THIS REPORT PROVIDES 38 RECOMMENDATIONS for law enforcement agencies regarding the handling of demonstrations, public assemblies, and other First-Amendment protected activities, as well as civil disturbances and violence that sometimes occur during demonstrations.

The recommendations are based on information collected and analyzed from the following sources and reports:

PERF “Daily Reports” on demonstrations in 2020-21

In 2020 and 2021, PERF produced approximately 250 Daily COVID-19 Reports⁹ and Daily Critical Issues Reports¹⁰ on issues related to the COVID-19 pandemic and other issues, including demonstrations and riots following the death of George Floyd in May 2020, and various police reform proposals being considered. These reports presented original research, usually based on PERF’s interviews of police chiefs and other experts.

Following is a list of some of these reports about demonstrations and related issues:

2020

- Thursday, June 4: The intersection of COVID-19, demonstrations, and riots
- Tuesday, June 9: If Minneapolis officers had acted on their “duty to intervene,” would George Floyd be alive today?

- Thursday, June 11: Washington, DC Police Chief Pete Newsham on why “defunding” threatens reforms
- Monday, June 15: Use-of-force continuums are an outdated approach
- Wednesday, June 24: Talk of “defunding” police brings focus on mental health co-responder programs
- Friday, June 26: How disciplinary processes thwart reforms
- Thursday, July 2: Cities are bracing for many July 4 problems
- Friday, July 24: Interview with Seattle Chief Carmen Best about recent violent groups in the city
- Wednesday, August 5: The boogaloo movement and the threat it poses to law enforcement
- Friday, August 7: Interview with Portland Chief Chuck Lovell
- Monday, August 10: NYPD Tactical Assessment details threats against officers
- Friday, August 14: Interview with Salt Lake City Chief Mike Brown
- Thursday, September 3: Demonstrations in Portland, OR and Washington, DC
- Tuesday, September 8: Possible changes to the qualified immunity doctrine
- Wednesday, September 9: Changes to no-knock warrants and forced entry raids

9. PERF Daily COVID-19 Reports. <https://www.policeforum.org/covid-19-response>

10. PERF Daily Critical Issues Reports. <https://www.policeforum.org/critical-issues-reports>

- **Friday, October 23:** Demonstrations discussion from PERF's Town Hall
- **Wednesday, November 4:** Interview with Minneapolis Chief Medaria Arradondo

2021

- **Tuesday, February 9:** Peter Newsham on policing demonstrations in Washington, DC
- **Friday, February 26:** Interview with San Diego Chief David Nisleit about his agency's new policy on First Amendment activity
- **Thursday, March 11:** Preparing for the Derek Chauvin trial in Minneapolis
- **Tuesday, April 20:** Recommendations from PERF's webinar about demonstrations
- **Thursday, April 22:** PERF board members on how they're planning to move forward after the Chauvin trial

After-action reports

Many cities around the country commissioned "after-action reports" or similar reviews in the aftermath of their demonstrations to understand what happened and to examine the response of police and other agencies.

PERF reviewed and analyzed the following 26 after-action reports from 20 cities. Each listing below cites the jurisdiction and the organization that conducted the after-action review. In some cities, multiple reviews were conducted by different organizations.

- **Asheville, NC — Asheville Police Department**
https://drive.google.com/file/d/1iMOOETz-wPYWIB9LbEDI_1bj8xDsIWQL/view
- **Charleston, SC — Charleston Police Department**
<https://www.charleston-sc.gov/strengthening-charleston-preliminary-report>
- **Chicago — Chicago Police Department**
https://home.chicagopolice.org/wp-content/uploads/2021/02/AAR_FINAL_2-4-21.pdf
- **Chicago — Office of the Inspector General**
<https://igchicago.org/wp-content/uploads/2021/02/OIG-Report-on-Chicagos-Response-to-George-Floyd-Protests-and-Unrest.pdf>
- **Cleveland — Cleveland Division of Police**
<https://s3.documentcloud.org/documents/20419471/cleveland-may-30-riot-after-action-review.pdf>
- **Cleveland — Cleveland Police Monitoring Team**
<https://static1.squarespace.com/static/5651f9b5e4b08f0af890bd13/t/603bdd2e4e6a0d1861571cdc/1614535987518/Ninth+Semiannual+Report+w%3AAttachments.pdf>
- **Columbia, SC — Columbia Police Department**
https://issuu.com/columbiapdsc/docs/cpd_critical_incidents_review_2020
- **Dallas — Dallas Police Department**
<https://dfw.cbslocal.com/wp-content/uploads/sites/15909545/2020/08/Final-After-Action-Report-1.pdf>
- **Denver — Office of the Independent Monitor**
https://www.denvergov.org/files/assets/public/independent-monitor/documents/2020gfpreport_oim.pdf
- **Fredericksburg, VA — Police Executive Research Forum**
<https://www.fredericksburgva.gov/DocumentCenter/View/18750/PERF-Final-Report-February-3-2021-PDF?bidId>
- **Indianapolis — Independent Review Panel**
<https://www.wfyi.org/files/wfyi/files/impd-review-panel-full-report.pdf>
- **La Mesa, CA — Hillard Heintze, LLC**
<https://www.nbcsandiego.com/news/local/consulting-firms-report-on-la-mesa-riot-concludes-police-was-unprepared/2504731/>
- **Los Angeles — Los Angeles Police Department**
<http://lapd-assets.lapdonline.org/assets/pdf/LAPD%20After%20Action%20Report%202020.pdf>
- **Los Angeles — Independent Counsel**
<https://int.nyt.com/data/documenttools/lapd-george-floyd-protests-report/ec6b2bf2056f6727/full.pdf>
- **Los Angeles — National Police Foundation**
<https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2021/11/A-Crisis-of-Trust.pdf>

- **New York City — New York City Department of Investigation**
<https://www1.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>
- **New York City — State of New York Attorney General**
<https://ag.ny.gov/sites/default/files/2020-nypd-report.pdf>
- **Oakland, CA — Oakland Police Department**
<https://cao-94612.s3.amazonaws.com/documents/After-Action-29MAY20-to-4JUN20-9-24-20-update.pdf>
- **Omaha, NE — Omaha Police Department**
https://drive.google.com/file/d/18Bo_MPV-GRfjtZ4IQkSiWn7s-RN3PkKf/view;
- **Philadelphia — CNA and Montgomery McCracken**
https://www.cna.org/CNA_files/PDF/IAA-2020-U-028506-Final.pdf
- **Raleigh, NC — Raleigh Police Department**
<https://cityofraleigh0drupal.blob.core.usgovcloudapi.net/drupal-prod/COR23/2020RPDAfterActionReview.pdf>
- **Raleigh, NC — 21CP Solutions**
[https://go.boarddocs.com/nc/raleigh/Board.nsf/files/BV8SZL741092/\\$file/20201110CMORaleighPoliceDepartment-External%20ConsultantsReport.pdf](https://go.boarddocs.com/nc/raleigh/Board.nsf/files/BV8SZL741092/$file/20201110CMORaleighPoliceDepartment-External%20ConsultantsReport.pdf)
- **San Jose, CA — San Jose Police Department**
<https://sanjose.legistar.com/View.ashx?M=F&ID=8769493&GUID=3ED4A6F5-F069-4E7F-BADE-99421D9991B3>
- **San Luis Obispo, CA — San Luis Obispo Police Department**
<https://www.slocity.org/Home/Components/News/News/7867/17>
- **Santa Monica, CA — OIR Group**
<https://www.santamonica.gov/Media/Default/CMO/Attachment-11153.pdf>

- **Seattle — Seattle Office of Police Accountability**
<http://www.seattle.gov/Documents/Departments/OPA/Special-Reports/OPA-Response-to-Council-CCW-Ordinance-081520.pdf>

PERF webinar

On April 15, 2021, PERF also hosted a webinar¹¹ with eight subject matter experts to discuss PERF's preliminary list of recommendations.

The webinar panelists reviewed PERF's findings and provided additional perspectives on the demonstrations of 2020, and the lessons that police agencies should take from that experience.

Following is a list of the webinar participants:



Assistant Police Chief Jeffery Carroll, Metropolitan Police Department, Washington, DC



Brian Castner, Senior Crisis Advisor, Amnesty International



Louisville, KY Mayor Greg Fischer



Baltimore Police Commissioner Michael S. Harrison

11. PERF. "Managing Demonstrations: New Strategies for Protecting Protesters and the Police." <https://youtu.be/WBAiuPucZQ0>



**Dr. Tamara D. Herold,
University of Nevada,
Las Vegas**



**Deputy Chief Constable
Will Kerr, Police Scotland**



**Columbia, SC Police Chief
William "Skip" Holbrook**



**Tara Murray, Civil and
Human Rights Attorney,
Washington, DC**

Executive Summary and Key Recommendations

FOLLOWING IS A SUMMARY OF PERF'S 9 MAJOR recommendations.

In subsequent chapters of this report, each major recommendation is discussed and supplemented with more detailed guidance.

1. **Reinventing the role of the community:** For years, police leaders have talked about working with community members during protests and in the days and weeks before planned demonstrations. That is not new. What PERF is proposing now is about taking the relationship to a new level.

PERF recommends that police should invite community leaders to observe and participate in police planning discussions, training initiatives, tabletop exercises, and other activities related to demonstrations.

This should be done in a general, routine manner – not only when a particular demonstration is expected, but when police are creating overall plans and protocols for *all* demonstrations.

This will generally help to build trust in the community, and will demonstrate to community leaders that the police see their primary role during demonstrations as facilitating safe and lawful First Amendment expression. That type of engagement may result in community leaders being more willing to work with police when they are planning a particular demonstration.

In this way, community members become “force-multipliers” for the police. Police

agencies will always be challenged to have enough officers to effectively manage large, hostile demonstrations that continue for weeks at a time. But in cities where police have built trust with many community members and leaders, there will be less need for a massive police response.

Community leaders also should be invited to serve as observers and partners to police during demonstrations. Community members may be able to help guide the police response in ways that minimize use of force while facilitating First Amendment expression. Police should establish ways of being in touch with leaders during demonstrations by cellphone calls, texts, and in-person consultations. These community members also can document the event, report back to the community about how police viewed their role and responded to particular issues that arose during the demonstration, and obtain a better understanding of the complex challenges that police often face during demonstrations.

2. **During a demonstration, communicate effectively, up and down the policing chain of command.** The goal of such communication is to ensure that everyone in the police agency has a clear understanding of the goals of policing mass demonstrations, as well as specific tactics, actions, and tools that are acceptable responses to different types of actions by members of the public.

3. **Train officers and supervisors adequately** so that they have the knowledge and skills they need to maintain public order while facilitating freedom of speech and assembly.
4. **The policing profession, with assistance from academic experts and the U.S. Dept. of Justice’s research branch, the National Institute of Justice, should re-engineer how we think about less-lethal weapons.** This should include a comprehensive evaluation of each type of less-lethal tool, how it works, its capabilities and limitations, and any risks it poses to community members and/or to police officers. The policing profession should create strong policy guidelines about the circumstances under which the use of each tool may be considered, and any situations in which the tool should be prohibited.

Currently, police agencies have no play-book and little information beyond what the manufacturers say about their products. What do we know about the effectiveness of each weapon or tool? What new technologies could be developed?

For example, currently, some tools, such as CS gas, are warranted in specific circumstances, but when used unnecessarily or improperly, can antagonize protesters and be counter-productive. And other so-called “less-lethal” tools, such as soft projectiles, can cause serious or even fatal injuries, and can be difficult to target.

The Justice Department’s research branch, the National Institute of Justice, should play a key role in this process of conducting research on less-lethal tools, and developing strong policy guidance about their use.
5. **Warn crowds before deploying less-lethal force.** In addition to providing advance notice of the possible use of force, officers should give specific instructions to demonstrators, through loudspeakers that can be heard by all, about what they should do (such as leaving a park by certain exits or streets), and with a deadline for action.

Clear guidance is necessary to avoid confusion and prevent situations where large crowds are subjected to uses of force merely because they were not given clear instructions about how to leave the scene or otherwise comply with police orders, or weren’t given sufficient time to disperse.
6. **Avoid the use of mass arrests.** Unnecessary arrests can create the impression that police are stifling First Amendment rights, which undermines community trust. And on a tactical level, mass arrests can take officers away from more important tasks on the front line, and can result in major administrative and legal issues later.
7. **Prepare and activate mutual aid agreements.** These agreements should be specific and clear about response protocols, and should state that officers from assisting agencies must adhere to the policies and practices of the host agency. In this way, when agencies are overburdened, they can rely on officers from neighboring jurisdictions who will behave in accordance with the local department’s norms and policies.
8. **Prioritize officer safety, health, and wellness** to protect officers’ well-being and avoid burnout and poor decision-making that may result from prolonged exposure to the stress of policing a mass demonstration.
9. **Ensure robust review of the police response to each demonstration,** both in daily debriefings and longer-term review of large events, so that police agencies can refine their approaches to policing mass demonstrations, based on internal feedback from officers as well as community members’ views.

The size, scale, and duration of the police protests of 2020 were unprecedented, and have revealed a need for an updated approach to policing mass demonstrations. Large, leaderless groups are able to assemble with little or no advance notice through social media, and the highly partisan nature of American politics sometimes results in more frequent and violent demonstrations, between groups of protesters and counter-protesters with an opposing view.

To preserve officer safety and maintain public order while facilitating First Amendment rights, law enforcement agencies of all sizes need comprehensive strategies to manage demonstrations. This report provides recommendations about essential components of such an approach.

A Brief History of the Police Response to Mass Demonstrations



Police and protesters during a demonstration in Baltimore

THE POLICE RESPONSE TO MASS DEMONSTRATIONS has changed substantially over the years, according to a detailed analysis by Dr. Edward Maguire of Arizona State University, who serves as chair of PERF's Research Advisory Board.

Dr. Maguire's research found that in the 1960s, policing mass demonstrations and protests entailed showing dominant force early on, in order to deter criminality and civil disobedience. Unfortunately, this type of response, known as the **"escalated force model,"** tended to inflame tensions and provoke violence by protesters, rather than preventing it.

Starting in the late 1970s, after four presidential commissions exposed the flaws of the escalated force model, the **"negotiated management model"** emerged. Under this new approach, police officers were trained to see their role as helping to facilitate First Amendment expression, communicating ahead of time what behaviors they would or would

not tolerate. This model was successful at preserving First Amendment rights while maintaining order, avoiding the cycle of tension and violence commonly associated with the escalated force model.

By the 1990s, however, according to Professor Maguire's analysis, police began ratcheting up their responses to mass demonstrations and protests once again. Violent clashes between the police and protesters at the 1999 World Trade Organization Ministerial Conference in Seattle marked a watershed moment. In hindsight, Seattle Police Chief Norm Stamper called his handling of that event "the worst mistake of my career." He explained, "We used chemical agents, a euphemism for tear gas, against nonviolent and essentially nonthreatening protesters. The natural consequence of which [was] that we were the catalyst for heightened tension and conflict, rather than peacekeepers."¹²

12. Maguire, E. R., Oakley, M. (January 2020). "Policing Protests: Lessons from the Occupy Movement, Ferguson & Beyond: A Guide for Police," *Harry Frank Guggenheim Foundation*. <https://static1.squarespace.com/static/5b293370ec4eb7e463c960e6/t/601d60d2a7f98e73c3dbec05/1612538076086/Policing+Protests.pdf>.

The terrorist attacks of September 11, 2001, in Professor Maguire's view, further reinforced the trend toward more assertive police responses to mass demonstrations, as some agencies feared losing control of large, crowded events, which they believed were prime targets for terrorist activity.

