



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Demonstrations and Assemblies

Eff. Date 02/03/2025

### PURPOSE

The purpose of this standard operating procedure (SOP) is to establish guidelines for managing crowds, protecting individual rights, and preserving the peace during crowd events.

### POLICY

It is the policy of the Madison Police Department (MPD) to protect individual constitutional rights related to assembly and free speech; to effectively manage crowds to prevent loss of life, injury, or property damage; and to minimize disruption to persons who are not directly involved in any particular assembly or demonstration.

### DEFINITIONS

**Freedom of Speech and Assembly:** For the purposes of this SOP, as articulated in the United States Constitution and the Constitution of the State of Wisconsin, the collective rights of the people to peaceably assemble, to consult for the common good, and to petition the government, or any department thereof.

**Demonstration (or Protest):** An assembly of persons organized primarily to engage in free speech activity. These may be permitted and scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention.

**Community Dialogue Representative (CDR):** Community members and leaders who serve as communication conduits between demonstrators and law enforcement and who possess credibility with the community to defuse tense situations without law enforcement intervention.

**Community Dialogue Team (CDT):** Members of the MPD Special Events Team who assist SET Command with ~~serve as~~ communication ~~conduits~~ between law enforcement and demonstrators and who engage in regular informational and educational sessions with CDRs and general community members at large.

**Demonstration/Event Liaison:** Member(s) of MPD who attempt(s) to engage in dialogue with known event or demonstration organizers to assist MPD in its planning and to develop a shared understanding of the organizers' needs and objectives. This communication will continue throughout the planned event and this liaison will be the primary point of contact with any CDRs and event point(s) of contact. This role will be filled by a Commander or Supervisor.

**Civil Disobedience:** A non-violent form of protest or resistance to obeying certain laws, demands, or commands of a government.

**Civil Disturbance or Unlawful Assembly:** Per Wisconsin State Statute Sec. 947.06, three or more people who cause such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed. An unlawful assembly may also be known as a civil disturbance or a riot.

**Crowd Management:** Techniques used to facilitate 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.

**Crowd Control:** Law enforcement response to crowds that have become an unlawful assembly / civil disturbance that may require dispersal and/or arrests.

**Protective Equipment:** Additional clothing items and equipment that law enforcement personnel may don to help protect them from physical injury. Protective equipment includes, but is not limited to, helmets; gas masks; chest, arm, and leg protectors; and gloves.

## PROCEDURE

### MANAGEMENT AND ORGANIZATION PRINCIPLES

It is the responsibility of MPD personnel to protect the rights of people to peaceably assemble, to consult for the common good, and to petition the government or any department thereof.

When working with crowds, the overall police philosophy must be one of moderation and flexibility. To the degree that it can be done safely, it is preferred that crowd participants self-regulate and manage their own events.

Communication between police and event organizers before and during events can create mutual understanding, generate cooperation and compliance, and prevent disorder.

Crowds are dynamic in nature. The totality of the circumstances must inform the decision to introduce police action to maintain public safety. The preferred police response is one of crowd management rather than crowd control.

MPD personnel have an obligation to protect community members' rights while maintaining order, protecting property, and ensuring safety, peace, and order. Freedom of speech, association, and assembly, and the right to petition the government are subject to reasonable restrictions on the time, place, and manner of expression.

When deciding whether to use certain police tactics within a crowd, MPD personnel must always balance the benefits of such action(s) to maintain public safety and order along with the impact on the demonstration participants' freedom of speech and assembly, and the impact on people and property. MPD personnel prioritize life, safety, protection of property, and constitutional rights, with an emphasis on life safety.

When safe and feasible and without compromising public safety, MPD personnel should seek opportunities to reduce the likelihood of the need to use force. Mass arrests should be avoided unless necessary.

