

JOPLIN POLICE DEPARTMENT	10-10 STANDARD OPERATING GUIDELINE
SUBJECT: Civil Disturbances – Mass Arrests	REVIEW DATE: Annually - October
EFFECTIVE DATE: July 29th, 2015	ACTION DATE:
AMENDS/SUPERSEDES: 2-37, October 1st, 2006	AMEND DATE:
ACCREDITATION INDEX: 46.1.2	APPROVED:  Chief of Police

I. POLICY

Civil disturbances may take many forms and vary in size and degree of danger to the public. Civil disturbances include riots, disorders, and violence arising from dissident gatherings, rock concerts, political conventions, and labor disputes. Of primary importance in any civil disturbance is defusing the situation and restoring order. Officers must be able to respond to any civil disturbance, isolate it from the remainder of the community, protect life and property, and maintain control. (Refer to SOG 10-06 Unusual Occurrences and the City of Joplin Local Emergency Operations Plan, if applicable 46.1.2).

II. PURPOSE

The purpose of this order is to establish procedures for the department's response to and handling of civil disturbances.

A fundamental role of the Joplin Police Department is the protection of the rights all people have to peacefully assemble, demonstrate, protest, or rally. In the United States all people have the right of free speech and assembly guaranteed by the First Amendment of the Constitution. The First Amendment states *“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 peaceably to assemble, and to petition the Government for a redress of grievances.”* In turn, the department also has the responsibility to ensure public safety and to protect the lives and property of all people.

III. DEFINITIONS

A. Civil disturbance

An unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property or other unlawful acts.

B. Demonstration

A legal assembly of persons organized primarily to express political or other views. These are typically scheduled events that allow for prior police planning. They include, but are not limited to: marches, protests and other assemblies that are largely designed to attract the attention of onlookers, the media, and others. Demonstrations can evolve into civil disturbances that necessitate enforcement actions. Although crowd control may be necessary at sporting events, festivals, concerts, and related events, these are not defined as demonstrations.

IV. PROCEDURES (46.1.2)

A. Authority for plan implementation

1. The on-duty supervisor is authorized to implement this emergency operations plan if a civil disturbance warrants. The on-duty supervisor shall notify the chief of police as soon as practicable.
2. The on-duty supervisor shall be responsible for implementing the plan until relieved by a person of higher authority.

B. Departmental resources

The supervisor implementing this plan shall determine what, if any, additional departmental resources are required.

1. Additional personnel may be called back.
2. Each officer shall have readily available a vest, and issued equipment.

C. Duties of first officer(s) on the scene

The duties of the first officer(s) arriving at the scene of a disturbance include the following steps.

1. Observe the situation from a safe distance and determine if crowd is peaceful or potentially violent.
2. Notify the dispatcher of the seriousness of the situation and request the on-duty supervisor and additional back-up to respond.
3. Through remote observation, try to identify the leaders of the group and any persons engaged in criminal acts.

D. Duties of the on-scene supervisor

Upon arrival at the scene, the on-duty supervisor shall assume command until relieved by higher authority. He shall perform the following actions:

1. Assess the situation for seriousness and danger and evaluate what resources are needed to meet the problem.
2. Maintain communications with the dispatcher by relaying the following information:
 - a. Estimating the crowd's size and area involved.
 - b. Gauging the crowd's mood.
 - c. Noting any weapons.
 - d. Noting any destroyed property.
3. Establish a command post from his or her vehicle.

4. Decide the number of personnel/equipment needed. If a call-back has begun, the supervisor shall determine the assembly point and equipment to be worn.
5. Instruct dispatch to make proper notifications to include:
 - a. Fire department.
 - b. Hospital emergency rooms.
 - c. Neighboring jurisdictions (and request assistance if necessary).
 - d. Missouri State Highway Patrol (and request assistance if necessary)
6. Construct an outer perimeter sufficient to contain the disturbance and prohibit entry into the immediate area of the disturbance. Instruct officers about traffic control through and around the perimeter.
7. The on-scene supervisor will consult with legal staff, if necessary, to discuss prosecutorial, court, and/or other legal considerations. If a large civil disturbance occurs, the Municipal judge and city prosecutor should be notified.

E. Operations - general

Once appropriate and adequate personnel are in place, the supervisor shall perform the following tasks:

1. Approach the crowd and inform the leader or leaders that the assembly is unlawful and that they have to disperse. Use the public address system in police vehicles or a bull horn if necessary. Missouri State Statute §574.040 defines an unlawful assembly and its criminal penalty and § 574.060 criminalizes remaining at a place of riot or unlawful assembly after a warning to disperse has been given.
2. Set a time limit for dispersal and make clear that no extensions will be allowed.
3. If the crowd fails to disperse and continues its unlawful acts, the supervisor may:
 - a. Authorize the use of chemical agents/force.
 - b. Order the formation of police lines and move into the crowd to gain control.

F. Operations - options

If the crowd does not disperse after the supervisor has followed the procedures under E above, one of two options may be pursued:

1. Containment and dialog: The objective of this option is to disperse the crowd by developing a dialog with crowd leaders to assess their intentions and communicating that a violation of the law has occurred and the crowd must disperse.
2. Physical arrest: The objective of this option is to arrest the crowd leaders. To achieve this objective, supervisors must employ tactical riot formations, ensure that officers are properly equipped and protected, that back-up officers are available, and transportation is immediately available to convey arrestees from the scene. See discussion under L below regarding the use of force.