More recently, the evolution of police agencies' management of demonstrations has shifted back toward a recognition that police have a major role to play in protecting American democracy, by helping to facilitate the First Amendment rights of assembly and free speech.

PERF has helped to promote that view, as can be seen in three PERF reports, released in 2006, 2011, and 2018.

A 2006 PERF report calls for an alternative to escalated force

PERF has released three major reports over the last two decades focused on how to police mass demonstrations. The first was the 2006 report *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches*. This report drew on two PERF-convened forums of police executives from around the world, and provided recommendations for policing mass demonstrations. It recommended that police show restraint when using force, in part because "the use of force by police against the public [...] usually conveys a disturbing appearance," and a single incident of force can escalate tensions for an entire event.¹³

The report recommended that police use force only when absolutely necessary to protect life or property. Even tools referred to as "less-lethal" uses of force – like rubber bullets, pepper spray, or CS gas – can sometimes lead to severe health complications or even death for individuals. Thus, the report said, police should be aware of the risks of these less-lethal tactics and deploy them only when other methods to prevent more serious violence prove inadequate.

In addition, the 2006 report recommended that departments show restraint with the type of protective equipment that officers wear. Most mass demonstrations do not require military-style equipment. Over-responding with riot gear may show that the police are in control, but it also may elevate tensions in a way that works against the ultimate goal of maintaining order. "The appearance of heavily protected 'Robocop' officers," the report explained, can lead to "a public perception that the police are being heavy-handed and overreacting."¹⁴

The report also addressed issues with mass arrests, noting that large-scale arrests can lead to widely disseminated images of "law-abiding protesters and passersby [being] rounded up and detained along with violators in overly broad sweeps." Mass arrests can agitate demonstrators and lead to anti-police sentiments, which make policing mass demonstrations significantly more challenging, the report said.

PERF's 2011 report emphasizes facilitating demonstrations – and avoiding arrests

PERF's 2011 report, *Managing Major Events: Best Practices from the Field*, expanded on how law enforcement agencies should respond to a wide range of major events, from sporting championships and celebratory crowds to natural disasters and protests.

The 2011 report explored strategies and tools for handling large-scale incidents, including mutual aid agreements with neighboring police agencies and use of the National Incident Management System. It also included specific advice about avoiding unnecessary arrests of demonstrators, from Charles Ramsey, then Police Commissioner in Philadelphia:

My advice is to avoid arrests if at all possible. You have to make up your mind in the beginning that there are certain behaviors you just have to tolerate.... First, the more arrests you make, the more

13. Narr, T., Toliver, J., Murphy, J., McFarland, M., Ederheimer, J. (2006). "Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches," *Police Executive Research Forum*, https://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf.

14. Ibid., page 58.

*likely it is that you'll wind up in court for a long time.... Second, you deplete your own resources by making a lot of arrests. If you make a mass arrest, you take your people off the line to go process prisoners and so forth. Protesters will often send out groups who try to get arrested. Maybe they'll block an intersection, but so what? Just direct traffic around them....*¹⁵

On a more fundamental level, the report recommended that police agencies remind their officers at every rank that their main goal should be to facilitate the peaceful exercise of First Amendment rights.

PERF's 2018 report addresses a new phenomenon: "Leaderless demonstrations"

PERF's 2018 report, *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned*, drew on a national conference that PERF hosted in conjunction with the U.S. Department of Justice's Office of Community Oriented Policing Services.

During the conference, one of the main points of discussion was that the origins of demonstrations were changing dramatically. In the past, demonstrations often were announced weeks in advance by a major civil rights organization or other group. Police would have time to work with the organizers to set ground rules, make plans for closing certain streets or reserving parks so demonstrators could assemble safely, and otherwise facilitate the logistics of the demonstration.

In contrast, many of today's demonstrations are "leaderless." They occur more spontaneously with little or no advance notice, as thousands of people use Twitter, Instagram, or other social media to let each other know they are going to a certain location to demonstrate. And once the demonstration begins, participants post photographs or videos of it online,

which attract more participants. The Occupy protests of 2011 were some of the early demonstrations to have this feature.

These types of organic, spontaneous demonstrations are more difficult for police to manage. However, police can use the same social media platforms that the demonstrators are using to communicate in real time with the demonstrators. As Seattle Police Assistant Chief Steven Wilske said, "We announce our officers' rules of engagement to the public to try to make it predictable for the protesters."¹⁶

In Denver, protests historically involved coordinated marches that culminated with rallies and speeches at the Colorado State Capitol Building and other major government facilities, according to the 2020 report by Denver's Office of the Independent Monitor. By contrast, the George Floyd protests in Denver "developed quickly, without an obvious schedule for the first five days. Groups often split from each other and moved in different directions without easily discernable intended destinations."¹⁷

The 2018 PERF report noted that police sometimes can identify "informal leaders" of demonstrations by carefully watching social media posts, and then communicate with those leaders via social media. In some cases, it is also possible for officers on the ground to see who the informal leaders are and to work with them.

The report also highlighted the strategic importance of bicycle officers, due to their maneuverability in crowded settings and general approachability. Bicycle helmets also provide officers with some protection without appearing militaristic, and bicycles can be used as mobile fences if needed.

Finally, the report stressed the importance of looking after officers' mental and physical well-being when they have stressful encounters with hostile demonstrators. As Dr. Edward Maguire said,

Some of these protesters are really provocative.... Police on skirmish lines take a lot of verbal abuse, and it can get tough. I've talked to a lot of officers

15. Police Executive Research Forum (2011). "Managing Major Events: Best Practices from the Field," https://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf.

16. Police Executive Research Forum (2018). "The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned," <http://www.policeforum.org/assets/PoliceResponseMassDemonstrations.pdf>. Page 58.

17. Denver Office of the Independent Monitor. "The Police Response to the 2020 George Floyd Protests in Denver, an Independent Review." Page 6. https://www.denvergov.org/files/assets/public/independent-monitor/documents/2020gfpreport_oim.pdf

who struggled being out there for hours on end. It's important to talk about what kind of steps we can take to talk about preserving emotional well-being and handling stress.

One recommendation is to train officers to just withdraw from the line if they're getting heated, and the second is to train officers to pull each other off of the line. You need to build that into the deployment plan, so you have the capacity for officers to check out or encourage their peers to check out.¹⁸

The demonstrations of 2020: Unprecedented in number, size, and violence

PERF's previous reports took on new relevance during the summer of 2020. On May 25, 2020, Minneapolis police officer Derek Chauvin knelt on George Floyd's neck for nearly nine minutes, killing him and sending shockwaves around the world.

Mr. Floyd's killing triggered massive demonstrations across the United States and in other countries, in what some have called the largest social movement in American history.¹⁹

The Major Cities Chiefs Association (MCCA) reported that between May 25 and July 31, 2020, there were approximately 8,700 mass demonstrations in 68 major cities or counties that provided data to MCCA.²⁰ Many of these demonstrations attracted enormous crowds through social media and were "leaderless," making it difficult for police to make connections with community members and manage the events proactively.

MCCA asked its members to characterize the nature of the individual demonstrations they policed, and found that:

- 51% of the demonstrations that took place were peaceful and lawful;
- 42% involved unlawful activity, usually acts of civil disobedience, such as occupying roads or intersections or spray-painting public property;
- 7% turned violent, including offenses such as assaults on police officers, looting, and arson.²¹

When MCCA asked its members about the total-ity of all demonstrations they experienced from May to July 2020:

- 62% of the jurisdictions experienced looting in at least one demonstration, and 56% experienced arson;
- 72% of jurisdictions reported injured officers;
- The agencies reported making more than 16,200 arrests during the 8,700 protests, and 17% of the individuals arrested faced felony charges.

Los Angeles and New York City each experienced more than 1,000 protests, with multiple events in different locations on the same days. The largest single demonstration occurred in Houston, with an estimated 60,000 protesters.²² Portland, OR experienced over 100 consecutive nights of protests.²³ In Seattle, police officers abandoned one of their buildings after a week of violent standoffs with protesters; demonstrators quickly turned several streets around the precinct into the police-free "Capitol Hill

18. Police Executive Research Forum (2018). "The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned," <http://www.policeforum.org/assets/PoliceResponseMassDemonstrations.pdf>. Page 13.

19. Buchanan, L., Bui, Q., Patel, J. K. (July 3, 2020). "Black Lives Matter May Be the Largest Movement in U.S. History," *New York Times*, <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

20. Major Cities Chiefs Association, Intelligence Commanders Group (October 2020). "Report on the 2020 Protests and Civil Unrest," <https://majorcitieschiefs.com/wp-content/uploads/2021/01/MCCA-Report-on-the-2020-Protest-and-Civil-Unrest.pdf>

21. Major Cities Chiefs Association, First Amendment Assembly Working Group (April 2021). "Law Enforcement Response to First Amendment Assemblies: Best Practices and Tactics," <https://majorcitieschiefs.com/wp-content/uploads/2021/04/MCCA-First-Amendment-Assembly-Working-Group-Final-Report.pdf>

22. Major Cities Chiefs Association, Intelligence Commanders Group (October 2020). "Report on the 2020 Protests & Civil Unrest," <https://majorcitieschiefs.com/wp-content/uploads/2021/01/MCCA-Report-on-the-2020-Protest-and-Civil-Unrest.pdf>.

23. Fuller, T. (September 5, 2020). "100 Days of Protest: A Chasm Grows Between Portland and the Rest of Oregon," *New York Times*, <https://www.nytimes.com/2020/09/05/us/portland-political-chasm-protests-unrest.html>.

Autonomous Zone.”²⁴ In New York City, by the end of July, the NYPD reported that 303 vehicles had been vandalized, including 14 destroyed by fire.²⁵

In Denver, the Police Department reported 81 officer injuries during George Floyd protests, and “the vast majority were caused by individuals throwing objects, such as rocks, fireworks, and other projectiles,” according to the Office of the Independent Monitor report. “We are aware of no other event in Denver’s recent history that resulted in this number of injuries to DPD officers.... Every command officer we spoke to during this review said that the protests were extremely difficult to manage.”²⁶

New challenge for police: Handling large numbers of anti-police demonstrations during a pandemic

The scale of the mass demonstrations during 2020, the fact that police actions were the subject of the protests, and they were occurring during a once-in-a-century global pandemic presented police departments across the country with unprecedented challenges.

For example, Indianapolis’s Independent Review Panel found that “Indianapolis has a history of peaceful protests,” and the city’s police officers “are

accustomed to being able to talk to protest organizers in advance, generally agree on the terms and parameters of a protest event, and avoid violence.” But “there were significant differences here,” the IRP noted, saying:

“First, the [George Floyd] protests drew out a much larger crowd than any prior gathering. Many ... were not affiliated with any groups that [the police] were accustomed to working with, nor did they necessarily respond to the efforts of those groups to exercise leadership or control. More importantly, the nature of this protest was different. The subject was specifically the conduct of the police themselves. Thus, the crowd was not inclined to be ‘managed’ or ‘controlled’ by the police.”²⁷

Another new challenge was that agencies often were unable to take advantage of mutual aid agreements, because neighboring jurisdictions’ police forces were also busy policing their own demonstrations.

In addition, the COVID-19 pandemic raised the stakes of large demonstrations, making them a public health risk for the protesters and the police. Arrests were especially problematic, and any attempts to enforce local mask mandates or other COVID precautions would have been fruitless.

24. Baker, M. (11 June, 2020). “Free Food, Free Speech and Free of Police: Inside Seattle’s ‘Autonomous Zone,’” *New York Times*, <https://www.nytimes.com/2020/06/11/us/seattle-autonomous-zone.html>.

25. Associated Press (28 July 2020). “NYPD: 303 Police Cars Damaged Since Floyd Death, Costing \$1M,” *ABC News*, <https://abcnews.go.com/US/wireStory/nypd-303-police-cars-damaged-floyd-death-costing-72026145>.

26. Denver Office of the Independent Monitor. “The Police Response to the 2020 George Floyd Protests in Denver, an Independent Review.” Page 7. https://www.denvergov.org/files/assets/public/independent-monitor/documents/2020gfpreport_oim.pdf

27. “Final Report of Independent Review Panel” (February 23, 2021). Page 16. <https://www.wfyi.org/files/wfyi/files/impd-review-panel-full-report.pdf>

RECOMMENDATION 1:

Rethink the role of community representatives before and during protests.



Toronto Police Service
and protestors

THE DEMONSTRATIONS OF 2020 SHOWED THAT many police departments' existing protocols and policies were not adequate for responding to large-scale, often violent protests that continued in hundreds of cities across the nation, in many cases for weeks or months.

Police need a new approach for working with their communities on a continuing basis to facilitate demonstrations. This cannot be done in the midst of an ongoing crisis. This new approach is all about building trust in incremental ways.

In this way, even if police do not have the opportunity to work with organizers in the days immediately preceding a demonstration, they will have built a wide range of relationships in the community over a period of years. Ideally, many people taking part in the demonstration, especially those who are formal or informal community leaders, will personally know and trust several police officers or leaders. They will not be inclined to "assume the worst" about police, and they will know individual officers they can talk to about issues that arise during the demonstration.

Police should make special efforts to bring community members into their general process of planning for all types of demonstrations.

This should include police meetings on policy issues related to demonstrations, table-top exercises and other training programs, meetings with mutual aid partners, etc. Allowing community members to witness and participate in these meetings will demonstrate that police truly see their role as facilitating protests, and will help to prevent community leaders from believing the worst about police, such as thinking that police wish to suppress protests, in particular protests that are about police actions.

In this way, community members become the force-multipliers. Police will always be challenged to have enough officers to manage large demonstrations that continue for weeks. Engaging the community is essential to bolstering the police response.

Police still will face challenges in managing leaderless demonstrations that are promoted via social media and occur with little or no advance notice, or in dealing with leftist anarchist groups

“It’s really important to have relationships with law enforcement ahead of time. Those relationships must be built not when protest begins, but months and years in advance.”

Tara Murray, civil and human rights attorney in Washington, D.C.

or right-wing anti-government groups like the boogaloo movement that have no interest in working with the police. But it will help if police have broad support from more mainstream community leaders and activists.

Police also should strive to work with community leaders during demonstrations. Ideally, community leaders can take an important role as “go-betweens” between police and demonstrators in the field, providing real-time communications back and forth between protesters and police about what is happening on the ground.

For example, community leaders might use their cell phones to tell police that small numbers of people are arriving at certain locations with rocks or other objects to throw at officers. With this information, police might be able to neutralize the threat before it can grow.

Or conversely, if demonstrators have taken over a street that is an essential route for ambulances or fire trucks, community leaders could help to spread the word among demonstrators that police want to clear one side of the street in order to allow any emergency vehicles to pass. If the demonstrators understand that the purpose is to maintain public safety, they likely will be more willing to comply than if they assume that police are just flexing their authority for no reason.

Other community leaders could serve as on-the-ground marshals in the demonstration, providing information to the public and relaying the public’s concerns or questions to the police command center.

Building trust: According to some of the after-action reports that PERF reviewed, a key challenge that many police departments faced during the 2020 protests was that they had not built trust with the wide range of people demonstrating. This lack of trust was compounded by the fact that the demonstrations of 2020 were mostly about excessive use of force or other allegations of police misconduct, rather than

other issues such as climate change, where police might generally be seen as neutral observers of the demonstrations.

As a result, in the demonstrations of 2020, many members of the public expected that police would obstruct their First Amendment rights, rather than serving as an ally in maintaining peaceful, lawful gatherings. Tensions, therefore, ran especially high.