Officers will utilize seven principles, known as the "Madison Method," when working with crowds:

1. We protect community members' constitutional rights to assemble, to petition the government, and to engage in free speech.
2. We are impartial and remain neutral regardless of the issue.
3. We maintain open dialogue with community members and the news media before, during, and after demonstrations.
4. We monitor demonstrations and marches to protect individual rights and ensure public safety.
5. We balance the rights of demonstrators with the rights of the community at large.
6. We use restraint in the use of force; we protect people first and property second.
7. We, as peace officers, pursue continuous improvement of our method.

## ORGANIZATIONAL RESPONSIBILITIES

A Federal Emergency Management Agency (FEMA) Emergency Management Institute Incident Command System (ICS) will be used by MPD personnel to plan for, to staff, and to manage crowd events. FEMA defines ICS as follows:

“A standardized approach to the command, control, and coordination of on-scene incident management, providing a common hierarchy within which personnel from multiple organizations can be effective. ICS is the combination of procedures, personnel, facilities, equipment, and communications operating within a common organizational structure, designed to aid in the management of on-scene resources during incidents. It is used for all kinds of incidents and is applicable to small, as well as large and complex, incidents, including planned events.”

Organization of responsibilities for managing demonstrations and assemblies shall be as follows:

- 1) The Incident Commander (IC) is the individual responsible for on-scene incident activities and has overall authority and responsibility for conducting incident operations. The IC shall:
  - a) Oversee the development, dissemination, and implementation of written operational plans, also known as the Incident Action Plan (IAP), for planned crowds and events. Documentation of and about a spontaneous event may occur as the spontaneous event develops and shall be formally preserved as soon as practicable after the spontaneous event;
  - b) Determine the mission and objectives and consider what deployment options and tactics are objectively reasonable under the totality of the circumstances;
  - c) When deciding whether to use certain police tactics within a crowd, the IC shall balance the benefits of such action(s) to maintain public safety, peace, and order along with the impact on the demonstration or event participants' First Amendment rights and other constitutional rights;
- 2) The Operations Section Chief is the individual responsible for implementing tactical incident operations described in the IAP, or other available written event documentation. The Operations Section Chief shall:
  - a) Assist the IC in determining staffing levels, probable missions, and possible tactical strategies during the planning for the event; and
  - b) Assign units to specific missions during the event to meet the objectives established by the IC.
- 3) The Special Events Team (SET) Incident Command Post (ICP) Commander is the SET representative assigned to the incident/event command post and is responsible for the overall deployment and management of SET resources. The SET ICP Commander shall:
  - a) When feasible, facilitate pre-event informational briefing prior to planned events;
  - b) Effectuate tactics designed to accomplish mission objectives;
  - c) When feasible, and through the use of the Demonstration/Event Liaison, attempt to establish and maintain communication, with the Person-In-Charge / Event Point of Contact, or designee, during demonstrations;
  - d) Communicate updates and information from the Incident Command Post (ICP) to the SET Field Commander(s) and from SET Field Commander(s) to the ICP;
  - e) Ensure that grenadier munition deployments reported over the radio are recorded in the ICP event log;
  - f) Record SET activity on an ICS-214 form.

- 4) The SET Field Commander(s) / supervisor(s) is/are the highest-ranking supervisory SET member(s) assigned to the event in the field. SET Field Commander(s) shall:
  - a) Assess the behavior of the crowd and regularly provide updates to the IC;
  - b) Serve as or designate an alternate Demonstration/Event Liaison;
  - c) Direct SET members to attempt to positively interact with the crowd when safe and appropriate.
  
- 5) SET Sergeants are the direct supervisors of squads of SET Officers. SET Sergeants:
  - a) Shall verify that SET officers have the proper equipment;
  - b) Shall ensure that all SET officers are briefed prior to the start of the event;
  - c) Should maintain close contact with their assigned officers during deployments to ensure compliance with directives, monitor behavior and disposition, and ensure that they are aware of any changes in crowd behavior or intent;
  - d) Shall ensure the completion of required documentation for any use(s) of force and/or injury.
  
