

FRIDLEY POLICE

GENERAL ORDER

SUBJECT: Crowd Control and Management	DATE OF ISSUE	NUMBER:
	May 3, 2021	206
	REVISION DATE	SECTION:
	New	Orange

I. PURPOSE

The purpose of this General Order is to provide guidelines to the Fridley Police Department personnel regarding the application and operation of acceptable crowd control and management.

II. POLICY

The policy of the Fridley Police Department (“department”) regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a demonstration. The Fridley Police Department will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue.

III. DEFINITIONS

Control Holds: Joint manipulation techniques to control subjects who are reluctant to be taken into custody and offer some degree of physical resistance. Control holds are considered soft empty hand control techniques as they do not involve striking. Specific techniques include joint locks, twist locks, and come a long.

Crowd Management: Techniques used to manage lawful public assemblies before, during, and after an event for the purpose of maintaining the event's lawful status. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.

Crowd Control: Techniques used to address unlawful public assemblies, including a display of formidable numbers of police officers, crowd containment, dispersal tactics, and arrest procedures.

First Amendment Activities: First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, use of puppets to convey a message, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the

Minnesota State Constitution. The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

Demonstration: A public display of a group's or individual's feeling(s) toward a person(s), idea, cause, etc. and includes, but is not limited to, marches, protests, student walk-outs, assemblies, and sit-ins. Such events and activities usually attract a crowd of persons including participants, onlookers, observers, media, and other persons who may disagree with the point of view of the activity.

IV. PROCEDURES:

The Fridley Police Department Crowd Control and Management Policy consists of the general principles identified as follows:

A. Mobile Field Force Team (MFF)

1. Team Structure: The team will include the following:
 - a. Commander
 - b. Team supervisor – Sergeant
 - c. Sergeant operators (other sergeants if assigned to team)
 - d. Two appointed team leaders
 - e. Team operators based on the needs of the department as determined by the Public Safety Director.
 - f. Team medic/operators (team medic/operators if the medic is an officer of the agency) based on the needs of the department as determined by the Public Safety Director.
 - g. Team medic/non-operators (tactical medics of the Fridley Fire Department) based on the needs of the department as determined by the Public Safety Director
2. Training

MFF members shall complete an initial mobile field force training prior to a MFF team deployment and training as prescribed by the unit annually thereafter.

3. Team/Team Member Deployment
 - a. The activation of the MFF team for a MFF operation, including the exclusive use of its members in mutual aid to other jurisdictions, shall be approved by the Public Safety Director or the director's designee.
 - b. During a MFF team member's normally assigned on-duty police duties, a member may be assigned to assist with crowd control activities along with other non-MMF members.
4. Uniform
 - a. MFF members activated for a team operation will wear the MFF/SRT uniform or a patrol uniform.
 - b. The MFF/SRT uniform will use silver/gray embroidering, decals and/or patches on a primary black or blue uniform.
 - c. The rear of a member's helmet and on the front of a member's chest if they are not displaying a nameplate, shall display their numeric identification (i.e.: 100) as prescribed in IV. D. 3.

B. Planning for Response to Demonstrations and/or Crowd Events.

1. The Public Safety Director shall be notified immediately of large or potentially disruptive demonstrations and/or crowd events, and he/she will assign an Incident Commander to manage the incident.
2. The Incident Commander shall be responsible for the development of a written operations plan.
3. The Incident Command System shall be used for managing crowds and acts of civil disobedience.
4. The department shall make every effort to follow the principle of establishing contact and communication with the event or demonstration planners.
5. Spontaneous demonstrations or crowd events, which occur without prior planning and/or without prior notice to the police, present less opportunity for department planning and prevention efforts. Nonetheless, the same policies and regulations concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder apply to a spontaneous demonstration or crowd event situation as to a planned demonstration or crowd event.

