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CHIEF CONCERNS



Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches

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POLICE EXECUTIVE
RESEARCH FORUM

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**POLICE EXECUTIVE
RESEARCH FORUM**

This publication was supported by Motorola, Incorporated. The points of view expressed herein are the authors' and do not necessarily represent the opinions of Motorola, Inc., or individual Police Executive Research Forum (PERF) members.

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Police Executive Research Forum, Washington, D.C. 20036

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Printed in the United States of America

ISBN: 1-878734-95-4

Cover and interior design by Dave Williams.

Cover photograph by Robert Kaufmann, courtesy of the United States Federal Emergency Management Agency. Photograph altered by Dave Williams.

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Foreword

Perhaps there is no greater challenge for police officers in a democracy than that of managing mass demonstrations. It is here, after all, where the competing goals of maintaining order and protecting the freedoms of speech and assembly meet. Police in the United States have a long history of handling mass demonstrations. During the 1960s and throughout the Vietnam War era, American law enforcement was tested time and again on how to best manage mass protest demonstrations. Often the police succeeded brilliantly in peacefully managing hundreds of thousands of demonstrators. At other times, the actions of the police became the unintended focus of protesters and the centerpiece of media coverage of the event. Tough lessons were learned during this period. In the relative calm that followed for almost twenty years, police attention to preparedness for mass demonstration events assumed a lower priority than it had in previous decades.

The 1999 Seattle World Trade Organization (WTO) protest changed all that, sending shock waves felt by police agencies around the world. By all accounts, the events that took place in Seattle and the reactions of the police became a vital lesson for police everywhere—learn from this experience or risk repeating it. In fact, then-Chief of Police Norm Stamper came to a Police Executive Research Forum (PERF) meeting shortly after the WTO demonstration and shared the lessons that

grew out of Seattle. I recall Chuck Ramsey, Chief of Police in Washington, D.C., and John Timoney, then-commissioner of the Philadelphia Police Department (and who later became Chief of Police in Miami), listening carefully to those lessons. Both chiefs would later be tested by major mass demonstration events in their own cities.

Since the events in Seattle, we have endured the events of September 11, 2001. These, too, have had an impact on how police handle mass demonstrations. If our concern before focused primarily on out-of-control demonstrators or anarchists, today police executives must be mindful that large-scale events may represent an opportunity for terrorists to carry out their own agenda in a very public and dangerous way.

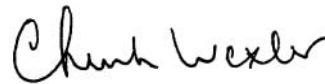
As such, the challenge of policing mass demonstrations highlights a number of issues for today's police executive, including

- How to effectively manage police resources to deal with large numbers of people who may be either expressing their fundamental constitutional right to protest or who simply are gathering spontaneously after a major sports victory;
- How to work with business/community members who are not involved in the demonstration/celebration but who have an expectation that the police will protect

them and their property from unlawful or destructive behavior;

- How to effectively gather information for a planned or spontaneous mass demonstration;
- How to integrate local, state and federal resources—and maintain accountability;
- How to identify the policy issues and what procedures and safeguards should be in place for mass arrests;
- Determining what level of force should be used when demonstrators become unruly and who gives the command to use it; and
- Clarifying the role of the agency’s chief executive before, during and after an event. Who is in charge of managing the demonstration?

These questions and many more are the focus of this publication. This report is not so much a detailed, operational guide as it is an overview of the major issues to consider when planning the police role in managing a mass demonstration. While most police chiefs will be aware of a great many of the issues raised, this report sheds light on a number of issues that are not as easily recognized for their potential to derail the efforts of police. Our hope is to offer police executives and operational commanders a snapshot of lessons already learned and a roadmap through the steps they will take in preparation for future major mass demonstration events. This report is part of the PERF Critical Issues publication series, and we are very grateful for Motorola, Inc.’s, support of this effort. We are especially grateful to the police chiefs and their staffs who contributed their time and ideas to this project.



Executive Director
Police Executive Research Forum

Acknowledgments

We thank the many people who have worked so hard on this report. It has been a collaborative effort, made possible by the collective experience and insight offered by all those involved. We enjoyed working with police executives, subject matter experts, and others committed to improving police services throughout the United States and around the globe. It is our hope that this book will aid police leaders and their staffs in making informed decisions when developing and executing plans that govern the police response to mass demonstration events.