The after-action reports highlighted this lack of trust. In West Philadelphia, for example, protesters said they “felt that the police were more concerned with protecting property [than protecting] members of the community.”²⁸ In Indianapolis, “there were several instances in which mutual misunderstanding, and to some extent distrust, fueled tensions between IMPD and the community.”

Following are specific recommendations for strengthening police-community ties in ways that build trust and understanding in advance of mass demonstrations. Together, these recommendations will help communities feel included and understood by police.

1A. Engage your community in discussions about all aspects of the police response to demonstrations, including key issues such as use of force, less-lethal force options, and how police make decisions in complex situations.

PERF recommends that police agencies involve their communities in discussions about the police response to demonstrations. These discussions should not be focused only on particular protest events, but rather should address broader issues, such as the circumstances under which police might use (or might be barred from using) different types of less-lethal force tools, how officers use a Critical Decision-Making Model to guide their thinking in managing complex situations during a demonstration, and broader issues.

28. See “After-action reports,” pp. 9–10, for links to full texts of after-action reports cited in this report.

“Write rules of engagement that everybody is aware of and agrees upon, because an inconsistent response from one protest to another creates distrust and causes people to feel that the police are unpredictable.”

Dr. Tamara Herold, Associate Professor, University of Nevada, Las Vegas

Los Angeles police and protesters

Taking the time to create a shared understanding of objectives, needs, and challenges will make it easier for officers to gain cooperation and compliance during events.

Including community members in these discussions will provide them with a better understanding of what they can expect from police, and of the rationale behind police decisions during demonstrations. Involving community members also will highlight the difficult choices police departments must make in order to keep everyone safe during large and unpredictable protests.

Many of the after-action reports PERF reviewed support this recommendation. Philadelphia’s report called for developing a community outreach plan to build relationships, share information about police roles and responsibilities, and establish guidelines about acceptable and unacceptable behaviors. The result will be an “improved understanding of perspectives and goals” on both sides, the report said.

Raleigh’s after-action report went farther, calling on police to “include community representatives in the development of training, policy, and the organizational implementation of both.”

New York City’s Department of Investigation after-action report also highlighted the need to engage communities proactively. Its recommendations include creating a new Protest Response Unit, tasked with involving the Community Affairs Bureau in “discussions and decisions regarding the planning and strategy for policing large protests.” The report also advises the NYPD to “enhance and expand its public communication during protests,” so that officers and community members can benefit from real-time communication. The report also calls for all police-initiated communications to “balance concerns about the First Amendment rights of protesters, officer and public safety, and police-community relations.”



1B. Invite community members to observe and participate in training courses and tabletop exercises on the police response to demonstrations, and to provide input on policies.

PERF recommends inviting community leaders to observe and provide feedback on training courses and tabletop exercises pertaining to demonstrations, as well as providing input into agency policies.

A number of 2020 after-action reports supported this idea:

- San Jose’s after-action report recommended that the city’s Police Department work with the community on a “comprehensive review of the Department’s policies and procedures applicable to crowd control events and use of force.”
- Raleigh’s report mentioned developing an approach to crowd management “in conjunction with city leadership and the community.”

Allowing police officials and trainers to hear from community leaders about how they perceive police actions during a demonstration can help to improve training and policies. This can help police to clear up misunderstandings and avoid actions that may unintentionally increase tensions with the community.

1C. Train community leaders to be mediators and co-responders.

PERF recommends that police agencies invite community leaders to be mediators during demonstrations. Police also should assemble co-response teams of police and community leaders.

By working together during demonstrations to defuse incidents as they arise, these teams may avoid the “us-against-them” mentality that sometimes occurs when police respond to protests on their own.

Some jurisdictions’ after-action reports call for this type of mediation, where police departments proactively engage a group of individuals who can mobilize on the day to help facilitate positive police-community interactions. For example, Raleigh’s report states:

“Although it may not be possible in every crowd control context, the identification and outreach to individuals who may serve as specific points of contact or liaisons between protestors and police can lead to better outcomes.... Crowd marshals or stewards

Police Scotland Involved Elected Officials and Community Leaders in their Preparations for the COP26 International Climate Change Summit

In November 2021, many thousands of demonstrators, including more than 100,000 reported at one demonstration, rallied at the 26th United Nations Climate Change Conference of the Parties (COP26), a 12-day summit held in Glasgow, Scotland, to demand greater action against climate change.²⁹

Because many large demonstrations were expected at this event, Police Scotland’s Deputy Chief Constable Will Kerr told PERF that in advance of the summit, he invited elected officials to witness police training sessions for managing the protests:

“Community engagement, both before and during a major event, is key. I brought in politicians from across Scotland to experience our public order training in advance of COP26. Some of them, including the Presiding Officer of the Scottish Parliament, even put on full PPE and joined the shield line. Most described the experience as ‘revelatory.’

“Having community observers in command rooms is another way to increase public confidence.

“A designated senior officer should be constantly speaking to community representatives, explaining police tactics and the command protocols during an event. All good police plans, when there is the potential to use force, should have community confidence as a key consideration during their planning phase. Many UK police services use ‘community impact assessments’ for that purpose. These assessments raise a series of questions about the nature of the event and who is likely to be there.

“For example, this assessment of likely demographics should inform the approved range of tactics that are available to commanders. If you can reasonably anticipate a lot of children/young people at a demonstration, you might not approve ‘indiscriminate’ tactical options such as CS gas, and only authorize the use of targeted force tactics against individuals.”

29. See, for example, Sky News. “COP26: Tens of thousands march to demand action on biggest day of protests at climate summit.” November 6, 2021. <https://news.sky.com/story/cop26-tens-of-thousands-march-to-demand-climate-action-on-biggest-day-of-protests-at-climate-summit-12462301>

“I met with faith leaders, academic leaders, and community activists, including some who were critical of the police department or critical of me.

“We brought them all in, as many as would volunteer to come in. We asked them to play a pivotal role in helping the police keep the crowds of demonstrators safe, and keep those protests from turning violent.”

Michael Harrison, Baltimore Police Commissioner

can serve as both an advocate for the crowd but also a key communicator to the police, encouraging de-escalation and information-sharing as the day’s event proceeds.”

Some municipalities, like Baltimore, have already implemented such initiatives, reaching out to individuals who can work with police and communities to keep demonstrations safe and lawful.

1D. Maintain daily incident reports, and share them with the public.

Another effective way to communicate with the public during mass demonstrations is through daily incident reports. These regular summaries can help demonstrate that police are committed to transparency. Daily reports can also provide vital information to members of the public about streets that may be cordoned off, any curfews in place, or other restrictions to maintain public safety. Finally, they can help keep peaceful bystanders away from volatile situations, which will help officers more effectively distinguish between people breaking laws and those who are unintentionally caught up in a crowd with lawbreakers.

Dallas’s after-action report focused on the importance of the Public Information Office (PIO) at keeping members of the public safe and informed during fast-moving events:

“A daily incident report of events that occurred the previous day should be created each morning. The information would include crowd sizes, whether and/or how many arrests were made, charges, use-of-force techniques used to disperse crowds, and any other significant issues that may be in the public’s interest.”

Beyond sharing information about previous incidents, Charleston’s after-action report suggested that the Charleston Police Department work with local media partners to broadcast messages about how to stay safe:

“A media team should focus on partnering with local media outlets to provide the public with instructions on how to stay safe, as well as with regular updates of the situation, and with ways they can help resolve the situation.”

Social media platforms also have become essential elements of police communications strategies, especially during demonstrations. No communications technology is faster than social media in disseminating critical information to targeted audiences. Police agencies should be familiar with all major social media platforms, and should create accounts and establish a presence on platforms used in their communities.

During a particular demonstration, police should use the platform or platforms *that demonstrators are using* to share their own messages about the demonstration. This will help to ensure that police messages actually reach the people who can benefit from them.

1E. Involve community representatives in after-action reviews after demonstrations have concluded.

When police conduct after-action reviews following difficult demonstrations, it is important to obtain the perspectives of community members who were present.

RECOMMENDATION 2:

Ensure that internal communications can flow promptly and clearly, up and down the policing chain of command.

DEMONSTRATIONS CAN BE DYNAMIC EVENTS – peaceful one minute and violent the next, or peaceful on one block but violent around the corner. And they can grow in size rapidly, especially via social media. In this regard, the demonstrations of 2020 were especially challenging. In some cities, police responded to demonstrations every night for weeks or even months. And violent demonstrators often embedded themselves in crowds of peaceful protesters, throwing rocks or other objects at police while remaining hidden in the crowd.

In these types of complex, changing situations, effective communication within a police agency is essential, starting with overall guidance from the top. Police leaders must set clear expectations for how officers will approach mass demonstrations, and how they will respond to various types of actions by protesters.

Some of the 2020 after-action reports indicate that police were not always able to keep up with rapidly changing conditions. For example:

- According to the Chicago Police Department’s after-action report, “the chaotic nature of the [demonstrations ...] precluded department leaders from communicating specific plans (and their

underlying rationales) with the field supervisors and/or [officers] ultimately expected to execute them.”

- Indianapolis’s report found that a “roster of officers was prepared, indicating who would be on duty and who the supervisors would be; but no strategy was articulated nor specific objectives stated, other than to generally keep the peace; protect lives and property; and protect the Constitutional rights of the protesters.”
- In Philadelphia, an independent report by CNA and the law firm Montgomery McCracken found that Incident Commanders were not given the authority to make important decisions in the early days of demonstrations, including canceling officers’ days off and extending tours of duty. As a result, in some cases “officers felt outnumbered, which may have contributed to their unnecessary applications of force against protesters.”

PERF proposes several recommendations to ensure that all ranks and units in a department have a shared understanding of the goals and acceptable tactics for managing a demonstration. It is important that communications flow in both directions

“Police chiefs will make statements about demonstrations and protests, about their expectations. But sometimes that doesn’t trickle down to the officers on the streets with the protesters. I think that communication needs to come from top to bottom.”

Tara Murray, civil and human rights attorney in Washington, D.C.

“The language that we use is, ‘We want to facilitate, and we have a legal duty to facilitate, peaceful protest. That’s what we’re here to do.’

“We will protect the rights of the majority to protest, and we’ll deal with disorder when it happens. We’re unambiguous and clear about that.”

Will Kerr, Deputy Chief Constable, Police Scotland

within the department. Officers should understand their agencies’ goals, policies, and protocols as defined by top leaders. And senior leaders must be able to receive information coming from officers on the ground, in order to inform strategic and tactical decision-making.

2A. Begin by highlighting that police should see their role as facilitating First Amendment rights, while ensuring public safety.

Police leaders and supervisors should start their messaging by making clear to officers that their goal at demonstrations should be to facilitate *safe and lawful* First Amendment expression. It can be easy for officers to lose sight of this goal when faced with large crowds, especially if some protesters are hostile or the subject of the demonstration is police misconduct. Communicating this message clearly and consistently is essential.

For example, Fredericksburg’s after-action report recommended that the city’s police department “add language [to its demonstrations policy] to state that the department’s approach to its handling of public demonstrations has two equal components: upholding the First Amendment rights of demonstrators, while at the same time ensuring public safety.”

Officers also should communicate this message with members of the public, which can help build trust. When police repeatedly reassure protesters that their goal is to keep them safe and free to demonstrate, they may be more willing to accept instructions, and perhaps even to share information with the police.

2B. Provide officers with clear guidelines for acceptable and unacceptable responses to protest behavior.

Police departments should provide concrete guidance about appropriate and inappropriate tactical responses to different types of behavior by demonstrators. This guidance should not be entirely technical; rather, it should always keep a focus on the larger picture of maintaining a successful, peaceful demonstration.

For example, Fredericksburg’s after-action report recommends that commanders “focus not just on operational tactics, but more importantly on how to achieve a successful resolution with sound strategy and resources.”

Even if officers have attended training courses that cover such material, providing daily reminders during demonstrations will help to ensure that all officers understand the relevant policies and how they apply to the types of demonstrations that a city is experiencing.

A police department’s policy on demonstrations should provide for a system of documentation to properly record and investigate use-of-force incidents by officers, and/or injuries to persons sustained because of police actions while at a demonstration. Injuries to demonstrators or to officers, as well as statements made by demonstrators or officers at the time of the use-of-force incidents, should be captured on officers’ body-worn cameras if possible and made a part of the record and investigation.

For more detailed recommendations about policies on less-lethal force, see Recommendation 4, page 31.

2C. Reinforce key messages during daily briefings and other recurring events.

Police supervisors should reinforce messages about facilitating First Amendment rights and tactical instructions at daily briefings or roll calls.

Many of the after-action reports make such recommendations.

- Dallas’s after-action report noted that “the need for effective communication ... elevates as an event goes on.” The nature of demonstrations often changes over time. In the summer and fall of 2020, many cities experienced peaceful demonstrations during the day, but after nightfall, the protests would become violent. The Dallas after-action report recommended that commanders and other leaders have frequent opportunities to clarify to subordinates any new objectives, tactics, or expectations.
- San Jose’s after-action report recommended that “briefings prior to deployment to large-scale events [should] include a review of rules of engagement, use of force, and other relevant policies.”

2D. Ensure that officers on the ground are able to share information to inform high-level decision-making as protests unfold.

Agencies should ensure they have systems in place to hear from officers on the ground about what is happening during mass demonstrations. This will enable people in the command center to make well-informed choices about how to keep both protesters and officers safe, ideally while also ensuring that the demonstration can continue.

By communicating effectively both up and down the policing chain of command, agencies can ensure they set clear norms for officers and receive important intelligence to aid decision-making.

“We had our own live-streaming team, so that we could be in the middle of the demonstration and see what was taking place.”

Greg Fischer, Mayor of Louisville

RECOMMENDATION 3:

Train officers and supervisors adequately.



Demonstrators and police in Baltimore

EFFECTIVE TRAINING AND PREPARATION CAN help officers remain calm and de-escalate situations even when tensions run high. Prior to the demonstrations of 2020, however, officers in many agencies had not received adequate training in maintaining public order, appropriate use of tactics and less-lethal options, or other skills relevant to policing mass demonstrations.

With so many issues affecting the police, such as violent crime, the opioid crisis, and police use of force, preparing for demonstrations became a much lower priority. There had not been such widespread, numerous, violent demonstrations for 20 years or more. So police in many cities were blindsided by the enormous numbers of violent protests in 2020.

In many cities there was no anticipation that police would be facing hostile, violent crowds. So training for that kind of situation had not been a priority. It seemed to make little sense to spend millions of dollars training officers on crowd-control techniques if it seemed unlikely that would be needed.

The Chicago Police Department's after-action report found that "Department leaders and key members lacked recent, up-to-date training or practice" on the National Incident Management System (NIMS) and Incident Command System (ICS) frameworks. And because the Chicago Police Department has a large number of recently hired officers, leaders "could not rest on experience alone to guide those in the field through civil unrest."

According to the Cleveland Police Monitoring Team's report, some "members of the Patrol Section had not received their [Mobile Field Force] training since 2015 and had not practiced the use of their [personal protection equipment]," which put officers and members of the public at risk.

In some cases, existing training may be based on principles of crowd psychology that treat large groups as inherently dangerous. This approach may lead officers to approach peaceful protesters suspiciously, and that may become a self-fulfilling prophecy. If officers generally treat demonstrators as potentially

“Training is a key to a lot of these issues. These are very high-risk situations with very low frequency. So anytime you put commanders and personnel in these situations, it’s going to be challenging for them. The more that we can train, the better.”