C. Authority for Deployment of Resources to Address Crowd Containment

1. Decisions regarding crowd dispersal, general strategies regarding crowd containment or crowd redirection, multiple simultaneous arrests, planned individual arrests, or planned use of force shall be made at the level of the Incident Commander or higher.
 - a. If such decisions are made by the Public Safety Director who is not at the scene, the Incident Commander must first be consulted about the state of affairs in the field and the potential consequences of the decision.
 - b. All such decisions shall be documented in writing with regard to time, the identity of the person making the decision, and the precise decision and directions given. Such documentation shall be made at the time of the decision or as soon thereafter as possible and included in an after-action report.
2. This directive shall not preclude individual supervisors and officers from defending themselves or others from imminent danger when the delay in requesting permission to act would increase the risk of injury.

D. Conducting Crowd Control and Management

1. When large or potentially disruptive demonstrations and/or crowd events are identified, a sufficient amount of resources should be available to make multiple simultaneous arrests where such arrests are a reasonable possibility. However, this need must be balanced against the fact that a large and visible police presence may have a chilling effect on the exercise of free speech rights. Where additional resources are needed, they should be deployed to the greatest extent possible, so they are not readily visible to the crowd. When possible, officers should be at their posts well in advance of arriving participants.
2. In general, officers shall work together in squads or platoons when policing a demonstration.
3. Each officer shall wear a badge, nameplate, or other device on the outside of his or her uniform or on his or her helmet which bears the identification number or the name of the officer. The number or name shall be clearly visible at all times. The letters or numerals on helmets, jackets, and vests shall be clearly legible at a distance sufficient to provide a measure of safety for both officers and demonstrators/observers and, under no circumstances, shall be less

than one inch in height on helmets. The numeric identification for officers will be their badge number “i.e.: 100.”

4. Crowd control and crowd dispersal, as well as a show of force in crowd control situations, should be accomplished whenever possible using the assistance of the Minnesota State Patrol or mutual aid from surrounding agencies, rather than on-duty patrol officers.
5. It is essential to recognize that all members of a crowd of demonstrators are not the same. Even when some members of a crowd engage in violence or destruction of property, other members of the crowd are not participating in those acts.
6. Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers shall not constitute a reason for an arrest or for any use of force against such individuals.
7. Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members. Unprofessional police behavior can inflame a tense situation and make control efforts more difficult and dangerous.
8. Strong supervision and command are essential to maintaining unified, measured, and effective police response. A response incorporating strong leadership and based upon teamwork is crucial to maintaining control and safety. Impulsive or independent actions by officers are to be avoided.
9. The Incident Commander and supervisors shall make every effort to ensure that the police mission is accomplished as efficiently and unobtrusively as possible with the highest regard for the human dignity and liberty of all persons and with minimal reliance on the use of physical force. The use of force shall be restricted to circumstances authorized by law and to the degree reasonably necessary in light of the circumstances confronting members.
10. This directive does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and employ the physical force necessary to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

E. Responses to Crowd Situations

1. Spontaneous Event or Incident

- a. The shift supervisor shall respond to the scene of spontaneous events, when practical, and take command of the incident as the Incident Commander until relieved by a Command Level Officer.
- b. The Incident Commander shall declare over the police radio that he or she has assumed command of the incident. When practical, a command post shall be established as soon as possible.
- c. An immediate assessment of the situation is essential for effective police response. The Incident Commander must ascertain the following information at the earliest possible time:
 - 1) The location and type of event.
 - 2) Evaluate First Amendment activities to determine lawfulness of the actions by groups and individuals.
 - 3) The approximate number of specific individuals engaged in unlawful conduct.
 - 4) The likelihood that unlawful behavior will spread to other crowd participants.
 - 5) Immediate threats to the safety of the public and/or police officers.
 - 6) The number of structure(s) or vehicle(s) involved.
 - 7) The size of the involved area.
 - 8) The number of additional officers and police resources needed as well as requirements for specialized units (Traffic, Tactical Operations Team, etc.).
 - 9) The appropriate manner of response (routine or emergency).
 - 10) The staging area.
 - 11) The location for a media staging area.
 - 12) The ingress and egress routes.

13) Additional resources needed (paramedic, fire department, outside agencies, etc.).