- 6) The SET Lead Grenadier is the SET Grenadier Team member designated to serve as the team leader for a given event deployment. The SET Lead Grenadier shall:
  - a) Ensure SET grenadiers are equipped with a proper grenadier equipment prior to deployment;
  - b) Ensure that additional equipment is loaded in an event accessible vehicle for deployment;
  - c) Confirm additional munitions and a system for dissemination are available in case of deployment and need for resupply;
  - d) Track the distribution of chemical and impact munitions to SET grenadiers and audit the use or return of such munitions after they are deployed into the field.
  
- 7) SET Grenadiers have specialized training, equipment, and skills in the use of chemical (CS) and oleoresin capsicum (OC or Pepper Spray) munitions, sprays, and aerosols, and in the deployment of impact munitions. SET Grenadiers:
  - a) Shall be issued a standard array of SET munitions and equipment and at a minimum, individual grenadiers will inspect and inventory their assigned load out at a minimum frequency of twice per year;
  - b) Should inspect and inventory their assigned grenadier equipment and supplies at the beginning of each activation;
  - c) When authorized, shall deploy to the field with the standardized complement of grenadier equipment and shall only deploy with authorized equipment for which they have received proper training;
  - d) Should not carry Grenadier equipment outside of SET deployments or during the course of their regular duties unless authorized by a SET commander or designee. In exigent circumstances, grenadiers may deploy specialized grenadier equipment with the permission of a supervisor, but shall inform a SET commander as soon as practicable;
  - e) Shall, as soon as practicable, relay information over the police radio about any munition deployed so that an audio record of the deployment exists; information relayed should include the type, quantity, and location of any munition deployed.
  
- 8) SET Field Extrication Team (FXT) members have specialized training and skills to extricate persons from protest devices. When demonstrators' actions and/or practices unreasonably impede traffic, restrict the public's freedom of movement, and/or jeopardize public safety, SET FXT members will be activated to respond. SET FXT members:

- a) Shall ensure the safety of demonstrators, the public at large, and themselves when responding to a protest device;
  - b) Shall utilize techniques based on training, the MPD Code of Conduct, and other MPD SOPs to assess, plan, and when necessary, extricate a person from a protest device;
  - c) Shall demonstrate the safe and proper use of all FXT tools and equipment;
  - d) Shall inspect and maintain an inventory of all equipment and the equipment shall be stored in the designated department-issued vehicle;
  - e) Should not carry FXT equipment outside of SET deployments or during the course of their regular duties unless authorized by a SET commander or designee.
- 9) SET Medics have specialized training and skills to provide immediate emergency casualty care to officers and to community members within an austere environment. SET Medics:
- a) Should be incorporated into as many platoons or squads as staffing assigned to the event allows;
  - b) Shall be issued a standard array of SET medics supplies and equipment and shall carry this equipment with them during events;
  - c) Are authorized to keep their SET-issued specialized medical equipment with their regular work equipment to allow them to respond to any incident involving mass casualties or a clear need for emergency casualty care response;
  - d) Shall follow appropriate protocol for emergency medical treatment established by the following authorities:
    - i) The State of Wisconsin Department of Justice Law Enforcement Standards Board for Tactical Emergency Casualty Care
    - ii) The directions, trainings, and protocol as ordered by the Medical Director of MPD.
- 10) SET Bike Team members have specialized training and skills to use police bikes to perform crowd engagement and management duties. SET Bike Teams:
- a) Should be deployed in teams of a least two riders/team;
  - b) Shall wear approved bike uniform or a high-visibility vest over a standard MPD uniform when riding;
  - c) Shall wear helmet at all times when the bicycle is in operation;
  - d) Should follow rules of the road when riding, to include the display of proper front and rear lighting, except under the following conditions (Wisconsin State Statute 346.03(3)):
    - i) In response to an emergency call;
    - ii) While engaged in rescue operations;
    - iii) In the immediate pursuit of an actual or suspected violator of the law.
- 11) SET Community Dialogue Team (CDT) members will facilitate informational and educational sessions throughout the year outside of any event or demonstration. ~~have additional training to serve as the communication conduits between law enforcement, demonstrators, and the community. SET CDT members: They will~~ Will assist the Commander or Supervisor assigned as the ~~serve as~~ Demonstration/Event Liaisons when feasible.
- a) ~~Will assist the Commander or Supervisor assigned as the serve as Demonstration/Event Liaisons when feasible available;~~
  - b) ~~Should attempt to dialogue with event organizers/persons in charge and should convey information to the ICP personnel;~~
  - c) ~~Will facilitate informational and educational sessions throughout the year outside of any event or demonstration.~~

