
NUMBER: 9.61

EFFECTIVE DATE:
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NOVEMBER 2020

SUBJECT: CROWD CONTROL

9.61.01 POLICY

It is the policy of this department 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. This policy addresses pre-planned as well as spontaneous events.

The department will make reasonable efforts to employ non-arrest methods of crowd management as the primary means to restore order. Should such methods prove unsuccessful, an arrest shall be made for violations of the law. All arrests shall be based on probable cause, and arresting officers shall use only minimum necessary force to make and maintain arrest.

Crowd control situations can be volatile and unpredictable. Leaders, supervisors, and officers should consider the potential adverse outcomes prior to taking specific action. All responding members should rely on the identified priorities of the Incident Commander (IC) when considering enforcement action.

Journalists and members of the media acting in that capacity shall be allowed access and their rights to report shall not be infringed. Individuals acting as journalists who fail to comply with the directives or orders of the police will be subject to the same considerations as the protesters and public.

This department will not make crowd control deployment, response to resistance, or any other law enforcement action decisions based solely on the identities of the individuals involved in the large-scale event/incident. This applies to but is not limited to the following demographic categories:

- Race
- National origin;
- Gender or gender identity;
- Disability;
- Sexual orientation;
- Religion
- Political affiliation
- Or any other protected class under state, federal or local laws.

9.61.02 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.

Operations Plan — An oral or written plan containing general objectives reflecting the overall strategy for managing an incident. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods.

Incident Commander (IC) — The individual responsible for overseeing the response to Civil Disturbances and/ or First Amendment assemblies or demonstrations, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

9.61.03 PROCEDURES

- A. Preparation and Planning for preplanned events. In cases of spontaneous events responding officers should access the scene and attempt to answer the questions listed below
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 (nature) 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 critical infrastructures are in the proximity of the event?
 - h. Have permits been issued?
 - i. Have other agencies such as fire and EMS been notified?
 - j. Is there a need to request mutual aid?
 - k. Has the appropriate level of properly equipped personnel been allocated to ensure safety of bystanders, officers, and demonstrators?
 - l. Will off-duty personnel be required?
 - m. What is the history of conduct at such events?
 - n. Are event organizers cooperative? Is there a point of contact?
 - o. Who are the potential counter-protest groups?
 - p. Is there a history of violence between the group demonstrating and potential counter-protest groups?
 - q. Do the demonstrators desire to be arrested for the purpose of publicity or other reasons?
2. The incident commander (IC) or a designee, shall prepare a written plan for preplanned events, subject to the approval of the Chief of Police or designee. The plan should address the following and be distributed to all participating agencies.
- a. Command assignments and responsibilities
 - b. Establishing a command post
 - c. Reviewing parameters and methods for declaring an “unlawful” assembly
 - d. Personnel, unit structure, and deployment considerations to include the need for special response teams (i.e., SWAT, emergency medical personnel, bicycles, other special vehicles, mobile field force).
 - e. Consider use of plain-clothes resources.
 - f. Arranging for adequate administrative/support personnel (i.e. Communications, transportation, booking, detention, medical, finance, documenting injuries and liability issues, recording personnel time)
 - g. Regular communication with legal advisors (if applicable)
 - h. Liaison with event planners, to include their legal advisors, where applicable
 - i. Liaison with outside agencies
 - j. Establishing staging areas
 - k. Communications plan, to include release of information to the media, access and staging area(s). See policy 2.20 Public Information for additional.
 - l. Evacuation plan
 - m. Pre-event intelligence analysis
 - n. Weather and terrain at the event location

- o. Transportation, support, relief, PPE and decontamination of personnel (if applicable)
- p. Staging points for additional resources and equipment
- q. Traffic management, including perimeter security
- r. First aid stations established in coordination with emergency medical service providers
- s. Demonstrator devices or mechanisms requiring specific tools or tactics, extrication teams, and equipment
- t. Transportation of prisoners
- u. Arrestee processing areas
- v. Any laws, ordinances, regulations or administrative rules specific to the event
- w. The IC should ensure coordination with operations outside of the impacted area so that officers do not enter areas of conflict without authorization
- x. Demobilization plan

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.
3. Organization of responsibilities shall be as follows:
 - a. The Chief of Police or his designee will be the incident commander (IC) responsible for overall control of a demonstration or civil disturbance. The IC may appoint an Operations Chief to oversee operations in the immediate area of activity.
 - 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 of Police.
 - 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. First Amendment Protected Activity

1. Officers will not take police action in retaliation for individuals lawfully exercising their right to witness, observe, record, comment on, or peacefully protest police activity. This includes retaliation by ordering individuals to disperse, or by stopping, detaining, searching, arresting, issuing a citation to, or threaten to stop detain, search, arrest or issue a citation to any individual group participating in First Amendment protected activity.
2. Officers shall not treat protesters differently based on the content or view point of their legally protected speech.
3. Officers shall not interfere with lawful protests or assemblies unless those activities become hazardous to the safety of the public or the protestors.

D. Command and Control

1. The incident commander will remain in command of the overall incident, until relieved by the Division Chief or Chief.
2. When deployed in a civil disturbance event the span of control should be one supervisor to every six officers on the skirmish line. This may not always be possible, especially in spontaneous events.
3. Individual officer's assignments shall be documented on an assignment list.