2. **Planned Event Involving Potentially Large Crowds**

- d. The Incident commander will contact the Public Safety Director or their designee who will contact the Minnesota State Patrol and/or request mutual aid from surrounding agencies. The Public Safety Director or designee shall develop a written operations plan. The Incident Commander of planned events shall be responsible for the overall coordination of the event as well as for crowd control and management. Operations plans for large events requiring the redeployment of personnel from regular assignments shall be approved by the Public Safety Director.

F. Permissible Crowd Control and Crowd Dispersal Techniques

1. In the event of a declared unlawful assembly, it is the general policy of the department to use multiple simultaneous arrests to deal with a non-violent demonstration that fails to disperse and voluntarily submits to arrest as a form of political protest, rather than dispersing the demonstrators by using weapons or force beyond that necessary to make the arrests.
2. The Incident Commander shall make the final decision as to what control action, if any, will be taken to address a given crowd situation. Crowd size and available resources will also factor into the police response. Incident Commanders shall constantly reassess and adjust tactics, as necessary, as the crowd's actions change. The Incident Commander shall consider and take reasonable and appropriate steps to ensure the safety of bystanders.

G. When an Unlawful Assembly May Be Declared

1. The definition of an unlawful assembly has been set forth in Minnesota Statute § 609.705. The police may not disperse a demonstration or crowd event before demonstrators have acted illegally or before the demonstrators pose a clear and present danger of imminent violence.
2. 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. There must be criminal activity or a clear and present danger of imminent violence.

3. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
4. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques shall not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.
5. If after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly, and the required official declaration has been adequately given.

G. Declaration of Unlawful Assembly

1. Crowd dispersal techniques shall not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse, and informing them that, if they do not disperse, they will be subject to arrest.
2. These announcements must be made using adequate sound amplification equipment in a manner that will ensure that they are audible over a sufficient area. Announcements must be made from different locations when the demonstration is large and noisy. The dispersal orders should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements shall also specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced.
3. It is the responsibility of the on-scene supervisor to ensure that all such announcements are made in such a way that they are clearly audible to the crowd.
4. Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with police commands before action is taken.

5. Dispersal orders should be given in Spanish and in other languages that are appropriate for the audience.
6. The Incident Commander should ensure that the name of the individual making the dispersal order and the date/time each order was given is recorded.
7. Dispersal orders should not be given until officers are in position to support/direct crowd movement.
8. Personnel shall use the following departmental dispersal order:

*I am (rank/name), a police officer for the City of Fridley. I hereby declare this to be an unlawful assembly and command all those assembled at (location) to immediately leave. If you do not do so, you may be arrested or subject to other police action, including the use of force which may result in serious injury. The following routes of dispersal are available (routes). You have ____ minutes to leave. If you refuse to move, you will be arrested.**

**If you refuse to move, chemical agents will be used. (Provide the chemical warning only if use is anticipated).*

H. Approved Tactics and Weapons to Disperse or Control a Non-Compliant Crowd

1. If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers may employ additional crowd dispersal tactics, but only after orders from the Incident Commander or designated supervisory officials. The use of these crowd dispersal tactics shall be consistent with the department policy of using the minimal police intervention needed to address a crowd management or control issue. The permissible tactics to disperse or control a non-compliant crowd include all the following (not in any specific order of use):
 - a. Display of police officers (forceful presence).
 - 1) Once this tactic is selected, officers should be assembled in formation at a location outside the view of the crowd. The formation may be moved as a unit to an area within the crowd's view. This tactic should not be used unless there are sufficient personnel to follow

through with dispersal. Do not bluff a crowd. If a display of police officers, motorcycles, and police vehicles, combined with a dispersal order, is not effective, more forceful actions may be employed.