Thanks are due to our partners at Motorola for their support of the Critical Issues in Policing Series. Motorola has been a steadfast supporter of PERF for many years. We are grateful to Mr. Greg Brown, CEO and President of Government & Enterprise Mobility Solutions; James A. Sarallo, Senior Vice President, Government & Enterprise Mobility Solutions; Richard P. Neal, Vice President, and General Manager; and Mark Moon, Vice President and General Manager.

We also thank the police professionals from around the United States, as well as Britain, Canada, Israel and Northern Ireland, who gathered in Chicago and provided critical guidance and focus for this project. They were Major General Shachar Ayalom, Israel National Police; Commander Linda Barrone, Pittsburgh Bureau of Police; Deputy Chief Michael Berkow, Los Angeles Police Department; Chief William Bratton,

Los Angeles Police Department; Alfred Broadbent, Director of Security, Amtrak; Captain John Brooks, Broward County Sheriff's Office; Captain Steve Carter, Denver Police Department; Superintendent Philip Cline, Chicago Police Department; Commander David Commins, London Metropolitan Police Department; Chief Richard Easley (retired), Kansas City (MO) Police Department; Lieutenant Eladio Estrada, New York City Police Department; Chief Julian Fantino (retired), Toronto Police Service; the late Deputy Commissioner James Fyfe, New York City Police Department; Assistant United States Attorney John Gallagher, U.S. Attorney's Office, Eastern District of Pennsylvania; Superintendent Terry Hillard (retired), Chicago Police Department; Assistant Chief James Pugel, Seattle Police Department; Chief Gil Kerlikowske, Seattle Police Department; Chief William Lansdowne, San Diego Police Department; Chief Edward Lohn, Cleveland Police Department; Assistant Chief Bill Maheu, San Diego Police Department; Chief Robert McNeilly, Pittsburgh Bureau of Police; Chief Constable Hugh Orde, Police Service of Northern Ireland; Chief Charles Ramsey, Metropolitan Police Department of the District of Columbia; Major Cyril Ritter, Kansas City (MO) Police Department; Staff Inspector Wes Ryan, Toronto Police Service; First Deputy Daniel Starks, Chicago Police Department; Assistant Chief Philip Turner, Louisville Metro Police

Department; Chief Robert White, Louisville Metro Police Department; and Chief Gerald Whitman, Denver Police Department.

Additionally, subject matter experts from around the United States, as well as from the United Kingdom and Canada assembled at PERF headquarters in Washington, D.C., to provide additional insight into the topic of mass demonstrations. Among these were Superintendent Malcolm McFarland, Police Service of Northern Ireland; Major Thomas Cannon, Miami Police Department; Captain Mike Stanford, Seattle Police Department; Lieutenant John Incontro, Los Angeles Police Department; Inspector Barry Clark, Calgary Police Service, Canada; Captain Victor Brito, Washington, D.C. Metropolitan Police Department; Assistant U.S. Attorney John Gallagher, U.S. Attorney's Office—Philadelphia; retired Deputy Superintendent Robert O'Toole, Boston Police Department; and Stewart Richardson, CENTREX, United Kingdom.

Superintendent Malcolm McFarland, Police Service of Northern Ireland, as a PERF Fellow, oversaw and guided the initial development of this publication. Superintendent McFarland provided invaluable research and support while taking a lead role in writing the content for this book. We are grateful to Chief Constable Hugh Orde from Northern Ireland for allowing Superintendent McFarland to work on this project at the PERF office in Washington, D.C.

In addition, the articles by the following contributing writers have helped provide valuable perspectives and are essential elements of this book: Tony Narr, PERF Director of Management Education; Bryce Kolpack, Assistant Director of Management Services; Terry Chowanec, Senior Associate, Management Services; Cliff Diamond, then Senior Associate, Management Services; and Captain Brett Patterson, then PERF Fellow, of the West Palm Beach, FL, Police Department. Also playing a critical role were many

individuals who were interviewed or who reviewed various sections of the book. Their contributions and insights are greatly appreciated.