Jeffery Carroll, Assistant Chief, Metropolitan Police Department, Washington, D.C.

violent agitators, otherwise peaceful demonstrators may feel abused and encouraged to commit acts of civil disobedience or lawlessness.³⁰

Training is essential to executing a well-planned, professional response to mass demonstrations that protects public safety as well as demonstrators’ First Amendment rights.

3A. Provide commanders with the necessary knowledge to coordinate a proportionate, effective police response to mass demonstrations.

Commanders and other agency leaders should receive training on the knowledge and skills they need to coordinate a proportionate, effective police response to mass demonstrations. As Dallas’s after-action report outlined:

“All command-level personnel should attend regular Incident Command System (ICS) and National Incident Management System (NIMS) training. Training presents a prime opportunity to expand the knowledge base of commanders during critical events that require a baseline familiarity with [Emergency Operations Centers] procedures. A robust training and development program will ensure commanders are prepared with the necessary background knowledge particularly relevant for incidents requiring ICS/NIMS.”

ICS and NIMS training provides leaders with a standardized vocabulary, structure, and approach to manage a wide range of critical events and incidents,

including mass demonstrations. Ensuring that all leaders have received ICS/NIMS training will help them deploy and manage officers in line with best practices.

Maintaining adherence to an Incident Command System plan can be complicated during large, dynamic events. The Los Angeles Independent Counsel’s report said:

“When confronted by multiple large-scale events, it is important that there be a clear chain of command, where everyone knows who is in charge, and those in charge provide clear direction. This did not consistently occur during the protests. There were times when command staff officers arrived on the scene of a protest and issued orders without coordination with the Incident Commander... This created confusion.”

3B. Train officers in crowd management strategies that facilitate peaceful protest.

In addition to training agency leaders, PERF recommends that police agencies train patrol officers and other personnel in crowd management tactics that facilitate peaceful protest. New York City refers to this approach as a “facilitation mindset,” because officers see themselves as facilitating protests, not “policing” demonstrations.

However, in some cases facilitating demonstrations while protecting the public is more easily said than done, particularly when violent offenders, intent on starting riots, are embedded within crowds of peaceful demonstrators.

30. Reicher, S., Stott, C., Drury, J., Adang, O., Cronin, P., Livingstone, A. (13 December 2006.) “Knowledge-Based Public Order Policing: Principles and Practice,” *Policing: A Journal of Policy and Practice*, Volume 1, Issue 4, pp. 403–415, <https://doi.org/10.1093/police/pam067>.

Successful crowd management tactics include:

- distinguishing between peaceful protesters and the typically small number of violent agitators;
- being careful to engage with peaceful protesters in a respectful manner, and not in any way that may come across as antagonizing them;
- understanding crowd psychology and how to keep large groups calm; and
- bearing in mind the importance of proportionality when responding to rapidly unfolding situations.

Many after-action reports noted that navigating such challenging and rapidly evolving situations requires frequent training that covers a comprehensive range of topics. For example, La Mesa's after-action report called for a demonstrations policy that "emphasizes First Amendment rights to free speech and peaceful protest, outlines preparation and planning efforts, describes use-of-force options, emphasizes de-escalation, provides guidance on the use of the Incident Command System, and [incorporates] other guidance and procedures related to controlling crowds." The report adds that training should take place "no less than once annually" for mobile field force officers.

3C. Train officers on how to handle demonstrations where violent offenders are intermixed with peaceful demonstrators.

It is relatively easy for police to manage peaceful protests. And police have received training about responding to rioting, arson, looting, and aggravated assaults. **What is difficult is training officers on how to handle situations where most demonstrators are behaving nonviolently, but a relatively small number of violent offenders intentionally mix among the peaceful protesters, often using them as "cover" to throw rocks or other objects at police, for example.**

In this context, it is important to understand that degrees of lawlessness matter. Demonstrators often commit acts, such as occupying streets without

authorization, that violate an ordinance but are not violent in nature. For years, many police chiefs have called for a general posture of tolerance in these situations, especially if police can simply reroute traffic around a street that demonstrators are temporarily occupying. Often, the demonstrators will leave the street after an hour or two. By contrast, arresting demonstrators in this situation can create hostility toward the police, and can tie up police resources for days.

It is a mistake to approach every large gathering as if it is dangerous, but it is also naïve to believe that peaceful assemblies never devolve into violence.

To clarify the police responses in these various situations, it is helpful to begin by providing officers with a clear understanding of First Amendment rights, so they know what types of actions are constitutionally protected.

In line with this recommendation, Philadelphia's after-action report called for "annual training for all officers that includes legal updates on protected First Amendment activities and how to determine when protected activity becomes unlawful activity," as well as the ability "to identify and distinguish peaceful, nonviolent groups from violent groups."

3D. Emphasize de-escalation.

In addition to crowd control strategies, PERF recommends that police agencies provide officers with training on de-escalation strategies.

De-escalation is one of the fundamental guidelines in PERF's 2016 report, Guiding Principles on Use of Force:

"Agencies should adopt General Orders and/or policy statements making it clear that de-escalation is the preferred, tactically sound approach in many critical incidents. General Orders should require officers to receive training on key de-escalation principles. De-escalation policy should include discussion of proportionality, using distance and cover, tactical repositioning, 'slowing down' situations that do not pose an immediate threat, calling for supervisory and other resources, etc. Officers must be trained in

*these principles, and their supervisors should hold them accountable for adhering to them.*³¹

In the context of demonstrations, de-escalation training could include a discussion of how officers should try to win the trust of demonstrators by taking a reasonable approach to solving minor problems resulting from a demonstration, avoiding an unnecessarily heavy-handed enforcement approach.

For example, if a large demonstration takes over a public park or downtown area of a city, but demonstrators are behaving peacefully and not threatening anyone's safety, police can de-escalate by working to address any traffic disruptions or other issues that occur, rather than trying to force the demonstrators to move to a different location or threatening demonstrators with arrests or citations.

A Critical Decision Making Model, as described in PERF's report, *ICAT: Integrating Communications, Assessment, and Tactics*, can help officers assess their options in complex situations, ask themselves the right questions, and make good decisions about the best actions to take (see page 36).

Police also can practice de-escalation by explaining their actions. For example, if demonstrators occupy a street or intersection at a choke point that would make it impossible for ambulances or firefighting equipment to respond to certain locations, police can try to de-escalate the situation by using a loud-speaker to explain the public safety risk before asking demonstrators to move to one side of the street or go to the next block, rather than ordering them to leave without explanation.

At the same time, today's demonstrations are more complicated, and not all situations can be de-escalated. The Los Angeles Independent Counsel's report noted:

"Crowd psychology is a necessary component of training police to better handle dynamic crowd

behavior. The strategies used by some small groups causing violence during the protests in Los Angeles have dramatically changed from past disrupters. Disrupters now have become more mobile and better organized, likely due to the use of technology, and more violent. This shift has significantly impacted the ability of officers to facilitate peaceful protesters exercising their First Amendment rights. The challenge for police today is how to facilitate the exercising of a crowd's First Amendment right while at the same time interdicting smaller groups who are attempting to disrupt the lawful demonstrations."

3E. Write clear, specific policies on the use of "less-lethal" tools, and provide training for officers, supervisors and commanders on how to implement the policies.

Police use of less-lethal tools was a major source of contention during the protests of 2020 and a leading topic in almost every after-action report. Demonstrators who were protesting police use of force became agitated, and sometimes violent, when police used less-lethal tools in ways the protesters felt were excessive and indiscriminate. In some instances, news reporters and bystanders were struck by less-lethal munitions.

From their perspective, police often felt that they had few options for dealing with crowds that became unruly and violent. Less-lethal tools were seen as a reasonable, if imperfect response to dangerous situations.

Recommendation 4 of this report discusses use-of-force considerations in greater detail. As a foundation, agencies need detailed policies on the use of less-lethal tools and extensive training for personnel at all levels on how to carry out those policies.

31. Police Executive Research Forum. *Guiding Principles on Use of Force*. 2016. Page 40. <https://www.policeforum.org/assets/guidingprinciples1.pdf>

RECOMMENDATION 4:

Re-engineering the guidelines for use of less-lethal weapons.

NO ISSUE CAUSED MORE CONTROVERSY DURING the demonstrations of 2020 than the use of less-lethal weapons, such as CS gas, rubber or plastic bullets, and “soft” munitions such as bean-bag rounds. Inappropriate use of these tools can be self-defeating, agitating an otherwise peaceful crowd and triggering violence rather than preventing it.

Furthermore, less-lethal force tools can inflict permanent physical damage and even death. Such force often is imprecise, impacting people in a wide radius of the intended target. A *USA Today* analysis in 2020 outlined the risks of various less-lethal weapons:

“[S]ome officers appear to have violated their department’s own rules when they fired ‘less lethal’ projectiles at protesters who were for the most part peacefully assembled.

“Critics have assailed those tactics as civil rights and First Amendment violations, and four federal judges have ordered temporary restrictions on their use.

“At least 60 protesters sustained serious head injuries, including a broken jaw, traumatic brain injuries and blindness, based on news reports, interviews with victims and witnesses and a list compiled by Scott Reynhout, a Los Angeles researcher.

“Photos and videos posted on social media show protesters with large bruises or deep gashes on the throat, hands, arms, legs, chest, rib cage and

stomach, all caused by what law enforcement calls ‘kinetic impact projectiles’ and bystanders call ‘rubber bullets.’

“At least 20 people have suffered severe eye injuries, including seven people who lost an eye, according to the American Academy of Ophthalmology.

“With terms like ‘foam,’ ‘sponge’ and ‘bean bag,’ the projectiles may sound harmless. They’re not.”³²

At the same time, as noted earlier in this report, police officers faced high levels of violence by demonstrators during the protests of 2020, according to a survey of 68 police departments conducted by the Major Cities Chiefs Association (MCCA).

“There were a variety of weapons used by protesters during acts of civil disobedience or violence. The most common weapons were improvised or weapons of opportunity such as rocks, bricks, pieces of landscape, and bottles (including frozen water bottles and glass bottles).... Another common violent tactic used by protesters involved throwing ‘molotov cocktails’ at officers.

“Other items used as weapons or projectiles against officers included fire extinguishers, hammers, wood, cinderblocks, rocks, frozen fruit, and suspected bodily fluids.... Another common tactic was to use peaceful protesters as human shields while violent individuals attacked officers and attempted to incite violence by throwing objects from deep within the crowds.

32. Szabo, Liz et al. (June 19, 2020). “Fractured skulls, lost eyes: Police break their own rules when shooting protesters with ‘rubber bullets.’” *USA Today*. <https://www.usatoday.com/in-depth/news/nation/2020/06/19/police-break-rules-shooting-protesters-rubber-bullets-less-lethal-projectiles/3211421001/>

“A slight majority of agencies (51%) were also confronted with firearms, most of which were legally carried based on open carry laws. In these instances, protesters often carried semi-automatic assault rifles such as AR-15s, shotguns, and handguns.... Five agencies reported police officers being shot or critically injured during protests.”³³

Police currently have too little solid information about the capabilities of various less-lethal tools, as well as their dangers and limitations. The policing profession, with assistance from academic experts and the U.S. Justice Department’s research agency, the National Institute of Justice, should evaluate less-lethal tools and develop clear, specific policies regarding their use.

4A. Establish clear guidelines for when various types of less-lethal force are warranted or are prohibited, with details about their capabilities and limitations.

As noted above, no issue caused more controversy during the demonstrations of 2020 than the use of less-lethal weapons. Despite their name, these devices can inflict serious physical injuries and even death. But there is too little understanding of the capabilities, the limits, and the dangers of these devices.

The policing profession needs more comprehensive research on each type of less-lethal weapon, how they compare with each other, the circumstances in which they may be useful, the types of situations in which they should be limited or prohibited, and how they should be used when they are deployed.

Many of the after-action reports cited in this report recognize the importance of such guidance. For example, Denver’s report recommends that the Police Department restrict the use of pepper balls to “only circumstances in which a person is displaying active aggression or aggravated active aggression.”

As noted in the next recommendation, 4B, the U.S. Justice Department’s research branch, the National Institute of Justice (NIJ), is well situated to help the policing profession on this issue.

As an initial starting point, the experts who participated in PERF’s webinar (see pp. 10-11) and other PERF consultants reached broad consensus on the following 7 points regarding less-lethal weapons.

Police Agency Policies on Less-Lethal Tools

- 1. No weapons should be used against peaceful demonstrators.**

There was agreement on this guideline among police leaders, academics, and human rights advocates. This includes use of CS gas, pepper spray, so-called “soft” projectiles, and other weapons.

- 2. Beanbag rounds, rubber bullets, and other “soft” projectiles should be considered only for use against people who are committing acts of violence, and only when they can be aimed at a specific individual who is committing a serious criminal act, such as setting a fire or throwing dangerous objects. These weapons should not be used when it is impossible to aim them accurately enough to target a specific individual.**

“Shooting beanbag rounds or rubber bullets into an open crowd is irresponsible and dangerous,” a leading police department’s expert on demonstrations told PERF. “The intent of deploying these types of projectiles is that they only strike one individual at a time to incapacitate them. These methods are most effective when utilized to control an extremely dangerous crowd, such as instances where a Molotov cocktail or other dangerous objects are being thrown at officers. ... The advantage of deploying these projectiles is that there is a safe standoff distance between the officer and the targeted subject. However, firing rubber bullets from a distance decreases both their force and their accuracy, increasing the risk of shooting people where not intended, such as in the face, or striking random bystanders.”

33. Major Cities Chiefs Association, Intelligence Commanders Group. *Report on the 2020 Protests and Civil Unrest*. <https://majorcitieschiefs.com/wp-content/uploads/2021/01/MCCA-Report-on-the-2020-Protest-and-Civil-Unrest.pdf>

“These weapons should not be banned, but officers need to be trained to aim them only at people whose behavior warrants this level of force,” said Dr. Edward Maguire, Professor of Criminology and Criminal Justice at Arizona State University, and Chair of PERF’s Research Advisory Board. “There have been many instances of officers using these weapons against journalists and people who are not committing a crime.”

Brian Castner, Senior Crisis Advisor at Amnesty International, agreed with that approach. “The use of any kinetic impact projectiles can only be justified in situations where officers are able to apply the principle of discrimination, meaning that they only target individuals committing or about to commit violent actions, while also not striking peaceful protesters,” Mr. Castner said. “To put it simply, if they have a clear shot against a violent individual, that is justified, but otherwise no. The major hazard of kinetic impact projectiles is that they can cause significant injuries, especially when a person is struck in the head. Amnesty International has documented many cases of broken jaws, cracked skulls, and lost eyesight.”

“Any use of force that carries the risk of injury must be highly focused,” said Dr. Tamara D. Herold of the University of Nevada, Las Vegas. “To the degree that any of these weapons and instruments will affect people not directly involved in harmful conduct or behavior, they should not be deployed. Police legitimacy is harmed when bystanders experience indiscriminate use of force. The public sees individuals in wheelchairs attempting to escape gas, or the death of bystanders who are hit by projectiles fired into a crowd. The Victoria Snelgrove case is an example.”³⁴

3. **CS gas should be considered to disperse a crowd only when the following conditions have been met:**
 - **The crowd has become violent or is causing significant property damage.**
 - **Police have issued an order to disperse and have repeatedly communicated that order**

to the crowd. Police should use loudspeakers to ensure that the dispersal order has been heard. If police are considering using CS gas, they should inform the crowd of that. (See Recommendation 5, page 38.) If possible, police should station personnel at the outer edges of the crowd to ensure that the warnings are audible to everyone.