E. 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 will have an identifiable designation on their uniform or the outermost area of their assigned protective gear.
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. While discipline is paramount, nothing in this policy should be construed to deter officers from acting to protect themselves or those in immediate danger.
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. Officers shall activate their Body Worn Camera's for the duration of the event unless battery life becomes problematic.
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.

F. 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, if safe to do so, 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 is determined.

G. Response to Resistance

1. The Response to Resistance does not change during periods of civil disturbance, and members shall refer to policy 5.01 Response to Resistance for guidance.
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 response to resistance 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 deployment shall be deployed based on the assisting agency policy and procedures. 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. 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.
- c. Bicycles may be used to control and move persons as appropriate.
- d. Impact projectiles shall not be fired indiscriminately into crowds.
 - i. 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, 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 shall be given prior to the use of impact projectiles, when reasonably possible.
 - iv. Impact projectiles shall not be discharged in a manner that targets the head, pelvis or back.
- e. Electronic control weapons (ECWs) should be used during civil disturbances only for purposes of restraint or arrest of aggressive 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.
- f. OC spray 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 in accordance with policy unless exigent circumstances present themselves to officers. If exigency merits the use of OC spray in response to a civil disturbance, officers must first issue a verbal order to disperse and allow sufficient time and space to allow compliance with such order. Officers must be able to articulate the use of OC during protest gatherings as it can be assumed that some of the airborne particulates will impact non-targeted individuals in the immediate area.
- g. Per the Response to Resistance policy, a baton may be used against an actively aggressive subject. This is specific to the use of the baton as an impact tool. In crowd control situations, officers may use batons in a horizontal position as a method to block or push subjects for the purpose of moving or dispersing a crowd or for the purpose of denying protestors

entry into a protected area. Officers may not target the head or neck area and must evaluate each contact individually to access the subject and refrain from pushing elderly, pregnant or compromised individuals to the best of the officer's ability to perceive that persons individual situation.

- h. Use of force, at the direction of the IC or Operations Commander, such as the use of chemical munitions, will be documented on one form at the conclusion of the event. Each round expended must be accounted during any deployment of chemical munitions or other methods of crowd dispersal that employs chemical or use of large scale OC canisters designed to move or disperse violators.
- i. All uses of force (response to resistance) shall be reported and investigated in accordance with agency policy. Exceptions to the policy are made for timeliness of reporting as dynamic events may not allow for staffing to be removed from the line and immediate investigations or interviews to occur.

H. *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.
 - a. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes.
 - b. The standard dispersal announcement is as follows:

“I am (name/rank) a police officer for Wheat Ridge Police Department.

You are in violation of (state criminal offense)

If you do not cease your unlawful behavior at (exact location or intersection) and disperse peacefully, you will be arrested.

Failure to disperse or to follow directions may result in exposure to chemical agents or other crowd dispersal methods.

The following routes of dispersal are available (Provide exact routes to disperse). You must begin to disperse immediately. You have 5 minutes to clear the area.

CRS § 18-9-102. Inciting riot

CRS § 18-9-103. Arming rioters

CRS § 18-9-104. Engaging in a riot

CRS § 18-9-105. Disobedience of public safety orders under riot conditions

CRS § 18-9-107. Obstructing highway or other passageway

CRS § 18-9-108. Disrupting lawful assembly

CRS § 18-9-108.5. Residential picketing--legislative declaration

CRS § 18-9-109. Interference with staff, faculty, or students of educational institutions

CRS § 18-9-110. Public buildings--trespass, interference--penalty

- c. Where possible, the warnings should be audio or video recorded and the time and the names of the issuing officers documented 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, bicycle units, and mobile field forces
 - b. Multiple simultaneous arrests
 - c. Use of aerosol crowd control chemical agents
*The dispersal announcement above *must* be given prior the use of chemical agents.

- d. Law enforcement formations and the use of batons for forcing crowd movement

I. 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 personnel.
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 custody sheet shall be completed. A photo of the arrestee and the officer should be taken together for later identification
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 as soon as possible. Photographs should be taken of all known injuries.

J. Demobilization

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.
6. An After Action Report shall be completed as soon as possible, no later than two weeks after the incident and should include the basis for the incident and the agency's response to the incident, with a statement of impact to include the actual costs of equipment, personnel. As well as any suggested additional training, equipment or policy related items.

K. Assistance from other agencies

1. Chief of police or designee makes request for assistance from other law enforcement agencies, time permitting. In an emergency, the IC may request assistance.
2. Unity of Command – If personnel from the agencies are deployed within the city, request a representative from that agency to respond to the designated command post to ensure the maintenance of unity of command.

L. Assistance to other agencies

1. Requests will be approved by the Chief of Police or designee.
2. Officers operating outside of the City of Wheat Ridge, under Mutual Aid or an MOU, will follow Wheat Ridge Police Department policies and not be subject to assignments that exceed the capacity or training of assigned officers. Officers may, at the discretion of the on scene commander, undertake duties that will preserve the safety of life, only in extreme emergencies, until relieved or the situation is abated.
3. An agency representative will respond to the designated command post to ensure maintenance of unity of command and adherence to agency policy.
4. Expenses – all expenses and personnel hours will be documented for possible reimbursement.