- 12) SET Dignitary Protection Team (DPT) members have specialized training in the area of providing protection to dignitaries and planning dignitary visits. SET DPT members:
- a) Will participate in planning of dignitary visits;
  - b) Are prepared to provide protection to dignitaries, or to serve in a supplementary role to a dignitary providing their own protection detail;
  - c) Are trained and equipped to serve in either uniformed or plainclothes capacities.
- 12) SET Advanced Security & Protection (ASP) Team members have specialized training in the area of close personal protection, site and security assessments, and providing protective surveillance and counter surveillance. SET ASP members:
- d) Will participate in planning of dignitary visits;
  - e) Are prepared to provide protection to dignitaries, or to serve in a liaison role to a dignitary providing their own protection detail;
  - f) Conduct site and security assessments, including residential security assessments, to identify vulnerabilities and recommend mitigation strategies;
  - g) Are trained and equipped to serve in either uniformed or plainclothes capacities.
- 13) SET Officers:
- a) Are uniformed personnel assigned to work an event or demonstration, primarily in an on-foot capacity;
  - b) Shall wear identification (nameplates, IBM/badge number) in a visible location on their person at all times;
  - c) Should focus on conveying the message that law enforcement is present at the event to protect crowd participants and their right to demonstrate peacefully;
  - d) Shall report and document any use of force according to the Use of Force Data Collection and Review SOP.

## COMMUNICATION

MPD's goals during demonstration and assembly events are to facilitate participants' lawful objectives and protect their rights to freedom of speech and to assemble. Furthermore, where event participants comply with statutes and ordinances, MPD personnel should encourage and support participants' efforts to monitor themselves in an attempt to limit police involvement.

When a police response is requested or deemed necessary, the IC or their designee shall designate at least one Demonstration/Event Liaison who shall:

- a. Make reasonable efforts to contact and engage in dialogue with known event or demonstration organizers to assist MPD personnel in their planning and to develop a shared understanding of the organizers' needs and objectives. Similarly, the Demonstration/Event Liaison(s) should communicate law enforcement's expectations and inform participants on permissible and restricted actions during the event or demonstration and should be prepared to explain specific safety concerns and how MPD may intervene if safety becomes an issue
- b. Attempt to maintain communication with known event or demonstration organizers or the Person(s)-In-Charge before and during the event. The Demonstration/Event Liaison(s) shall maintain communications with the IC to keep them apprised of the situation. Consideration should be given to multilingual communication needs.

MPD, through the Public Information Officer (PIO) or another designee and in coordination with the IC, may communicate through the use of social media and other conventional outlets to keep the public, including the

crowd, informed throughout the event. MPD's department website also includes general information about demonstrations and assemblies and this information is reviewed annually.

During crowd events, MPD personnel may make announcements to the crowd designed to convey general information, to communicate targeted information to specific individuals, and to serve as a de-escalation tool by directing and informing the crowd in an attempt to prevent the need for police action.

MPD may request the presence of Community Dialogue Representatives (CDR) who can facilitate productive public safety interactions and communications at demonstrations when the presence of these community representatives may assist in achieving public safety.