- **Police have given the crowd ample time to comply with the dispersal order and have provided specific instructions about how to comply.** (See Recommendation 5.)
4. **Police should not use CS gas unless it is needed to address a public safety concern.** For example, police should *not* use CS gas to disperse a large crowd simply because a few youths are spray-painting graffiti. It is relatively easy to power-wash paint off a wall, compared to the years it may take to repair the harm done to police-community relationships if police appear to be using force to shut down a largely peaceful demonstration.

“CS should never be used on peaceful demonstrators,” one assistant police chief in a major city said.

“The health effects of tear gas are largely unknown, and more medical research is needed to know what is a safe dose for a person to breathe,” said Brian Castner.

Police agencies also should remember that CS gas has limited effectiveness. “Many rioters bring gas masks,” a police official said. “CS is also only a temporary tool. After deploying CS, you need to have sufficient resources to continue to disrupt the violent crowd. If not, they may return after the CS clears the area. And you need to ensure that the police officers have appropriate PPE (i.e., air-purifying respirators/gas masks).”

“With CS gas, wind is your enemy,” another leading police department expert said. “It’s a chemical capable of causing physical injury and material damage, and it can be carried beyond your targeted audience and affect unintended persons as well as the surrounding community.”

34. WBUR News. “Grief Remains 10 Years After Accidental Death Outside Fenway.” October 21, 2014. <https://www.wbur.org/news/2014/10/21/victoria-snelgrove-anniversary>

5. **OC spray and other chemical irritants used against individuals should be deployed only when police can accurately target individuals without harming innocent bystanders. And chemical irritants should be used only to address acts of violence or rioting.**

These weapons should not be used against peaceful demonstrators, even if demonstrators are engaging in minor acts of civil disobedience that do not threaten public safety, such as occupying a park without a permit, or blocking a street that is not an essential artery for ambulances, fire trucks, or other public safety vehicles.

“Pepper spray is one of the safest available tools when dealing with individuals attempting to destroy property or assault individuals,” one leading police official told PERF. “But it should only be used on the specific individuals committing these types of criminal acts.”

PERF’s experts generally said that pepper spray devices that are designed to be used against individuals should be subject to the same restrictions as CS gas used against large crowds of people. Chemical irritants can be effective against violent agitators or rioters if police are able to target the spray to specific persons, without harming peaceful bystanders.

Police should carefully balance the First Amendment rights of peaceful demonstrators with the rights of everyone to be protected against violence or harm. If police are perceived as overreacting to minor infractions of laws, such as occupying streets that are not essential avenues for public safety, community members may question whether the police are genuinely interested in protecting Constitutional rights to assembly and free speech. And when journalists are caught up in a police overreaction, the First Amendment guarantee of freedom of the press is also implicated.

6. **“Flash bangs” and grenade-type devices should not be used in demonstrations.**

“Flash-bang” devices were developed for hostage-rescue incidents, not demonstrations. Their intent is to disorient people by temporarily blinding or deafening them, which is not consistent with the goal of encouraging demonstrators to disperse or otherwise comply with police orders. A person who is stunned and disoriented is unable to follow directions and comply with police directions.

PERF’s experts said that flash-bang devices are especially counter-productive when used in combination with mechanisms of causing injury, such as “stinger ball” grenades that propel rubber pellets and CS gas in all directions for a radius of up to 50 feet while also using blinding light and deafening sound to disorient people. These devices reportedly have caused many serious injuries and even deaths when used in demonstrations.³⁵

“To produce their blinding light, flash bangs use combustible materials that burn very quickly and at a very high temperature, which can lead to severe burns if deployed on or near a person,” a police department expert told PERF. “Once a flash bang is deployed, it cannot be retrieved before detonation, which occurs after a 2-4 second delay once initiated. Consequently, if handled improperly, these devices can result in the loss of fingers or hands to officers or civilians.”

“Grenades that release projectiles in an indiscriminate manner, sometimes packaged with flash-bangs, cannot really be aimed,” said Dr. Edward Maguire. “They spread rubber pellets or balls, striking anyone in the area. They can take out an eye or cause many other types of serious injuries. Most instances of their use by police in last year’s protests were irresponsible.”

One police expert said that the only scenario in which a flash-bang device might be considered during a demonstration would be “if police intervention is required to enter an aggressive and violent crowd to extract officers, such as an officer-down situation, or to rescue innocent civilians or in other extreme life-threatening situations.”

35. Pro Publica. “Hotter Than Lava.” January 12, 2015. <https://www.propublica.org/article/flashbangs>

“CS is going to punish everybody in a crowd. Is everybody in that area actually being violent? Or if you deploy 37-millimeter projectiles, how far away are you firing? If you’re on the roof of the police station, how accurate are you with that weapon? And if you don’t hit the person who’s being violent, are you actually bringing law and order to the situation, or are you contributing to the skirmish?”

Brian Castner, Senior Crisis Advisor, Amnesty International

7. **A broader perspective on less-lethal force: Proportional, Lawful, Accountable, and Necessary (PLAN)**

Deputy Chief Constable Will Kerr of Police Scotland offered the following perspective on questions of police use of force during demonstrations. Earlier in his career, he spent 27 years with the Police Service of Northern Ireland, where his command-level posts included Assistant Chief Constable in Belfast.

“On the issue of proportionality, how do you ensure that police use the minimum amount of force to achieve their lawful purpose? That strategic objective should be built into all operational orders and operational training, setting the broader mindset for all operations.

“From harsh experience in Belfast, I know that this simple starting position can have a massive impact on officer behavior and tactics. The basic template against which Northern Ireland officers used any force was the PLAN principles:

- *Is the use of force Proportionate?*
- *Is there a Lawful authority for the use of force?*
- *Is there Accountability?*
- *Is it Necessary? And if a use of force involves a potentially lethal tactical tool, then this test rises to whether it is absolutely necessary.”*

4B. The National Institute of Justice, the research arm of the U.S. Department of Justice, and academic experts should assist the policing profession by conducting a wide range of new research on less-lethal tools. NIJ and academics should aim to provide concrete information about the capabilities and limitations of each tool, as well as recommendations about

whether and how each type of tool should be used in various circumstances.

As the research branch of the U.S. Department of Justice, the National Institute of Justice (NIJ) is highly respected in the policing profession. Working with academic experts, NIJ should conduct or commission research identifying the strengths and weaknesses of each type of less-lethal tool, and should provide guidance to law enforcement agencies regarding policies and protocols for regulating the use of these tools.

4C. State in policy who is authorized to make the decision to use each type of less-lethal force.

Police departments should have clear rules defining who can make decisions to use each type of less-lethal force, and the decision-makers should be at a high enough rank to ensure accountability.

For example, Philadelphia’s after-action report recommends that “[a]s a matter of policy, the Police Commissioner or his/her designee will have the sole authority to approve each instance of CS gas dispersal.” The report also recommends establishing a “specialized unit designated solely for crowd control and management, [which] should be the primary resource for when CS needs to be deployed.”

In Dallas, the use of CS gas during crowd control situations was modified to require authorization from the chief of police or his/her designee following the summer of 2020 protests.

In Denver, the Office of the Independent Monitor noted that “mass protest events are inherently chaotic, and supervisors are often stretched too thin to closely supervise the force being used by individual officers.” As a result, police agencies have developed internal controls to regulate the use of force, such as tracking the distribution of less-lethal munitions,

requiring officers to use body-worn cameras to record uses of force, and allowing only certified officers to deploy munitions such as 40mm launchers.

However, “there were significant gaps in the Denver Police Department’s use of each of these internal controls” during the George Floyd protest, the OIG stated. On the second day of protests, DPD began purchasing additional munitions, and spent more than \$200,000 in five days, mainly on pepper-ball rounds, but the department “did not effectively track this inventory,” the OIG said.

PERF’s experts generally agreed that decisions about whether to use less-lethal weapons should be made at high levels within a police department.

“When Incident Command has been deployed, the Incident Commander should make the overall call to use soft projectiles, CS gas, OC spray, and other tools,” said Dr. Edward Maguire. “However, on scene, lower levels must make the call, because the Incident Commander cannot reasonably see what is going on everywhere. I would like to see on-scene commanders, hopefully lieutenants or captains, making the call. When these decisions are left up to officers or sergeants, it often doesn’t end well.”

However, some police officials said that while large canisters of pepper spray should be authorized only by the Incident Commander, individual officers should be authorized to use their small canisters of OC spray under the same guidelines and restrictions that apply when they use it in their daily operations, as sanctioned by their department’s overall use-of-force policy.

4D. Emphasize through policies and training that de-escalation, not less-lethal tools, should be the primary tactic for managing demonstrations.

Policies and training should emphasize that de-escalation should be the overarching principle for managing demonstrations. Less-lethal force tools should be considered only if other tactics have failed and demonstrators are actively threatening public safety with violence.

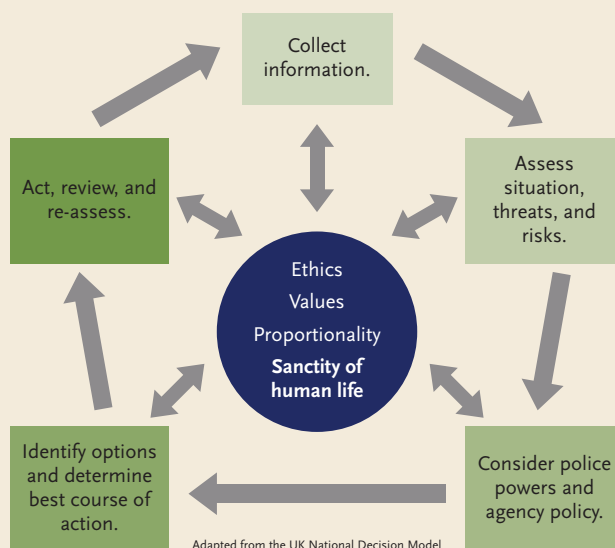
Using a Critical Thinking and Decision-Making Tool

The Critical Decision-Making Model (CDM), a key element of PERF’s Integrating Communications, Assessment, and Tactics (ICAT) training program,³⁶ can be useful in helping officers manage large demonstrations. Instead of providing officers with hundreds of rigid rules for each specific situation they might encounter, the CDM provides a structure that officers can use to analyze any type of incident and develop appropriate responses.

In the context of demonstrations, officers using the CDM would ask themselves questions such as:

- What are the threats and risks to the public, if any, in the current situation? Am I facing potential threats or immediate ones? Minor threats or serious, dangerous threats? Do I need more information to assess the situation? Do I need to take immediate action? Do I need additional resources?
- What legal authorities do police have in this situation?

Critical Decision-Making Model



36. PERF ICAT: Integrating Communications, Assessment, and Tactics. 2016. See pp. 27-32. <https://www.policeforum.org/assets/icattrainingguide.pdf>

- What are the police department policies governing this situation?
- What options do I have? What exactly am I trying to achieve? Can I slow the situation down to buy time and perhaps achieve a peaceful resolution? How can I communicate with the peaceful demonstrators and with those who are breaking laws or posing a threat?

After taking an action, the CDM calls on officers to ask themselves: Did the action have the desired effect? If so, what should I do next?

If the action does not have the desired effect, then the officer begins the process again and goes back to one of the previous steps of collecting information; assessing the situation, threats, and risks; considering police powers and authority; identifying options and choosing a course of action; taking action; and assessing the results.

Police should explain to their communities how they use a CDM to make decisions in complex, difficult situations.

4E. Require the use of body-worn cameras when deploying less-lethal force.

PERF recommends that when officers use less-lethal force, they be required to activate their body-worn cameras (BWC), if they are equipped with those devices. Video recordings can provide evidence of the context that justified (or failed to justify) the use of less-lethal force, as well as any required warnings officers provided before deploying it. Body-worn footage can also prove useful when debriefing demonstrations, as officers and supervisors can review what happened and identify any areas for improvement.

Many after-action reports recommend mandated use of body-worn cameras when deploying less-lethal force. For example, Philadelphia's report stated, "All Philadelphia Police Department units and officers designated as responsible for deploying [CS] gas should be required by policy to be equipped with BWC and have it activated when any gas is used."



In addition, Denver's report stated:

"The OIM recommends that the Denver Police Department amend its Operations and Crowd Management Manuals to require that all sworn personnel working in the field during protest operations be required to wear BWCs, regardless of rank. Further, the OIM recommends that ... a supervisor [be assigned] to conduct regular spot check comparisons between rosters and the BWC database to identify any gaps in officer recording that must be addressed."

4F. Discuss the use of less-lethal tools with your community.

The issues outlined in this section are complex and in many cases involve difficult judgment calls. Police leaders should involve community leaders, local elected officials and city government leaders, and the general public in developing policies and practices governing specific weapons. Police should share their expertise and experience about the types of situations in which a tool may be effective, as well as when it is not effective, and when it may pose a greater risk of injury than is warranted by various types of particular circumstances. But police should have broad community support for their policies on use of force, and that support can be obtained only when the community is involved in the decision-making process.

RECOMMENDATION 5:

Warn demonstrators before deploying any less-lethal force, and provide clear instructions for the demonstrators' response.

PROVIDING ADVANCE NOTICE TO CROWDS before using force or making arrests, and giving demonstrators clear instructions for how they should respond, gives peaceful protesters an opportunity to leave, and can help avoid any need for escalation of conflict. Advance notice helps to maintain peace and order without unnecessary tensions or use of force.

Advance warning also can reduce the number of peaceful demonstrators getting caught between police and violent agitators, and helps prevent the exposure of peaceful demonstrators to less-lethal force such as CS gas.

When making dispersal orders, it is important to provide specific instructions about *how* demonstrators should respond, such as “Leave by the south exit to the park, on Market Street.” Otherwise, demonstrators who wish to comply may get caught up in a confused, delayed response, and it may be unclear to police whether most demonstrators are trying to comply.

Throughout the summer of 2020 protests, there were reports that many law enforcement agencies were not providing advance notice to protesters before using force:

- Denver’s Office of the Independent Monitor found that the Denver Police Department “did not consistently issue dispersal orders before using force to disperse crowds.” When DPD did broadcast instructions, the orders sometimes lacked information about dispersal routes and did not warn protesters that by remaining, they would be subjected to force and arrest.

- Cleveland’s independent monitor found that during one protest, “force was directed to be used within one minute of giving the final dispersal order,” giving peaceful protesters little time to vacate the area.

“When CS gas is used without dispersal orders, or when a crowd is trapped, it is a Constitutional violation as well as a human rights violation,” said Dr. Edward Maguire. “It is OK to tell a crowd after several warnings, ‘We are now going to deploy CS gas.’ The verbal warning will go a long way toward dispersing the crowd.”

5A. Establish clear scripts ahead of time.

Law enforcement agencies should have policies requiring officers to provide advance notice to crowds before deploying CS gas or any other less-lethal tools. Otherwise, agencies risk inflaming tensions and creating an impression that they are “ambushing” demonstrators for exercising their First Amendment rights.

These announcements should explain the legal basis for dispersing a crowd – i.e., the unlawful actions that are taking place, such as blocking a street – and should explain the consequences of ignoring an order to disperse. Otherwise, members of the public may be subjected to force or arrest without knowing they had been doing anything wrong.

Live announcements are preferable to recordings, because they “humanize” the directives and sound less intimidating than audio recordings. Live

announcements also give police the opportunity to tailor their messages to specific situations. To ensure that dispersal orders are clear, Philadelphia's after-action report suggested that police should write standard scripts that can be used – and, if needed, customized – in various situations.