G. Public facility security

The on-scene supervisor shall detail officers to provide security to all public facilities threatened by a crowd to include:

1. The city's water facilities.
2. Fire/rescue/hospital buildings and access to them.
3. City hall.
4. Schools.

H. Public information/rumor control

The on-scene supervisor shall respond to appropriate news media requests in order to keep the public informed and to dispel rumors.

I. De-escalation procedures

Once the disturbance has been brought under control and the situation has returned to normal, the supervisor shall begin de-escalation procedures to include the following steps.

1. Disengage officers as appropriate. Every officer who participated in the incident shall be accounted for. A debriefing may be arranged if needed.
 - a. On-duty officers shall return to normal patrol operation.
 - b. Called-back officers shall return issued equipment to the command post.
2. Assign officers to remain in the area of the disturbance to guard against a recurrence of trouble.
3. Discontinue the command post.
4. Ensure that departmental equipment is collected.

J. Post-occurrence duties/after-action reports

When the disturbance has ended, the supervisor shall perform the following duties.

1. Prepare a detailed report, providing all factual information about the incident to the chief of police, along with any appropriate recommendations.
2. Provide factual information to the news media.
3. Arrange for evidence collection at the scene.

K. Mass arrest procedures

1. Those individuals that are the most violent will be arrested first.
2. Mass arrests must be handled quickly and efficiently in providing transportation to jail or release on summons with a consistent observance of arrestees' rights.
 - a. Arrestee's will be transported via patrol units, prisoner transport vans, or other means, as deemed appropriate by the on-scene commander.

- b. At all times, arrested subjects will remain handcuffed and secure.
3. Arrested persons shall be removed from the point of disturbance and brought to where initial booking shall take place. The supervisor shall establish an arrest team to handle prisoners. Arrest team duties shall include the following steps.
- a. Photograph the arrested person with the arresting officer using a digital camera. Arrest/identification information shall be recorded with the photo, which includes;
 - i. Date and time of arrest;
 - ii. Name of suspect;
 - iii. Date of birth;
 - iv. Social Security Number of suspect;
 - v. Charge (s); and
 - vi. Name of arresting officer.
 - b. If processing time is extensive, reasonable accommodations will be made to provide arrested subjects with food, water and/or sanitation facilities.
 - c. Prisoners shall then be transported to the city jail where formal charging/booking shall take place. The Jasper County Law Enforcement Center may also be utilized in the event more space is needed to house prisoners.
 - d. Allow arrested persons to contact legal counsel at the conclusion of booking.
 - e. Arrange for medical treatment for any injured arrestees before booking begins.
4. Juveniles involved in arrests shall be treated according to procedures set forth in SOG 9-09, juvenile procedures.

L. Evidence Collection

Evidence, if any, will be secured in accordance with department policy. If extensive collection is required, the on-scene commander should instruct dispatch to contact the appropriate investigator.

M. Use of force

- 1. General: Officers shall use the minimum amount of force necessary to affect an arrest or control the disturbance.
- 2. If the arrest of crowd leaders or agitators does not disperse an unlawful assembly, the supervisor may order the use of nonlethal force to achieve this end. If nonlethal force is used against a crowd, the supervisor shall ensure the following:
 - a. A clear path of escape is available for those who wish to leave the area.
 - b. The use of tear gas, smoke, or other nonlethal tools is controlled and coordinated.
- 3. The use of deadly force shall be governed by SOG 6-03, but particular caution must be exercised when shooting near a crowd. Officers shall not return fire in crowds.

V. SPECIAL CIRCUMSTANCES - Labor disputes

A. Objective

The objective of the department in responding to strikes or labor disputes is to preserve the peace by fair and equitable dealings with all parties and to protect the safety and property of all concerned.

B. Supervisor's responsibilities

The supervisor shall contact both the business or employer as well as labor representatives in order to:

1. Advise them of department policy in protecting lives and property.
2. Emphasize to labor representatives the importance of a peaceful demonstration and that their rights to legally assemble and protest will not be interfered with as long as they do not interfere with the legal rights of the business.
3. State the law on warning and arresting demonstrators and emphasize the need to maintain communication at all times between law enforcement personnel and strikers.

C. Guidelines for officers assigned to strikes or labor disputes

1. The officer's objective at a labor dispute is to protect life, property, and ensure the safety of all concerned, to protect the civil rights of all parties, and to maintain the peace.
2. Officers shall not fraternize or engage in unnecessary conversation with business employees or picketers or other disputants. To this end, officers shall not enter company premises for any reason other than to conduct police business.
3. Officers shall avoid arrests for minor misdemeanors if at all possible, and instead enlist company and labor representatives to control their own people. If the officer determines that an arrest must be made, the best course is to identify the offender and arrest later.
4. Verbal abuse shall not constitute the sole reason for arresting a demonstrator. Language that incites violence, however, may be cause for removing and arresting the offending person.
5. Any decision to arrest shall consider the availability of properly equipped back-up officers and the magnitude of the offense relative to the effect an arrest may have as an incitement to others to commit violent acts.
6. To facilitate the free traffic of passers-by or persons with legitimate business, officers may have to open breaches in a picket line and personally escort traffic, whether pedestrian or vehicular.

VI. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies shall comply with this policy.

VII. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of

safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.