## PLANNED CROWDS AND EVENTS

Planning for events or demonstrations will be the responsibility of the affected district command staff where the event is scheduled to occur, or of the MPD Traffic & Specialized Services Lieutenant, or of the designee of the Chief. The designated IC shall determine the level of police response, if any, is warranted.

The IC, or designee, shall make reasonable efforts in advance to contact event organizers and attempt to gather as much of the following necessary information about the event from the event organizers and other available information sources (Criminal Intelligence Section, social media, past event experience, etc.) to ensure accurate assignment of personnel and resources:

- a. What type of event is involved?
- b. When is it planned to occur?
- 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 to attend the event?
- f. What are the assembly areas and movement routes in and around the event location?
- 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 the Madison Fire Department (MFD), Madison Metro, and/or Traffic Engineering been notified?
- k. Is there a need to request mutual aid?
- l. Will off-duty personnel be required?
- m. What is the history of conduct at prior such events?
- n. Are event organizers cooperative with police communication and coordination attempts?
- o. Who are the potential counter-protest groups?
- p. Is there a history of violence between the group demonstrating and potential counter-protest groups?

The IC or designee shall prepare a written plan subject to the approval of the chief executive officer or designee. The plan should address the following and should be distributed to all participating agencies and special response teams:

- a. Command assignments and responsibilities
- b. Personnel, unit structure, and deployment considerations to include the need for special response teams (i.e., SET, MFD, Special Weapons and Tactics (SWAT), Unmanned Aircraft System (UAS), etc.)

- c. Information obtained through liaison(s) with event planners
- d. Communication plan, to include release of information to the media
- e. Pre-event intelligence analysis
- f. Weather and terrain at the event location
- g. Transportation, support, and relief of personnel
- h. Staging points for additional resources and equipment
- i. Traffic management plan
- j. First aid stations established in coordination with emergency medical service providers
- k. Demonstrator devices, extrication teams, and equipment
- l. Transportation of arrestees
- m. Arrestee processing areas, to include required considerations for youth arrests
- n. Any laws, ordinances, or administrative rules specific to the event

### **SET ACTIVATION**

SET may be activated for a special event, demonstration, dignitary protection, or any unlawful assembly / civil disturbance. SET personnel may deploy on foot, on bicycles, and/or in vehicles for any planned or spontaneous event to which the team is assigned to work.

Initial requests for SET activation should be made to the Lead SET Commander. If that person cannot be contacted immediately, a deputy SET commander shall be contacted. A full-team SET activation should generally be approved by the lead SET Commander and designated Assistant Chief; however, SET use may be approved by any MPD supervisor if no SET commander/supervisor can be contacted, or in case of extraordinary emergency where command approval would be impractical. A SET commander will be notified as soon as possible of any SET usage that did not have prior authorization.

SET personnel, under the direction of a SET commander or designee, will have primary responsibility for on scene management and control of all crowd events in which any significant portion of the team is activated. SET personnel shall avoid leaving MPD vehicles unattended at any point during a deployment. SET personnel shall stow their protective equipment at the stand-down location(s) for the team or in their assigned vehicle during a mobile event response.

Whenever two or more SET platoons are activated, or when determined at the discretion of a SET commander, an incident command post (ICP) will be designated and staffed. When possible, the ICP will be staffed by a SET commander, an affected district commander, a camera operator, and a recorder. The camera operator is responsible for accessing available camera footage of the event area in the ICP and requesting the preservation as evidence of any such footage. The recorder is responsible for maintaining an event log and other necessary documentation while the ICP is active.

### **SET DEMOBILIZATION**

At the conclusion of any SET deployment:

- a. SET supervisors shall account for all personnel engaged in the incident and shall assess and document any personal injuries.
- b. Equipment used during the deployment should be inventoried and inspected for damage and replaced when necessary.
- c. Any arrests shall be reported to the incident commander.
- d. All SET field personnel shall report any and all uses of force to a supervisor before the conclusion of their assignment. SET supervisors shall complete the MPD SET

- demobilization checklist whenever uses of force or injury occurred during a deployment.
- e. All SET field personnel shall complete a police report on any uses of force before the conclusion of their assignment.