5B. Try to ensure that all warnings are audible to all demonstrators.

To make sure that any advance notice or dispersal orders are audible to all protesters, Raleigh's 21CP after-action report recommended "investing in sound amplification devices ... to ensure that critical communication addressing tactics is not misunderstood or unheard in loud, chaotic crowd contexts."

New York City's Department of Investigation report recommended that officers announce dispersal orders or advance notice of less-lethal force "at least three times from multiple locations at large protests and events."

Police also should send officers out into crowds, or to the outer reaches of the crowd, to listen and make sure that any announcements are clearly audible to everyone.

5C. Give demonstrators clear, reasonable instructions, and provide adequate time to react.

Orders to disperse or otherwise comply with instructions should be specific, reasonable, and well-planned, to ensure that demonstrators who wish to comply can do so promptly and without confusion.

Police should include a brief explanation of why an order to disperse or other instructions are being given. For example, if demonstrators are blocking a road or a critical intersection, the first option for police should be to reroute traffic, rather than making arrests, if possible. (See Recommendation 6.) If rerouting traffic is not possible and police decide that the blocked street must be opened, a dispersal order should briefly mention why it is dangerous for the street to be blocked – for example, because ambulances and firefighting equipment would be unable to respond to emergencies.

Providing explanations can help avoid giving demonstrators any impression that police are trying to shut down a demonstration for no apparent reason. The more reasonable a dispersal order sounds, the more likely it is that most demonstrators will comply with it. Whenever possible, it is preferable to simply redirect demonstrators to a nearby location.

In some cases, police may decide to disperse a crowd because a small group of violent agitators are causing injuries. Again, rather than simply ordering the demonstrators to disperse, police should provide a brief explanation that will seem reasonable to most people, stating that the dispersal order is being made in the interest of protecting public safety, not suppressing First Amendment rights.

Police must provide demonstrators with enough time to comply with instructions. And the instructions should be clear, understandable, and detailed enough to provide an orderly response. Some cities' after-action reports recounted situations in which it was unclear whether demonstrators were trying to comply with dispersal orders, because they were walking in all directions and being blocked by each other.

Police should post dispersal orders and other information on social media, especially on the social media platforms that demonstrators are using during the event. Where possible, police should tag the social media accounts of protest organizers and use the same hashtags as the demonstrators, to increase the chances of their posts being seen. In recent years, demonstrations increasingly are announced, promoted, and publicized via social media, so it is essential that police use those same social media platforms to reach demonstrators and provide critical information.

Police also should make time-stamped video recordings of themselves issuing instructions and warnings, to serve as a record of their actions that can be shared publicly later.

5D. Play warnings in multiple languages.

In diverse communities, PERF recommends that law enforcement agencies issue warnings or dispersal orders in multiple languages. For example, San Jose's after-action report recommended that agencies record "dispersal orders in the three languages most likely to be encountered in San Jose: English, Spanish and Vietnamese."

Agencies also should post any dispersal orders on social media platforms in multiple languages.



RECOMMENDATION 6:

Minimize the use of mass arrests.

SINCE 2006, PERF HAS BEEN STRONGLY CAUTIONING police agencies against making mass arrests at demonstrations.

In the 2006 report, *Police Management of Mass Demonstrations*, PERF said:

“[T]he mass detention of protestors not actively engaged in violence can create significant problems for law enforcement agencies. Mass arrests during demonstrations in Washington, D.C., New York City, and other major locales have been criticized. In some cases, the protest activity, while unlawful, was not necessarily violent. Complaints included that law-abiding protestors and passersby were rounded up and detained along with violators in overly broad sweeps. The negative impact of these media images damages the public perception of the police operation, as it draws into question the reasonableness and proportionality of the police response.

“Subsequent litigation has proven to be particularly costly. Litigation has included criticism of understaffed prisoner processing operations that, when overwhelmed, led to inordinate detention without charge.”³⁷

In a 2018 PERF report, NYPD Lieutenant Christophe Stissi said that the NYPD makes a critical distinction between criminal behavior and civil disobedience:

“The message that we communicate to officers is that if they observe a violent criminal act—for example, throwing a bottle and potentially causing a serious injury, or throwing a trash can through a store window—they have a green light to make an arrest, and they don’t have to ask anybody’s permission.

“In cases of civil disobedience—for example, a crowd goes into a roadway and obstructs vehicle traffic, or a crowd blocks pedestrians who are trying to get into a store—officers are instructed that under no circumstances will they make an arrest without the approval of the incident commander.

“Civil disobedience is very different from a criminal act. If you make an arrest, you’re taking away that person’s right to demonstrate.”³⁸

Assistant Chief Jeffery Carroll of the Washington, DC Metropolitan Police Department outlined the extensive planning that must go into any large-scale arrests:

“You have to make sure you have a system for handling mass arrests before a large protest takes place. How are you going to process people if you do arrest them? How are you going to transport them? Where are you going to take them? Are you going to feed them? How long are you planning on having them?

37. *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches*. Police Executive Research Forum (2006). P. 55. https://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf

38. *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned*. Police Executive Research Forum (2018). Pp. 17-18. <http://www.policeforum.org/assets/PoliceResponseMassDemonstrations.pdf>

“You cannot take 50 people into a district station and expect them to be processed in a timely manner unless you’ve preplanned.

“We have a high-volume arrest processing system that we use, and we have officers who are specifically trained on how to use it. We have pre-determined locations where we can process a large number of arrestees.

“If you’re going to give warnings and potentially make arrests, you should be specific about the laws people are violating. For example, if people are blocking a major highway, you have to tell them what law they are breaking.

“We give demonstrators three audible warnings before we make arrests. We have to ensure that the entire crowd can actually hear these warnings.

“Another thing we learned is the importance of ensuring that you don’t encircle the crowd without allowing an avenue of escape. If you’re telling a crowd to disperse, you cannot completely encircle the entire crowd with officers, because then they have no way to go elsewhere.

“You also have to be careful to ensure that you don’t accidentally involve people who aren’t actually part of the protest. You don’t want to draw onlookers into a demonstration and not give them an avenue to leave if they choose to do so.”³⁹

6A. Avoid the use of mass arrests whenever possible.

PERF recommends that whenever possible, law enforcement agencies avoid mass arrests. Mass arrests can give the impression that police are stifling First Amendment expression rather than facilitating it. This can erode community trust and goodwill.

Video recordings of mass arrests on TV news programs and social media can galvanize public opinion against the police, calling into question their motives.

As noted above, mass arrests also consume enormous amounts of police resources, and can distract officers from responsibilities that are more urgent and more relevant to public safety.

In a PERF report, then-Philadelphia Police Commissioner Charles Ramsey explained the rationale for avoiding arrests other than individual arrests for specific crimes:

“My advice is to avoid arrests if at all possible. You can’t lock people up for everything they do. First, the more arrests you make, the more likely it is that you’ll wind up in court for a long time. Second, you deplete your own resources by making a lot of arrests. You take your people off the line to go process prisoners. You’re losing personnel that you may need later on.

“Protesters will often send out groups who try to get arrested. Maybe they’ll block an intersection, but so what? Just direct traffic around them. If they’re blocking an Interstate highway, of course you have to do something. But a city street where you can just redirect traffic is a different ballgame.”⁴⁰

6B. Plan adequately for mass arrests in case they become unavoidable.

Even though police should avoid any unnecessary or excessive use of their arrest powers during demonstrations, they should also recognize that there may be incidents where a large number of arrests may be required.

For example, rioting or violence during demonstrations cannot be ignored, and arrests may be the only mechanism for stopping criminal behavior. Or in the case of civil disobedience that is creating a public safety risk, such as blocking major highways that are essential for emergency response, arrests may be necessary if demonstrators refuse all requests for voluntary compliance.

39. *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned*. Police Executive Research Forum (2018). Pp. 18-19. <http://www.policeforum.org/assets/PoliceResponseMassDemonstrations.pdf>

40. Police Executive Research Forum (2011). “Managing Major Events: Best Practices from the Field,” pp. 44-45. https://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf.

Thus, police should have policies, general orders, and protocols for managing each aspect of large-scale arrests, including:

- In the case of civil disobedience, video recordings or other documentation of police orders and warnings being given repeatedly, to show that demonstrators heard the orders and had time to comply;
- Plans for transporting arrestees to locations where large numbers of arrestees can be processed expeditiously;
- Plans for having adequate staffing at processing locations, with persons who know how to manage arrests;

- Plans for deciding whether arrestees will be taken into custody or issued a citation;
- Plans for providing bathroom facilities and food and water to arrestees if they will be held in custody for a significant amount of time.

Fredericksburg's after-action report recommended that FPD "continue to review and conduct tabletop exercises regarding mass arrest situations, specifically how to address the resources required to manage the arrest processes."

Philadelphia's report recommended that agencies develop contingency plans, including "backup processing stations," to ensure that large numbers of detainees can be processed in a timely manner.

RECOMMENDATION 7:

Prepare and activate mutual aid agreements.

MUTUAL AID AGREEMENTS CAN HELP LAW enforcement agencies when mass demonstrations require a larger police response than one agency can muster. When multiple agencies work together, however, there must be clear written understandings that officers from the assisting agencies will take direction from, and abide by the policies of, the lead agency.

During the 2020 protests, mutual aid was a significant issue. Because demonstrations were occurring across the country in jurisdictions of all sizes, many law enforcement agencies were dealing with mass demonstrations and civil unrest in their own jurisdictions and could not respond to assist other agencies.

Even so, the protests revealed that many agencies did not have up-to-date or detailed mutual aid agreements. In some jurisdictions that activated mutual aid agreements, agencies experienced challenges reconciling the norms and training of different police forces.

Mutual aid agreements also brought logistical challenges during the 2020 protests. For example, the Philadelphia after-action report found that multiple decision-makers and conflicting instructions from different agencies resulted in “confusion and delayed decision-making for deployment of resources.” Philadelphia’s mutual aid coordinator struggled to “maintain information on the availability and real-time location of the outside law enforcement agencies’ personnel.”

The challenges of managing mutual aid during large demonstrations have been a difficult issue in policing for many years. A PERF report about the Baltimore Police Department’s handling of riots following the arrest and death in police custody of Freddie Gray in 2015 found that uncertainty about mutual aid was one of several major problems. “Many police agencies did provide assistance to the Baltimore Police Department, but because of certain requirements under the regional mutual aid compact, BPD was unable to know exactly how much assistance would be provided,” the report said. “There was confusion about the roles that each mutual aid department would take, and about the use-of-force policies and the equipment that would be used during the police response to the demonstrations and the rioting.”⁴¹

7A. Ensure that mutual aid agreements are specific and clear.

PERF recommends that agencies create mutual aid agreements with specific, clear instructions about response protocols. Officers from various jurisdictions may be accustomed to different policies or tactics on using force, or their department may have a different “culture” about use of force during protests. To avoid misunderstanding and confusion during a demonstration or other event, and to ensure that community members receive a consistent level

41. PERF (2015) “Lessons Learned from the 2015 Civil Unrest in Baltimore.” <https://www.policeforum.org/assets/2015baltimorecivilunrest.pdf>

“Whether you’re a small, medium-size, or large department, when you have mutual aid agreements and you bring in resources from outside of your jurisdiction, you have to establish clear command and control.

“Otherwise, people are coming into your jurisdiction and performing based on their policies and training. I think there needs to be a mechanism of training with other counties and cities.”

Michael Harrison, Baltimore Police Commissioner

of service, police agencies should review existing mutual aid agreements or draft new ones that go into an appropriate level of detail.

For example, the report by the Denver Office of the Independent Monitor stated that Denver’s mutual aid agreement “permitted each agency to follow its own guidelines about when force could be used rather than the DPD’s standards, and use less-lethal tools that were not permitted under DPD policy.” The Independent Monitor’s report recommended that *“during future mutual aid deployments in Denver, the DPD [should] require its Mutual Aid Partners to adhere to the DPD’s Use of Force Policy, and to utilize only types of weapons and munitions approved for use by the DPD.”*

Philadelphia’s after-action report recommended reviewing all mutual aid agreements “to determine if they are adequate in specifying the commitment, scope, and general procedures for all parties.”

7B. Have ongoing discussions with mutual aid agencies about response protocols.

Updating or creating mutual aid agreements requires having detailed discussions with participating agencies about mutual aid response expectations. PERF recommends that agencies have these conversations frequently, to ensure that agency leaders on all sides are familiar with the details of response protocols. Whenever possible, these discussions should take place immediately prior to any planned or unplanned events that may require a mutual aid response.

Fredericksburg’s after-action report suggests having “high-level discussions with neighboring law enforcement agencies to ensure there are clear understandings about how mutual aid responses will be conducted.” The report also recommends that jurisdictions share their policy language on critical

issues with mutual aid partners to avoid any misunderstandings about use of force and other matters.

If an agency changes its use-of-force policies or tactics, it should inform agencies with whom it has mutual aid agreements.

7C. Conduct tabletop exercises or other training with mutual aid partners.

PERF recommends that mutual aid partners conduct joint tabletop exercises and training. Training together helps to clarify key issues and policy differences. And it also gives police leaders and officers opportunities to get to know one another.

Whenever two or more police agencies work together during a complex critical incident, it is helpful if they already know each other, have built a relationship of trust, and are familiar with individuals’ strengths or any weaknesses.

Many after-action reports from the 2020 protests made this recommendation. For example, the Columbia, SC Police Department’s report recommended conducting joint tabletop exercises “at least once a year to ensure the department Command Staff and subordinate supervisors understand and can execute functions, processes, and plans.”

Dallas’s after-action report called for “increased information sharing, and local conferences to share best policies and practices.” It also suggests working with partner agencies “to develop opportunities for increased interjurisdictional training, with the goal of creating a more cohesive and efficient response to large-scale public safety incidents.”

Again, when there is some advance warning of a critical incident that may require mutual aid, agencies should conduct joint tabletop exercises immediately prior to the event.

RECOMMENDATION 8:

Prioritize officer safety, health, and wellness

LARGE-SCALE DEMONSTRATIONS CAN CAUSE intense physical and emotional strain on officers. Policing demonstrations often means exposure to large crowds, tense encounters, and in some cases, threatening and dangerous situations. In 2020, many cities experienced demonstrations every night for weeks. Burnout, post-traumatic stress disorder, and other psychological issues may result from the challenges of policing mass demonstrations.

Police departments have a duty to take care of their officers, especially during stressful events like mass demonstrations.

A number of after-action reports cite these challenges. Cleveland's report noted that on a practical level, "there was limited ability to take breaks for food, water, or rest" during the demonstrations. Dallas's report said that the "personal and cultural attacks [on police] were devastating to the morale of officers." And the Los Angeles Independent Counsel's report noted that many police officers and commanders "were sleep-deprived during the protests" because of their long hours of duty, and officers also were traumatized by people throwing bricks, concrete blocks, and explosive devices at them.

In the wake of the 2020 protests, there is evidence that officers have been leaving the profession at higher rates. A May 2021 survey of police agencies conducted by PERF found that among the

194 responding police agencies, the rate of resignations increased 18% in the 12-month period ending March 31, 2021, compared to the same period one year earlier. The survey also found a 45% increase in the retirement rate in that period.⁴²

8A. Don't neglect the basics, such as providing officers with access to food and water.

Even the most basic tasks, such as providing food and water to officers working long shifts during mass demonstrations, can be logistically difficult when crowds are large, officers are moving to different locations as conditions change, and officers don't have time to take a break because they are needed on the front lines.