- 2) Generally, officers should be assigned to squads of sufficient size to be effective.

b. Encirclement and Arrest

- 1) If the crowd has failed to disperse after the required announcements, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.
- 2) Persons who make it clear (e.g., by sitting down, locking arms) that they seek to be arrested shall be arrested and not subjected to other dispersal techniques, such as the use of batons or chemical agents.
- 3) Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of control holds including the bent-wrist control hold and twist-lock control hold.
- 4) Control holds should only be used when a supervisor or commander determines that control holds are necessary to accomplish the policing goal after other methods of arrest have failed or are not feasible under the circumstances and when the use of control holds would be a lawful use of force.
- 5) In the event control holds are necessary, precautions should be taken to assure that arrestees are not injured or subjected to unnecessary or excessive pain. A decision to authorize control holds, and the reasons for said decision, should be documented.

c. Police Formations and Use of Batons

- 1) If a crowd refuses to disperse after the required announcements, the police may use squad or platoon formations (skirmish line, wedge, echelons, etc.) to move the crowd along.

- 2) Batons shall not be used for crowd control, crowd containment, or crowd dispersal except as specified below.
- 3) Batons may be visibly displayed and held in a ready position during squad or platoon formations.
- 4) When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing or jabbing motion. Baton jabs should not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
- 5) Batons shall only be used as set forth in General Order 101.5, Impact Weapons, and department training
- 6) Officers shall not intentionally strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit except when the person's conduct is creating an imminent threat of serious bodily injury or death to an officer or any other person.
- 7) Batons shall not be used against a person who is handcuffed.

I. Weapons Prohibited for Crowd Control and Crowd Dispersal Purposes

1. Lethal Force

The use of lethal force by officers is governed by the department's Use of Force Policy. Nothing about a crowd control situation eliminates or changes any of the constraints and criteria governing the use of lethal force in the department's Use of Force Policy.

2. Canines

Canines shall not be used for crowd control, crowd containment, or crowd dispersal.

3. Fire Hoses

Fire hoses shall not be used for crowd control, crowd containment, or crowd dispersal.

4. Motorcycles

The technique referred to as the Basic Use of Motorcycle Push Technique (B.U.M.P.) is prohibited. Motorcycles and police vehicles may not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.

5. Specialty Impact Less-Lethal Weapons:

- a. Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) are prohibited.
- b. Direct Fired SIMs are less-lethal specialty impact weapons that are designed to be direct fired at a specific target, including but not limited to flexible batons ("bean bags"), and shall not be used for crowd management, crowd control or crowd dispersal during demonstrations or crowd events. Direct Fired SIMs may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
- c. Direct Fired SIMs may be used against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to himself or herself, officers, or the general public, or who is engaging in substantial destruction of property which creates an imminent risk to the lives or safety of other persons. In such instances, Direct Fired SIMs shall be used only when other means of arrest are unsafe and when the individual can be targeted without endangering other crowd members or bystanders
- d. Officers shall only deploy Direct Fired SIMs during a demonstration or crowd event under the direction of a supervisor.
- e. When circumstances permit, the supervisor on the scene shall make an attempt to accomplish the policing goal without the use of Direct Fired SIMs as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.

- f. Any person struck by a round shall be transported to a hospital for observation and any necessary treatment. Ambulance service, if required, shall be ordered.
- g. No officer shall use Direct Fired SIMs without formal training.
- h. Direct Fired SIMs shall not be used against a person who is under restraint.
- i. Officers shall not discharge a Direct Fired SIMs at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.

6. Electronic Control Weapons (ECW's)

ECW's such as tasers or stun guns, shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events.

7. Aerosol Hand-held Chemical Agents

- a. Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
- b. Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
- c. Aerosol chemical agents shall not be used in a demonstration or crowd situation or other civil disorders without the approval of a supervisor.
- d. When possible, persons should be removed quickly from any area where hand-held chemical agents have been used. Officers shall monitor the subject and pay particular attention to the subject's ability to breathe following the application of chemical agent. As soon as practical, officers shall obtain professional medical treatment for all persons who have had chemical agent applied to them. EMS responders in the field may administer treatment if no other medical treatment is

required. If EMS responders are not available in a timely manner, subjects shall be transported to a hospital for treatment within 45 minutes of the application of chemical agent.

- e. A subject who has been sprayed with hand-held chemical agents shall not be left lying on his/her stomach once handcuffed or restrained with any other device.