After a crowd control incident, SET personnel should debrief and conduct an after-action review of the incident when practicable.

### **SPONTANEOUS CROWDS**

A spontaneous crowd is not necessarily unlawful, nor does it automatically require a significant police response. If the crowd is at an MPD station or facility, refer to the District Station and Facility section of this SOP.

A sergeant shall respond to the location of a spontaneous crowd and determine if a police response is warranted. If a police response is warranted, the sergeant shall coordinate the response and notify the Officer in Charge (OIC).

When safe and feasible, the on-scene sergeant or designee may attempt to engage the spontaneous crowd organizer in an effort to determine an appropriate police response.

If crowd behavior escalates beyond civil disobedience to a level that may pose a threat to public safety during a spontaneous crowd event that is being managed by a sergeant, the OIC shall contact a commander in the affected district to assess the needs for additional resources.

### **SPONTANEOUS CIVIL DISTURBANCE**

The first officer(s) to arrive on the scene of a spontaneous civil disturbance should:

- a. Observe the situation from a safe distance to determine if property damage or acts of violence are occurring;
- b. Advise on the police radio of the nature and seriousness of the disturbance, particularly the following:
  - i) the location and estimated number of participants,
  - ii) the presence of weapons,
  - iii) current activities (e.g., blocking traffic, violence, looting),
  - iv) direction of movement of participants,
  - v) routes of ingress and egress for emergency vehicles;
- c. Request the assistance of a supervisor and necessary backup officers; and
- d. Attempt to pinpoint crowd leaders and agitators engaged in criminal acts.

A supervisor at the scene of a spontaneous civil disturbance should:

- a. Deploy officers at vantage points to report on crowd actions;
- b. Depending on intelligence and observations, consider attempting to establish contact with the demonstrators;
- c. Move and reroute pedestrian and vehicular traffic around the event location;
- d. Ensure, to the degree possible, that uninvolved individuals are evacuated from the immediate area of the event location;
- e. Designate a secure staging area for emergency responders and equipment;
- f. Provide ongoing situational assessments over the police radio and request a dedicated, encrypted police radio channel;

- g. Establish a temporary command post;
- h. Form Strike Teams: Responding officers should be formed into strike teams of generally three (3) to four (4) officers (minimum) and a sergeant. For officer safety, officers should always work in teams in crowd environments. Sergeants should rely on the experience of on duty SET members to help organize teams and tactics.
- i. Announcements: At the first available opportunity, make audible requests that the crowd voluntarily disperse. This can be done from a safer distance by using the squad public address (PA) device. When possible, make repeated announcements and allow enough time for voluntary compliance. When feasible, note announcement times with dispatch over the police radio.
- j. Ensure that adequate security is provided to MFD and Emergency Medical Services (EMS) personnel in the performance of emergency tasks.
- k. Isolate and arrest: Only when sufficient resources are on hand, strike teams should identify and attempt to arrest individuals who are engaging in criminal conduct. Officers should communicate with each other to identify individuals involved in criminal conduct and then work as a team to safely take those individuals into custody using contact / cover principles.

Other considerations:

- a. Cameras: Valuable intelligence and situational awareness can be gained by utilizing city cameras. While strike teams are responding, and if resources allow, consider assigning an officer to access the city camera network to communicate with on-scene officers.
- b. When possible, an event log can be helpful to document activities and actions taken during the course of the incident; if resources allow, consider assigning an officer to maintain an event log.
- c. Video evidence should be preserved as needed.

When civil disturbances cannot be controlled with available field personnel within a reasonable period of time, the OIC shall contact the lead SET Commander.