An international forum in San Diego allowed PERF to highlight promising approaches from around the world. Many thanks to our conference speakers: Assistant Chief Constable Ian Arundale, West Mercia Police, United Kingdom; Deputy Chief Michael Berkow, Los Angeles Police Department; Chief William Bratton, Los Angeles Police Department; Chief Michael Butler, Longmont (CO) Police Department; President Chris Fox, Association of Chief Police Officers, UK; Reverend Reginald G. Holmes, Pastor, New Covenant Christian Church, Denver; Major Steve Ijames, Springfield (MO) Police Department; Chief Gil Kerlikowske, Seattle Police Department; Chief Stanley Knee, Austin (TX) Police Department; Commander Cathy Lanier, Metropolitan Police Department, D.C.; Major General Mickey Levy, Former Commander, Jerusalem Police District, Israel; Superintendent Malcolm McFarland, Police Service of Northern Ireland; Chief Robert McNeilly, Pittsburgh Bureau of Police; Chief Bernard Melekian, Pasadena (CA) Police Department; Chief Inspector Richard Prior, Metropolitan Police Department, United Kingdom; Chief Thomas Streicher, Cincinnati Police Department; Deputy Superintendent Assan Thompson, Jamaica Constabulary Force; Chief John Timoney, Miami Police Department; Chief Gerry Whitman, Denver Police Department; David Wilkinson, United Kingdom Home Office, Police Scientific Development Branch; and Executive Director David Wood, Police Ombudsman, Northern Ireland.

Special thanks to Commissioner Kathleen O'Toole, Boston Police Department; Chief John Timoney, Miami Police Department; Chief Sylvester Johnson, Philadelphia Police Department; Chief Gil Kerlikowske, Seattle Police Department; and Chief Charles Ramsey, Metropolitan Police

Department of the District of Columbia for sharing their experiences and lessons learned in managing and handling mass demonstrations.

Of course, this book could not have been produced without the incredible efforts of our talented and dedicated PERF staff and support personnel. Executive Director Chuck Wexler

guided this project from start to finish, providing insights and resources. Thanks for editing and organizational help to Jim Cronin, Martha Plotkin, Kevin Greene, Leif Picoult and Anna Berke. And thanks to Jennifer Brooks, Andrea Harris, Ken Hartwick, Ismaila Kane and Raquel Rodriguez for excellent administrative support.



PHOTO BY JEFF LEUNG

1

Introduction

The 1999 World Trade Organization (WTO) protest in Seattle was a defining moment in how local law enforcement manages mass demonstrations. Even the most memorable demonstrations, including the 1968 Democratic National Convention (DNC) in Chicago and the anti-war protest at Kent State University, were not organized or carried out with the intent to cause injury or large-scale destruction. However, in Seattle, clearly organized anti-globalization groups and anarchist protestors conducted a determined program of property destruction and violence against law enforcement officers. City residents, media and civil liberty groups heavily criticized the Seattle Police Department for its management of the demonstration, which included

nearly 500 arrests, implementation of curfews, and the use of pepper spray and tear gas on protestors and residents alike (CNN.com 1999). Seemingly, the actions of the protestors were not as highly criticized as the department's response to them.

More recently, the World Trade Center attack in New York has dramatically heightened police awareness of the potential for terrorist activity, including at major demonstrations. Balancing the concern for adequate security against the responsibility of police to ensure the rights of individuals to assemble and express their points of view is a formidable challenge for police executives.

This report examines recent mass demonstration events that have taken place in the United

States, starting with the 1999 WTO demonstration. It provides an overview of the experiences of law enforcement agencies that have weathered major mass demonstration events, specifically examining their planning, training, intelligence, communications and information-sharing, event management and media relations practices. It shares the lessons learned and practices adopted by law enforcement agencies to create better processes to anticipate and plan for large-scale events—events that could potentially consume their every resource.

Since the Seattle WTO demonstration, other mass events have resulted in disorder that required tactful management and necessitated a large and coordinated police response. Examples of such events include

- Mardi Gras disorder in Seattle in 2001, as well as similar violence in Philadelphia, Austin and Fresno. In Seattle, the Mardi Gras activity led to rioting, vandalism and assaults. One media outlet headline described it as “Chaos Consumed Pioneer Square on ‘Fat Tuesday’ and One Man Was Mortally Wounded Before Police Dispelled the Crowds” (Seattle Post-Intelligencer 2001).
- In Washington, D.C., in 2002 mass arrest tactics during the International Monetary Fund (IMF) and World Bank demonstrations became the cause of criticism after numerous people were arrested, including non-violent protestors and bystanders.¹
- Rioting during an international meeting proposing a Free Trade Area of the Americas (FTAA) in Miami in 2003 led to arrests and injuries to both demonstrators and

police in the Bayfront Park Amphitheater (CNN.com 2003).