A number of after-action reports noted that attending to officers' basic needs can be difficult, and offered suggestions. Dallas's report recommended that the Police Department create a special secure area during demonstrations where officers can go to get food and drinks. Cleveland's after-action report even suggested "a contract for water, Gatorade/Powerade and snacks" that will cover a minimum amount purchased yearly, to ensure CPD officers have enough food and drink for officers during such large-scale events.

42. PERF Special Report. (11 June 2021). "Survey on Police Workforce Trends," *Police Executive Research Forum*, <https://www.policeforum.org/workforcesurveyjune2021>.

8B. Issue adequate personal protection equipment.

Another basic but important component of officer well-being is ensuring that all officers have adequate personal protection equipment (PPE). This was especially important during 2020, when officers needed gear to protect them from physical assaults *and* from COVID-19. PERF recommends auditing supply levels and distribution protocols to ensure that all officers are issued the necessary gear.

After-action reports noted that providing PPE is an essential element of responding to demonstrations. Philadelphia's report recommended that all officers receive "a riot helmet, a gas mask, and goggles or safety glasses" and specifies that the PPE "should be easily accessible for officers to ensure that they are equipped even on short notice." Cleveland's report specified that officers should have equipment that fits them, and that they "receive updated training on PPE" to ensure proper use.

In situations where police may be considering use of CS gas, they need to make sure that all officers have gas masks.

8C. Keep riot gear out of sight.

As noted in previous PERF reports, when there is no indication that a demonstration will become violent, but police want to be prepared for the possibility of violence, police should keep riot gear and heavy equipment nearby but out of sight, in order to avoid giving the impression that they are expecting a riot, or are planning an aggressive response to a peaceful demonstration. Agency leaders should bear this in mind and make sure that they keep officers safe, without intimidating crowds in a way that escalates tensions and ultimately makes situations less safe for officers and demonstrators.



8D. Plan for adequate rest time and incorporate mental health considerations into risk assessments before mass demonstrations.

Mass demonstrations, especially in the age of social media, can occur unexpectedly. PERF recommends that law enforcement agencies create plans for emergency schedules that can be activated when there is a need to have more officers on duty. The emergency schedules should include adequate rest time for officers.

For example, Columbia's after-action report suggested that agencies "rotate officers during critical incidents and emergency operations in order to provide necessary mental and physical rest." These rotations will distribute the burden more evenly.

During the demonstrations of 2020, some cities experienced peaceful demonstrations during the day, but after sundown, the peaceful demonstrators went home and violent offenders would arrive, committing acts of vandalism and clashing with officers. A rotating schedule could help ensure that the same officers would not be assigned the most difficult shifts repeatedly, exposing them to extremely high levels of stress. When supervisors see an officer who

seems agitated, they should take the officer out of service to relieve the strain.

Many agencies conduct risk and threat assessments for events before they take place to ensure that they are aware of and prepared for any issues that may arise. For example, risk assessments may point to the need for protective barricades around a police station or the need to have additional PPE on hand for officers.

When conducting these assessments before and during mass demonstrations, PERF recommends that agencies incorporate considerations about the mental health of officers and other staff. If agency leaders know that officers will be exposed to situations likely to cause emotional distress, they should put mitigation measures in place the same way they would with threats to officers' physical safety. Access to quiet recuperation spaces or mental health support, for example, may help officers avoid long-lasting psychological harm. For example, Columbia's after-action report suggested that agencies "ensure that the mental health of personnel is incorporated into planning."

Agencies should ensure that their full range of mental health resources – psychological services, employee assistance, peer support, chaplains, and others – are adequately staffed and resourced in advance of any major demonstrations, especially if the protests are likely to run over several days or longer. These services need to be available during and after the event (see Recommendation 8E, below).

8E. Teach officers techniques for protecting their own emotional well-being.

Police departments can create systems that promote officer well-being, and officers themselves can also take steps to maintain their own health and wellness. PERF recommends that police departments provide officers with the tools to keep themselves well.

For example, Philadelphia's after-action report recommended two training courses for officers. The first focuses on "protest interactions and professional communications" and "promote[s] the importance of officers managing their emotions ... even under

the most stressful of circumstances." The second course focuses on "train[ing] officers to 'not take it personally' when dealing with non-compliant, resistant, and aggressive individuals."

Another idea, from the Columbia, SC after-action report, is to promote well-being through physical fitness programs, which have been shown to reduce stress.

8F. Provide access to wellness support programs after mass demonstrations have concluded.

Many officers may experience emotional distress after mass demonstrations have ended. PERF recommends that agencies provide ongoing emotional support services and peer support to ensure that officers have guidance, time, motivation, and assistance to work through any emotional issues.

For example, Dallas's after-action report pledged that the department "will continue to work hard to provide all staff with access to psychological services and peer support." And considering the long-standing stigma associated with mental health care, it urges department leaders to "continue to engage officers in frank and honest conversations, with the goal of creating a positive environment for ensuring emotional health."

Similarly, La Mesa's after-action report suggested ensuring that "officers involved in emergency or critical incidents are provided with an opportunity for an after-action review and ... wellness support when needed."

RECOMMENDATION 9:

Ensure ongoing, robust review of policing practices.

POLICE AGENCIES SHOULD HAVE SYSTEMS FOR reviewing and improving their approaches to policing mass demonstrations. Demonstrations can be dynamic, extremely challenging events to manage, and any missteps by police can erode community trust long after the demonstrations are over. Mechanisms to debrief policing practices and receive community feedback are therefore invaluable.

In the wake of the summer of 2020 protests, many larger agencies either wrote or commissioned after-action reports to identify policing strategies that were successful, as well as any practices that were harmful. Agencies of any size should take the time to ask internal and external stakeholders how the police response can be improved.

It is important that accountability mechanisms be respected during large demonstrations and civil unrest. A number of after-action reports noted that body-worn cameras (BWCs) were not always deployed as required, in some cases because the cameras were not designed to be attached to officers' protective "turtle gear." In Chicago, the Office of Inspector General said that there was "widespread non-compliance" with CPD's policy requiring the use of BWCs, because officers working outside of their regular schedules deployed directly to the scenes of protests, rather than from their precinct stations where the BWCs were stored. And officers' uses of force were not always self-reported, in part because of "significant confusion among CPD's highest ranks – and as a natural result, among

its rank-and-file members – about whether and when members were required to complete Tactical Response Reports under mass arrest protocols," the OIG report said.

When rules are not adhered to, it compromises accountability of officers as well as protesters engaging in civil disturbances, the OIG said. "Missing reports and videos may limit or preclude prosecution of some arrestees as well as accountability for individual officers, and may compromise CPD and the City's position in investigations or litigation," the OIG report said.

9A. Debrief notable events at the end of shifts.

Officers are experts on their own experiences, and in many cases can provide insights to inform future strategic and tactical decisions. PERF recommends that when possible, agencies make time at the end of shifts for debriefs. These debriefs will provide officers with a chance to share knowledge, reflections, and suggestions while their experiences are fresh in their minds.

Raleigh's after-action report recommended such debriefs, saying, "During periods of protest, crowd management, and critical incident management activity, there should be a debrief after the end of shifts" to "enable rapid knowledge transfer," among other benefits.

9B. Conduct timely internal reviews of body-worn camera footage, use-of-force reports, and other materials to understand what went well and what can be improved.

Officers' body-worn camera footage and use-of-force reports can provide important, detailed information about what occurred during a demonstration, how individual officers responded, and how the agency performed as a whole. PERF recommends that agencies establish protocols to ensure that these opportunities are not wasted, and that agencies always use this information to improve their policies and practices.

For example, in addition to reviewing use-of-force reports and body-worn camera footage, Philadelphia's after-action report recommended "survey[ing] officers to evaluate if their baton applications are appropriate, effective, and result in the desired outcomes and/or if additional training and/or alternative applications of force would prove more appropriate and effective."

Fredericksburg's report called for a wide-angle analysis of use-of-force reviews, in order to understand "the entire incident, not just the moment force was used."

9C. Invite community representatives to discuss their perspectives with police leaders after demonstrations have concluded.

After demonstrations end, PERF recommends that agencies invite community representatives to debrief with police leaders. Raleigh's after-action report said that it is important to hear from community members about their individual experiences and general community concerns. The community members invited to these debriefs should include individuals who participated in the demonstrations and could provide credible, fist-hand accounts of what happened during an event.

Police Scotland Model for Community Engagement

The preparations of Police Scotland for large-scale demonstrations during COP26, the U.N. Climate Change Conference, in 2021 provide a model for planning such events. (See "Police Scotland Involved Elected Officials and Community Leaders in their Preparations for the COP26 International Climate Change Summit," p. 22.)

A year before the COP26 summit began, Deputy Chief Constable Will Kerr of Police Scotland created an advisory committee to provide a wide range of expertise on how to manage the conference and any

demonstrations that could be expected during it. The committee included human rights lawyers, academics, disability rights advocates, and elected officials as well as police leaders. The panel helped to write the policies that would govern the police response to COP26, and they helped to develop, and observe, the police training for the event.

And the committee's work did not end when the U.N. Summit concluded; the panel continued to meet afterwards in order to address issues raised by demonstrators about police actions during the conference.⁴³

43. For details, see "'Uncomfortable conversations': Police Scotland's lessons from the COP26 demonstrations." (November 13, 2021.) Police Executive Research Forum. <https://www.policeforum.org/trending13nov21>

Conclusion:

The Demonstrations of 2020 Were a Wake-Up Call

THE DEMONSTRATIONS OF 2020 REPRESENTED one of the largest challenges to American police agencies in years. Many departments were overwhelmed by the size and number of protests, occurring day after day for weeks or months. And while most of the demonstrations were peaceful, some involved acts of violence. Television coverage included scenes of protesters throwing rocks, bricks, Molotov cocktails, and other objects at police officers, or committing acts of arson, vandalism, or looting. And in some cases, there were scenes of officers using unnecessary force, or officers suffering injuries.

Since 2006, PERF has been developing guidance for police agencies about managing demonstrations, but the demonstrations of 2020 were unprecedented, and many police agencies were blindsided by the situations they faced.

Following are some of PERF's key findings about what went wrong in 2020, and the new challenges that police agencies must face:

1. **Police departments were simply not prepared for the level of violence that they encountered.**

Many of the after-action reports conducted by cities found failures of intelligence about demonstrations that were being planned, and the violence that was happening on a nightly basis.

And officers lacked training in how to respond to demonstrations. This is understandable, because the United States had not faced such widespread demonstrations, occurring for so many weeks and months, in many years. So police training programs understandably had focused on other priorities.

2. **Police agencies' traditional forms of working with community leaders to manage demonstrations are not enough to meet today's demands.**

In 2018, a major PERF report addressed the growing phenomenon of "leaderless demonstrations" – protests that occur spontaneously, with little or no advance notice. Unlike the demonstrations of the past, which often were organized by established civil rights groups or other organizations, leaderless demonstrations are promoted on social media and can occur spontaneously.

The demonstrations of 2020 showed what can happen when police are not adequately connected to community leaders during protests.

Police need a new approach for working with their communities on a continuing basis to facilitate demonstrations. This cannot be done in the midst of an ongoing crisis.

This should include special efforts to bring community members into police agencies' processes for managing demonstrations. For example, police can invite community members to observe and participate in officer training programs and tabletop exercises regarding protests, and to discuss policies governing the use of less-lethal tools when demonstrations are violent. Police also can invite community leaders to serve as mediators during demonstrations.

In this way, police can build a wide range of relationships in the community over a period of years. Ideally, many people taking part in demonstrations, especially those who are formal or

informal community leaders, will personally know and trust police officers or leaders.

As a result, community members can become force-multipliers. Police will always be challenged to have enough officers to respond to large numbers of incidents that become violent. But if police have support among the demonstrators, and have established relationships of trust with many of them, these relationships can bolster the police response.

Police still will face challenges in dealing with people and groups that have no interest in working with police, such as leftist anarchist groups or right-wing anti-government groups like the boogaloo movement. But it will help if police have broad support from more mainstream community leaders and activists.

Regaining public trust will require re-inventing this relationship as part of a continuing, ongoing effort.

3. **A key flash point in many cities was the use of less-lethal weapons.** No issue caused more controversy during the demonstrations of 2020 than the use of less-lethal weapons, such as CS gas, rubber or plastic bullets, and “soft” munitions such as bean-bag rounds. Inappropriate use of these tools can be self-defeating, agitating an otherwise peaceful crowd and triggering violence rather than preventing it.

Law enforcement agencies must establish clear guidelines for situations when less-lethal force is warranted, as well as situations when less-lethal force is inappropriate.

These issues are explored in many of the after-action reports that cities commissioned to evaluate their response to protests. For example, Denver’s report recommended that the Police Department restrict the use of pepper balls only to incidents in which a person is exhibiting “active aggression.”

As a starting point for a national review of these issues, Recommendation 4 in this report offers guidance on the use of several types of tools, which PERF produced with assistance from the experts who participated in PERF’s webinar and other consultants. These initial recommendations include the following:

- No weapons should be used against peaceful demonstrators.
- Beanbag rounds, rubber bullets, and other “soft” projectiles should be considered only for use against people who are committing acts of violence, and only when they can be aimed at a specific individual who is committing a serious criminal act, such as setting a fire or throwing dangerous objects.
- Police should not use CS gas unless it is needed to address a public safety concern. For example, police should *not* use CS gas to disperse a large crowd simply because a few youths are spray-painting graffiti.
- OC spray and other chemical irritants used against individuals should be deployed only when police can accurately target individuals without harming innocent bystanders. And chemical irritants should be used only to address acts of violence or rioting.
- “Flash bangs” and grenade-type devices should not be used in demonstrations.

The National Institute of Justice, the U.S. Justice Department’s research agency, should make a high priority of helping the policing profession develop these guidelines, by conducting or arranging for research on each type of less-lethal tool, its capabilities as well as its limitations and risks, and on new types of tools that may be developed in this area.

4. **Officers should be trained to use a Critical Decision-Making Model to manage their response to demonstrations.** Since 2016, PERF has advocated the use of a Critical Decision-Making Model (CDM) to help officers make the best decisions when they respond to situations involving a person in crisis, such as a person with mental illness brandishing a knife on the street.

The CDM is also useful in many other situations, including police officers’ response to demonstrations. The CDM is a five-step process, in which officers (1) collect information about the situation they are facing; (2) assess any threats or risk, and whether they need to take immediate

action or can buy time to de-escalate the situation; (3) consider what legal authority the police have to respond in various ways; (4) identify options and determine the best course of action; and (5) take action, review what happened, and if necessary, re-assess the situation.

The CDM may sound complicated, but when officers use it routinely, it becomes second-nature. During a large demonstration that may involve a complex mix of conditions, such as a few violent offenders using a much larger,

peaceful crowd as cover, the CDM can help officers take appropriate, proportionate actions that help protect public safety without alienating peaceful demonstrators.

The demonstrations of 2020 were a wake-up call for American police agencies. In a number of ways, today's protests and demonstrations – especially those that are about police actions – present much more difficult challenges than they did a generation ago.

This report presents a new playbook that police can use to develop responses to these challenges.

About the Police Executive Research Forum

THE POLICE EXECUTIVE RESEARCH FORUM (PERF) is an independent research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices on fundamental issues such as reducing police use of force; developing community policing and problem-oriented policing; using technologies to deliver police services to the community; and developing and assessing crime reduction strategies.

PERF strives to advance professionalism in policing and to improve the delivery of police services through the exercise of strong national leadership; public debate of police and criminal justice issues; and research and policy development.