## PROTECTIVE EQUIPMENT

Absent exigent circumstances, protective equipment may only be donned at the direction of a commanding officer. The decision to don protective equipment shall be based on several factors, including, but not limited to, the following:

- a. the safety of officers
- b. individual and / or group physical resistance
- c. the presence of items that can be used as weapons
- d. criminal actions or their threat
- e. violent behavior or its threat
- f. the potential impact or perceived effect that appearing in protective equipment may have on the crowd.

When practicable, the officers wearing protective equipment should be positioned in locations that minimize visibility until deployment is necessary. Officers may elect to don helmets separately from the rest of their protective equipment if they can articulate that the additional protection is necessary.

Mounted Patrol (MP) officers and their horses shall have their protective gear readily available at the MP stand-down location during any event deployment; this gear may be donned at the direction of a commanding officer.

## MPD VEHICLES AND EQUIPMENT

When civil disobedience or civil disturbance can be reasonably anticipated to occur in a particular area, officers should avoid leaving any MPD vehicles unattended in those areas.

If rifles are brought in squad cars to an area where civil disobedience or civil disturbance can be reasonably anticipated to occur, the rifles must be locked in a rifle rack or in a secured cabinet in the squad car, unless the rifles are being actively handled by an officer. Any rifle that cannot be secured in the locked rack or cabinet in the vehicle should be stored at a secure MPD location.

All MPD personnel shall abide by any parking directives set in place for any planned or spontaneous events.

## UNLAWFUL ASSEMBLY

Pursuant to Wisconsin State statute 947.06, an "unlawful assembly" is an assembly which:

1. Consists of three (3) or more persons, and
2. Causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.
3. An unlawful assembly includes:
  - a. an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person or persons of any:
    - i) private or public thoroughfares, or
    - ii) property of or any positions of access or exit to or from any private or public building; or
    - iii) dwelling place, or any portion thereof
  - b. and which assembly which assembly *does in fact so block or obstruct* the lawful use by any other person, or persons of any such:
    - i) private or public thoroughfares, or
    - ii) property of or any positions of access or exit to or from any private or public building; or
    - iii) dwelling place, or any portion thereof

## DISPERSAL

If it is reasonable to believe that a significant number individuals will cause injury or property damage if not immediately dispersed, the IC may declare an unlawful assembly. The IC shall strive to accomplish the following primary objectives at an unlawful assembly:

- a) Protect people
- b) Disperse disorderly or threatening crowds in order to mitigate 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

Prior to giving the order to disperse the crowd, the IC must consider the following:

- a. The severity and degree of the threat to people or property
- b. The number and nature of unlawful acts within the crowd
- c. The number and nature of violent acts within the crowd

- d. Whether separate crowds have merged and now the group has internal conflict between participants
- e. Whether sufficient police resources are available on scene to manage the incident effectively
- f. If there are reasonable alternatives to dispersal,
  - i) Communicating with event organizers or persons-in-charge in order to restore order through collective agreement of action
  - ii) Targeting for arrest specific individuals who are engaged in unlawful action that are driving crowd behavior
- g. Whether dispersal unduly endangers the public, the police, or participants in the crowd
- h. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly
- i. The sole fact that some of the demonstrators or organizing groups have previously engaged in violent or unlawful acts is not grounds for declaring an assembly unlawful

Prior to forcibly dispersing the crowd and when tactically feasible and time reasonably permits, officers will issue repeated audible warnings for the crowd to voluntarily disperse and allow for reasonable time for the crowd to comply.