J. Arrests

1. Multiple Simultaneous Arrests

- a. When a large-scale event involving possible arrests is to be conducted, department planners will estimate the number of potential arrestees and will configure arrest teams capable of managing multiple arrests safely. Planners shall also notify the Minnesota State Patrol and the Anoka County Sheriff's Office.
- b. When arrests are necessary, the Incident Commander shall attempt to ensure that sufficient numbers of police officers are present to effect arrests. This tactic can be effective in dispersing the remaining crowd members wanting to avoid arrest.
- c. When multiple arrests are contemplated in advance and it is impracticable for arrestees to be cited at the scene as further discussed below, pre-arrangement of transportation shall be made.
- d. The Incident Commander shall make the decisions to engage in selective individual arrests or multiple simultaneous arrests as a crowd control technique with consideration given to the following factors:
 - 1) The likelihood that police action will improve the situation relative to taking no action.
 - 2) The seriousness of the offense(s) as opposed to the potential for the arrest to escalate violence or unlawful activity by crowd members.
 - 3) Whether individual or mass arrests will be more effective in ending the criminal activity at issue.
 - 4) Whether clear and secure escape routes have been established for the crowd and police.

- 5) Whether communication has been established with crowd representatives.
- 6) What contingency plans are available.
- 7) What types of force can be used in effecting the arrests, if necessary.
- 8) Although dealing with passive resistance may frustrate officers, civil disobedience is usually a nonviolent means of making a political statement, and officers shall remain neutral, nonantagonistic, and professional at all times in their response.

2. Use of Handcuffs

- a. All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy, orders, and training bulletins.
- b. Officers should be cognizant that flex-cuffs may tighten when arrestees' hands swell or move, sometimes simply in response to pain from the cuffs themselves.
- c. Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available. The officer applying flex-cuffs shall write their letter/numeric identification (i.e.: M100) in indelible marker on the cuffs whenever used. When arrestees complain of pain from overly tight flex cuffs, officers shall examine the cuffs to ensure proper fit.

3. Arrest of Juveniles

- a. Juveniles arrested in demonstrations shall be handled consistent with department policy on arrest, transportation, and detention of juveniles.

K. Documentation

1. Video and Photographic Recording

- a. It is the policy of the department to videotape and photograph in a manner that minimizes interference with people lawfully participating in First Amendment activities. Videotaping and photographing of First Amendment activities shall take place only when authorized by the Incident Commander or other supervisory officer.
- b. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.
- c. Each camera operator shall write a supplemental report at the end of his/her duty assignment documenting the camera operations.
- d. Unless they provide evidence of criminal activity, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state, and local law enforcement agencies. If videos or photographs are disseminated or shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.
- e. If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with department policies.
- f. This directive shall not prohibit department members from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures. The destruction of any such videos or photographs shall be documented in writing with regard to the date of the destruction and the identity of the person who carried it out.

L. Reporting

1. The Incident Commander shall ensure that the Public Safety Director is notified of the incident in a timely manner.
2. Officers involved in demonstrations or crowd events shall prepare reports as required by department policy or procedure.

M. Public Information and the Media

1. The media have a right to cover demonstrations, including the right to record the event on video, film, or in photographs.
2. Officers shall accommodate the media in accordance with department policy.
3. The media shall be permitted to observe and shall be permitted close enough access to view the arrests. Even after a dispersal order has been given, clearly identified media shall be permitted to carry out their professional duties in any area where arrests are being made unless their presence would unduly interfere with the enforcement action.
4. Self-identified legal observers and crowd monitors do not have the same legal status as the professional media and are, therefore, subject to all laws and orders similar to any other person or citizen. Said personnel must comply with all dispersal orders similar to any other person or citizen. A supervisor may allow a person who self-identifies as a legal observer or crowd monitor to remain in an area after a dispersal order if circumstances permit and if the person's presence would not unduly interfere with the enforcement action.
5. The media, legal observers, crowd monitors, police liaison, and/or organizers shall never be targeted for dispersal or enforcement action because of their status.

N. Training

1. All other procedures will be reviewed to ensure consistency with the new policy.
2. All officers must receive training consistent with department policies and procedures.
3. All training on crowd control shall include substantial coverage of these department policies. No officers shall use less-lethal weapons unless they have received the training required by department policies.