In addition, spontaneous disorder incidents erupted after several sporting events in a number of cities. Disorder events, often fueled by alcohol, followed Super Bowl and Major League Baseball victories in Boston in 2004 and 2005, as well as after wins and losses by college teams in Virginia Beach, Virginia; La Crosse, Wisconsin; Chicago, Illinois; College Park, Maryland, and both Boulder and Denver, Colorado, where celebrations escalated into violence and attacks on property and police.

At the same time, there have been other mass events that were relatively calm. The June 2004 G8 Summit of world government leaders in Sea Island, Georgia, and the July 2004 Democratic National Convention (DNC) in Boston took place without serious criminal misconduct. Protests at the Republican National Convention (RNC) in New York in August 2004—while larger than those during the G8 Summit or the DNC—were more peaceful than expected. However, a mass-arrest decision by police was criticized and led to one State Supreme Court Justice ordering the release of nearly 500 protestors and imposing a \$1,000 fine against the city for every protestor held after a set deadline (New York Times 2004).

World political gatherings and summits have become targets for protesters in America and abroad. Serious disturbances have occurred in Sweden, Belgium, Ireland, France and Italy in recent years. Within the United Kingdom, environmental protests have produced a plethora of both violent and non-violent protester tactics

1. For more information see Council of the District of Columbia Draft Report, “Report on Investigation of the Metropolitan Police Department’s Policy and Practice in Handling Demonstrations in the District of Columbia.” Available at: <http://www.dcwatches.com/police/o40311.htm>.

that challenge law enforcement agencies. Other extremely violent demonstrations and protests in Northern Ireland have reached the lethal stage, with firearms and improvised explosive devices being directed against law enforcement agencies trying to restore and rebuild peace. Though the focus of this examination is recent mass demonstration events in the United States, events around the world have contributed to the body of knowledge from which American police agencies have developed policies and practices.

Accordingly, this report will provide practitioner perspectives from those police departments in the United States that have had extensive experiences managing and handling mass demonstration events: Boston, Miami, New York, Philadelphia, Seattle, and Washington, D.C. It is hoped that by sharing their experiences and lessons learned, and by reviewing successful industry approaches, that law enforcement leaders will be better equipped to protect the public while also protecting citizens' rights.

THE MEANING OF MASS DEMONSTRATION

The dictionary defines a demonstration as *a public display of feeling toward a person or cause*. This description applies to a wide array of occasions on which large numbers of people come together for a common purpose (e.g., a political convention; a labor dispute; or even a major sporting or social event). Even when demonstrations are peaceful, managing the large numbers of people attending creates a unique law enforcement challenge. Protest, on the other hand, is defined as *an organized public demonstration objecting to a policy or course of action*. Protests commonly occur when persons assemble to express opposition in response to local or world events, particularly political events or government actions. Sometimes, there is a perception that a protest is the antithesis

of a demonstration of support. This may be because some groups, including extremist or anarchist groups, have instigated violence at organized protests in an attempt to gain publicity or to further their political aims. Such organized protests often create an inherent risk to public safety and civil liberties and pose particular challenges to law enforcement agencies tasked with protecting life and preserving the peace.

The *protest* definition therefore—with a negative connotation—is possibly the common perception of the term *demonstration*, though the definition is much wider and does not assume breaches of the peace. For the purposes of this document, we will focus on those mass demonstration events for which there is an expectation, through specific intelligence or other sources, that the normal rule of law will be significantly challenged, or that violent action is likely.

THE PROJECT

Recognizing that police executives from Los Angeles to New York need to gain more perspectives about ways to better protect their communities and departments, the Police Executive Research Forum (PERF) began a project to explore critical issues facing today's law enforcement agencies. This research was supported through a partnership with Motorola, Inc. In March 2004, a group of police chiefs from selected areas were invited to Chicago, Illinois, to discuss critical issues facing law enforcement. Two issues were identified for further study: the use-of-force, and managing mass demonstrations. A 2005 PERF publication entitled *Chief Concerns: Exploring the Challenges of Police Use of Force* addressed use-of-force issues. This report addresses mass demonstrations.