- a. Designate an officer to issue loud verbal directives, using, when feasible, voice amplification (Superhailer, squad PA, SET megaphone, etc.). Notify dispatch of the issuance of each audible warning to disperse over the police radio.
- b. The audible warning to disperse should contain the following information:
  - i) That the gathering has been determined to be an Unlawful Assembly
  - ii) That participants are ordered to disperse
  - iii) Designated dispersal routes
  - iv) Descriptions of the prohibited behaviors
  - v) That those failing to disperse will be subject to arrest
  - vi) That the use of chemical munitions may be used to disperse the crowd.
    - 1) Example announcement:  
This gathering has been determined to be an unlawful assembly. Property has been damaged and projectiles are being thrown. All participants must leave the immediate area or be subject to arrest. Exit the area using Main Street. The use of chemical munitions may be used to disperse the crowd.
- c. Officers making audible warnings to disperse shall document the warnings in an appropriate police report, to include date, time(s), message(s), location(s), etc. Officers who hear the audible warnings should document their location in a police report.
- d. When 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.
- e. Whenever feasible, prior to issuing dispersal warnings, the IC should place EMS/MFD personnel on standby.
- f. During extended crowd dispersal events, audible warnings to disperse should be repeated periodically, and repeated any time a crowd is being dispersed from a separate geographic location from that of the earlier announcement(s).

- g. Immediate action may be taken to address an imminent safety risk without audible dispersal warnings being issued. Audible dispersal warnings will be provided as soon as practical consistent with the guidelines above.

## **MASS ARREST**

If necessary, the IC may authorize the 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:

- a. Mass arrests should be conducted by designated teams.
- b. An adequate secure area should be designated for holding arrestees after processing and while awaiting transportation to a detention/arrest processing center; separate areas should be used for adult and youth arrestees.
- c. Arrest teams should be advised of the basic offenses to be charged in all arrests and all arrestees shall be advised of these charges.
- d. Arrestees who are sitting or lying down but who agree to walk shall be escorted to the transportation vehicle for processing.
- e. Arrestees shall be searched incident to arrest for weapons, evidence of the crime of arrest, and contraband.
- f. When practical, photographs should be taken of the arrestee and any arrestee property, and an arrest information form shall be completed.
- g. Transporting officers should not accept arrestees without a properly prepared field arrest form, or functionally equivalent written documentation, and photographs, when possible; transporting officers shall also ensure that all property is properly processed.
- h. Anyone who is injured shall be provided medical attention. Photographs should be taken of all known and reported injuries.

## **PROTESTS AT DISTRICT STATIONS AND FACILITIES**

Planning and Preparation:

Annually, the captain in charge of each MPD district station or facility will review and update the appropriate protest plans for their MPD district station and facilities. The plans should be electronically stored on the MPD Intranet.

The information contained within the plans will be shared annually with staff assigned to the district or facility.

## **SPONTANEOUS DEMONSTRATIONS AT AN MPD DISTRICT STATION OR FACILITY**

Officers shall report a spontaneous demonstration at a district station or at an MPD facility to a supervisor. A supervisor shall travel to the location of the spontaneous demonstration and shall formulate an initial response including, but not limited to, the following:

- a. If practical, conduct a walk-through of the building and confirm that the building is secure and that all personnel are accounted for.
- b. Consider relocating people, vehicles, and sensitive equipment from the involved station or facility.
- c. If necessary, implement a communications plan to notify dispatch, the OIC, and any incoming district or facility officers of an alternate reporting location and important updates about the demonstration.
- d. Ensure responding officers have appropriate protective equipment available.

- e. Consider maintaining a visible presence in the area outside of the demonstration and provide enhanced monitoring with a readiness to intervene, if necessary.
- f. Depending on intelligence and observations, consider attempting to establish contact with the demonstrators.
- g. If necessary, establish a command post in an adjacent district station or alternate facility away from the affected district or facility. This ICP should include (if possible) an Incident Commander (IC), camera operator, and a Criminal Intelligence Section officer or recorder.
- h. The IC should evaluate the needs for additional personnel and resources and work with the OIC to fulfill needs, such as activating on-duty SET personnel.
- i. Command staff of the affected district / facility should initiate an Alder/Mayoral notification if the demonstration disrupts access to the station.

Original SOP: 02/25/2015

(Revised: 04/25/2022, 09/20/2022, 01/31/2023, 01/03/2024, 02/03/2025)

(Reviewed Only: 01/27/2016, 12/22/2016, 12/26/2017, 01/30/2019, 01/31/2020)