The nature of PERF's work can be seen in the reports PERF has published over the years. Most of these reports are available without charge online at <http://www.policeforum.org/free-online-documents>. All of the titles in the *Critical Issues in Policing* series can be found on the back cover of this report and on the PERF website at <https://www.policeforum.org/critical-issues-series>.

In addition to conducting research and publishing reports on our findings, PERF conducts

management studies of individual law enforcement agencies; educates hundreds of police officials each year in the Senior Management Institute for Police, a three-week executive development program; and provides executive search services to governments that wish to conduct national searches for their next police chief.

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New Challenges for Police: A Heroin
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Police Chiefs Face a New Challenge –
PART I

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Guidelines for Consideration

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24 Months of Alarming Trends

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APPENDIX D

Model Law Enforcement Agency Protest and Engagement Policy: *Georgetown Law: Institute for Constitutional Advocacy and Protection*

Georgetown Law: Institute for Constitutional Advocacy and Protection in conjunction
with the Crime and Justice Institute and 21 CP Solutions 146

Law Enforcement Guidance For Policing Public Demonstrations

The upcoming verdict in the trial of Derek Chauvin for the death of George Floyd is likely to lead to widespread mass demonstrations. This document provides guidance to law enforcement about how to protect First Amendment rights while preserving public safety during these and other public demonstrations. Officers should exercise sound judgment based upon the facts of a particular situation. Whenever possible, law enforcement should consult before and during events with legal counsel and coordinate with local officials, community groups, and cooperating agencies.

Ensure that the Role of Law Enforcement is Clear

The First Amendment guarantees people the right to peaceably assemble and protest, regardless of viewpoint.

- The First Amendment does not protect violence or unlawful conduct or incitement to imminent violence or unlawful conduct.
- Law enforcement may impose reasonable time, place, and manner restrictions that are narrowly tailored to serve the government's compelling interest in protecting public safety. Any restrictions must not be applied in a manner that discriminates based on viewpoint. Such restrictions may include:
 - Separating opposing groups and setting up buffer zones;
 - Banning items that can be used as weapons (if permitted by state and local law); and
 - Barring private militia or paramilitary activity.

Law enforcement's principal role is to facilitate individuals' First Amendment rights to assemble and express themselves while protecting protesters and public safety.

- Law enforcement leaders should make clear public statements that officers will protect constitutional rights during demonstrations. Commanders on the street should communicate regularly and clearly to law enforcement personnel and to the crowd to set clear expectations.
- Law enforcement should meet in advance with community leaders, including Black Lives Matter and other social- and economic-justice organizers, to share plans and expectations.
- Law enforcement responses to mass gatherings should be measured and proportionate, and officers should take steps to avoid—even inadvertently—heightening tensions and making the situation worse. This is especially important where demonstrations occur in response to perceived police misconduct.
 - Law enforcement should tailor their responses to the actions and mood of the gathering, and should avoid using more force, gear, or equipment than necessary. Law enforcement leaders should consider employing a “tiered approach,” in which officers employing heavier gear and equipment are held in reserve to be deployed only if necessary.
 - Law enforcement officers' actions and demeanor affect how they are perceived by demonstrators. Cooperation with law enforcement depends on officers being perceived as fair, respectful, and restrained in their interactions and responses to crowd activity. Individual officers who are stressed or hostile should be removed from interacting with protesters.
 - When forming a barrier line or perimeter, officers should consider alternating the directions that the officers face so they are not perceived as favoring one “side” and not the other.
- All officers should be clearly identified by displaying the insignia of their units and names.

- Officers should be trained to respond to mass demonstrations. Training should include relevant laws and policies; skills like de-escalation and peer intervention; and the use of any specialized equipment in order to avoid unnecessary injuries to other officers or protestors.

Ensure that Any Law Enforcement Response to Mass Demonstrations is Proportionate

Most demonstrations are peaceful, and, even when unlawful activity occurs, law enforcement should be aware that protestors are not homogenous: crowds are often a combination of individuals engaging in lawful and unlawful activities. Police officers should avoid taking mass enforcement actions and instead limit stops, detentions, and arrests to individuals or subgroups engaged in unlawful behavior.

- Law enforcement should be patient with a crowd that is not violent or disruptive.
- Press coverage of demonstrations serves an important function of informing the public of newsworthy events. The First Amendment generally protects recording of government officials, including police officers, engaged in their official duties in public places, so long as journalists comply with general laws that apply to everyone. Law enforcement officers should not arrest journalists to prevent reporting on a demonstration or in retaliation for unfavorable coverage.
- Officers should provide clear and repeated directions for crowd movements, communicate clear thresholds for arrest, give audible warnings and fair notice to demonstrators when they are in violation of the law and subject to arrest, and provide avenues for individuals to leave the area. Arrests may be made only where there is probable cause that a crime has been committed.
- Law enforcement may declare an unlawful assembly and order demonstrators to disperse when a group has become violent or poses a clear danger of imminent violence. Loud, boisterous protest activity is not enough to create an unlawful assembly, nor is the commission of crimes by individuals. Even after the issuance of a lawful dispersal order, journalists who identify themselves may have a First Amendment right to stay in the area to report on or document the actions if their presence is not impeding law enforcement or presenting a threat to public safety.
- Law enforcement should refrain from using chemical irritants or less-lethal munitions to disperse non-violent crowds. Use of chemical irritants and less-lethal munitions should be directed only at those persons who are engaged in violent or aggressive conduct that presents a threat to public safety, and after law enforcement has given non-violent members of the crowd audible and repeated warnings and an opportunity to leave the area.
- Rules of engagement and use of force policies consistent with the above should be clearly communicated to all law enforcement personnel through written and oral instructions, including at roll call and shift changes.

Law Enforcement Agencies Should Not Endorse or Facilitate Private Militia Activity

Armed private militia and paramilitary groups have engaged in both offensive demonstrations in opposition to government policies and deployments purporting to protect persons and property. Private militias and paramilitary organizations are unlawful and have no authority to engage in the armed projection of force over others. Their presence inhibits free expression and heightens the risk of serious injury and death.

- There is no federal or state authority for individuals to form private militias, and all 50 states prohibit private, unauthorized groups from engaging in paramilitary and law enforcement activities.
- The Second Amendment does not protect private militias. The Supreme Court decided in 1886—and repeated in 2008—that the Second Amendment does not provide the right to organize as a private militia or paramilitary organization. “Well regulated” in the Second Amendment has always meant regulated by the government.

- Law enforcement should not coordinate with, encourage, or facilitate the participation or presence of any unlawful armed militia groups. Law enforcement should also make clear to these groups and to the public that unauthorized militias have no authority to engage in law enforcement activities.

What You Can Do Now: Begin Strategic Planning and Communication

- Law enforcement should engage in cooperative and strategic advance communication and planning with community stakeholders in order to promote public safety and build mutual trust. Communications should engage members of law enforcement, mutual aid partners, community groups, protest leaders, and event organizers. Law enforcement should:
 - Establish positive relationships with community leaders, event organizers, and protest groups through ongoing outreach to help prevent escalation during a demonstration.
 - Work with the community to learn about expected participants and potential adversarial groups while being sensitive to concerns about surveillance and information gathering.
 - Use social media as a tool for real-time outreach and communication.
- Law enforcement should establish a clear command structure and set clear expectations for officers, including that they should respect the sanctity of life and protesters' First Amendment rights. Plans should include, among other issues:
 - Tactical considerations for the use of weaponry and less-lethal munitions, and under what circumstances officers should make arrests;
 - Measures to avoid officer fatigue and stress, like providing officers with food, water, protection from weather, and breaks; and
 - Plans to divert traffic if streets may be blocked.
- Law enforcement should coordinate with other agencies, including emergency services, the fire department, and other law enforcement agencies who may provide mutual aid. Have a written agreement that clarifies mission, supervision, communications, and policies on use of force and arrests. Critical decisions, like when to use force, deploy hard gear, disperse a gathering, or conduct mass arrests should be made by the lead agency.

This resource has been prepared by the Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown University Law Center, in conjunction with the [Crime and Justice Institute](#) and [21CP Solutions](#). ICAP's mission is to use the power of the courts to defend American constitutional rights and values. Visit us at <https://www.law.georgetown.edu/icap/>. Contact us at reachICAP@georgetown.edu. For more information on legal principles relevant to public demonstrations, including First and Second Amendment limitations, visit ICAP's *Protests and Public Safety: A Guide for Cities and Citizens*, <https://constitutionalprotestguide.org/>. Find more information about your state's anti-paramilitary laws at <http://bit.ly/50factsheets>.

This guidance also draws on the following resources. Please consult these resources for more detailed information about policing public demonstrations:

Amnesty International USA, [Good Practice for Law Enforcement Officials Policing Demonstrations](#)

Berkeley Police Department, [Response to Civil Unrest: A Review of the Berkeley Police Department's Actions and Events of December 6 and 7, 2014](#) (2015)

Bureau of Justice Assistance, U.S. Department of Justice, [Managing Large-Scale Security Events: A Planning Primer for Local Law Enforcement Agencies](#) (May 2013)

Federal Emergency Management Agency, Center for Domestic Preparedness, *Field Force Operations Student Guide*

The Leadership Conference on Civil and Human Rights, [New Era of Public Safety: An Advocacy Toolkit for Fair, Safe, and Effective Community Policing](#) (2019)

Edward R. Maguire & Megan Oakley, Harry Frank Guggenheim Foundation, [Policing Protests: Lessons from the Occupy Movement, Ferguson & Beyond: A Guide for Police](#) (2020)

Tony Narr et al., Police Executive Research Forum, [Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches](#) (2006)

Police Executive Research Forum, [The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned](#) (2018)

Reporters Committee for Freedom of the Press, [Police, Protesters, and the Press](#) (June 2020)

APPENDIX E

Model Law Enforcement Agency Protest and Engagement Policy: *North Carolina Task Force for Racial Equity in Criminal Justice (TREC)*

North Carolina Task Force for Racial Equity in Criminal Justice (TREC) 2020 Report, Recommendation #28	150
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APPENDIX A.

Recommendation #28. *Facilitate peaceful demonstrations.*

The Task Force recommends adoption of comprehensive policies on law enforcement facilitation of peaceful demonstrations statewide. Adoption and enforcement of these policies should be mandatory as part of the North Carolina Law Enforcement Accreditation program. Policies should include coordination and communication by law enforcement with assembled public, avoid enforcement of low-level violations and focus enforcement on those causing harm to person or property, minimize militarization of law enforcement and use of weapons, including kinetic impact projectiles and chemical irritants, and ensure transparency and accountability of officers. All law enforcement agencies should make public and easily accessible their policy regarding Law Enforcement Facilitation of Peaceful Demonstrations by March 1, 2021. A model policy is below:

Coordination and Communication: Law enforcement should communicate clearly with assembled civilians, before and during a protest, to maintain safety. Law enforcement agencies should work to establish and keep open lines of communication with protest organizers when possible. They should also reinforce expectations and values with partnering agencies to promote consistent practices.

- Local law enforcement, particularly those in partnership arrangements with other law enforcement agencies, should convene local stakeholders, including community members, and local government representatives to update or establish county operations and response plans (including tabletop exercises) for demonstrations, protests, and other mass events.
- Establish communication and coordination channels between government actors in advance of known demonstrations or protests so that decisions can be quickly made and/or communicated.
- Establish early and open lines of communication with organizers as a key strategy for planning, facilitating, and de-escalating issues if needed. This communication should include a plan for interactions before, during, and after the demonstration.
- Establish relationships before crises to build trust.
- Train community ambassadors or other responders to assist with communication, de-escalation/intervention, and other functions.

- Designate a point of contact for media inquiries.
- Establish clear and visible leadership with prescribed protocols for relaying of commands, with a clear understanding of how law enforcement agencies in partnership arrangements will work with one another.
- Provide clear communication to public in advance of known protests and demonstrations about its commitment to protecting rights and intolerance for violence.
- Use dispersal orders strategically (as they may have an escalating effect); when given, ensure dispersal orders are clear, loud, in multiple languages where appropriate, and that individuals are given sufficient time to disperse with clear, visible, and ample means of egress.

Avoiding unnecessary enforcement: During protests and demonstrations, enforcement of low-level offenses or imposing unnecessary constraints on movement can spark avoidable conflict. Enforcement should target those who are causing harm to avoid disrupting the First Amendment rights of other participants.

- Establish and reinforce with all participating officers clear goals (e.g., protecting 1st Amendment rights, protecting critical infrastructure and private property), and plans for how to accomplish.
- Establish and reinforce common standards, training, and rules used by law enforcement agencies in partnership arrangements including enforcement priorities, use of force standards, warnings, and equipment.
- Establish a standard decision-making framework for the imposition of curfews and make clear the goals and standards for enforcement of a curfew.
- Recognize that law enforcement presence can have an escalating effect and be prepared to dial up or dial down visibility (e.g., do not start with visible armored vehicles and riot gear).
- Recognize importance of quick, targeted intervention to stop violence and/or incitement; need to isolate antagonizers and not disrupt peaceful demonstrators (“identify, target, isolate, remove”).
- Identify and address the role of hate groups, including white supremacists, in disrupting protests and committing and instigating violence and looting.

- Partner with protest organizers, legal observers, demonstration marshals, and public safety liaisons to help identify and address potential problems before they escalate.
- Prohibit the undercover infiltration of constitutionally protected demonstrations and protests unless there is a criminal predicate to support such activity.

Minimizing militarization:

Militaristic presence (e.g., with armored vehicles, combat-style helmets or weapons) can be counterproductive and threatening to peaceful protestors and may incite or escalate conflict.

Minimizing use of weapons:

Deploying weapons, including kinetic impact projectiles and chemical irritants, can, in addition to causing injuries and even death, rapidly escalate conflict. They should be used as a last resort to protect life, repel assaults, and when other means have been exhausted or are not feasible, to disrupt the significant destruction of property. Policies should prohibit use of dogs and water cannons for crowd control or to disperse crowds. Further, the Task Force will further study whether the use of CS gas (tear gas), as opposed to pepper spray, should be prohibited for crowd control, as has been done by the Charlotte-Mecklenburg Police Department.⁵⁷

Accountability and Transparency

- Require all officers in direct contact with demonstrators to wear insignias that clearly identify the officer's agency and name or badge number.
- If equipped, require all officers in direct contact with demonstrators to wear and activate their body cameras during protests and demonstrations.
- Ensure protection for journalists and legal observers exercising their right to record and observe law enforcement activities during protests and demonstrations.
- Provide officers training on the role and rights of journalists and how to facilitate their ability to report on protests and demonstrations.
- Establish a media center and/or point of contact for journalists who are covering the event.
- Conduct daily briefings with all local enforcement agencies with participating officers to reinforce policies, priorities, and command structure.

- Conduct after-action reviews to identify what went well and what can be improved.
- Involve prosecutors' offices in front-end discussions regarding the outcome of any potential charging.
- Include legal advisors on-site at emergency operations centers to provide legal advice and guidance, including on the use of curfews or other enforcement strategies and priorities and to provide training on relevant laws (e.g., distinguishing burglary from looting charges).
- Tailor oversight to local jurisdiction; consider role to include monitoring event, accepting and investigating complaints, compliance with policies, procedures, and training.
- Lead law enforcement agencies should coordinate centralized civilian complaint processes to ensure all complaints associated with demonstrations and protests are received and investigated.
- Limit amount of time officers can be on the line and establish ability to tap out or be pulled out based upon risk factors observed by the officer, other officers, or a supervisor. Risk factors should include signs such as fatigue, unmanageable stress, or other factors which may impact an officer's ability to safely and appropriately perform their assignment.