This report is based, in part, on a PERF-convened consortium of police executives from numerous agencies who met at PERF headquarters in Washington, D.C., to help frame the most

salient issues regarding mass demonstrations and police response.² Police practitioners included representatives from Britain, Boston, Miami, Calgary, Los Angeles, Northern Ireland and Seattle. Furthermore, PERF gathered more than 100 invited practitioners and stakeholders at an international forum in San Diego in December 2004 to highlight issues related to mass demonstrations and use-of-force. At this event, Los Angeles Police Chief William J. Bratton set the scene for a lively interaction as he discussed the changing nature of protests and mass demonstration events. He recalled that in the 1960s the issues leading to demonstration events tended to be more community-centered and that the police focus was largely tactical. He noted that today, demonstrations are sometimes orchestrated by far-reaching national and international organizations, coalitions and informal groups subscribing to anarchistic methods. To be effective, the police response must go beyond operational matters to include establishing community ties and support, and maintaining open lines of communication with the media and the public.

In compiling this report, PERF reviewed mass demonstration events that have occurred since 1999 in the United States. High-profile demonstrations in which the responding police departments produced after-action reports were particularly useful. The project team carefully studied these reports to identify common themes and lessons learned. This report highlights many of the critical issues that departments should consider

when planning for and managing mass demonstrations. Moreover, it identifies the key issues managers and planners should consider as they prepare for mass events. While this report should not be viewed as a comprehensive manual on mass demonstrations, it does provide valuable additional information and perspectives, thus serving as a roadmap to other detailed information.

KEY MASS DEMONSTRATION ISSUES

During a panel discussion on mass demonstrations at the December 2004 forum,³ Executive Director Chuck Wexler moderated a discussion in which participants shared myriad lessons and new response tactics. In addition to the issues identified by meeting participants, PERF's examination of recent mass demonstration events has highlighted several key elements noted below:

- Mass demonstrations remain a major challenge to law enforcement agencies and will continue to raise significant concerns in the post-9/11 world;
- The reality that large events cannot be handled by any single agency makes cooperation and effective communications the most essential aspects of mass demonstration event management;
- Critical planning issues and processes must be addressed by all agencies prior to an event;

2. Particular thanks are due to Major Thomas Cannon, Miami Police Department; Inspector Barry Clark, Calgary Police Service Lieutenant; John Gallagher, Assistant U.S. Attorney, U.S. Attorney's Office, Philadelphia; Lieutenant John Incontro, Los Angeles Police Department; Deputy Superintendent Robert O'Toole, Retired, Boston Police Department; Chief Inspector Stewart Richardson, Centrex, United Kingdom; and Captain Mike Sanford, Seattle Police Department.

3. Mass demonstration panel members: Chief Gil Kerlikowske, Seattle Police Department; Commander Cathy Lanier, Metropolitan Police Department, D.C.; Major General Mickey Levy, Former Commander Jerusalem Police District, Israel; and Superintendent Malcolm McFarland, Police Service of Northern Ireland.

- “What ifs,” worst-case scenarios and plans for mid-course corrections must be included in the planning and training processes;
- There is a balance to be struck between, on the one hand, First Amendment rights and other civil liberties, and on the other hand, the interventions required to protect public safety and property;
- Recognizing the serious potential risk to officers’ safety, policies must be in place to guide officers on the degree of force that may be used in response to perceived risks;
- Operating procedures should address the issue of when it is appropriate or necessary to utilize full body armor or to issue special weapons, recognizing the possible negative effect their appearance can have on a crowd;
- The agency must make the best use of real-time and strategic intelligence, managing it both internally and via the media; and
- The agency must determine how to best educate and reassure citizens about police professionalism and proportionate responses.



PHOTO BY ANDRES BALCAZAR

2

Planning and Preparation

“There are no secrets to success. It is the result of preparation, hard work, and learning from failure.”

COLIN POWELL U.S. SECRETARY OF STATE, 2001–2004

OVERVIEW

The key to effectively managing mass demonstrations and other major events is planning and preparation. Certainly there is a vast difference between planning for a demonstration that will occur months in the future and reacting to a spontaneous event. Agencies must continually assess their ability to handle demonstrations of all manners and sizes. Contingency plans, trained officers and mutual aid agreements are essential

for an agency to respond quickly to unexpected events. For those events that are anticipated well in advance, agencies have the opportunity to develop in-depth operational plans, but will still rely upon standing plans as a foundation. The following pages contain some of the critical steps departments need to take to increase their preparedness. The section begins with a discussion of the planning process, provides a detailed planning checklist and concludes with a discussion of

the importance of planning for multi-agency coordination and logistics support.

THE PROCESS OF PLANNING

Agencies with recent experience managing mass demonstrations strongly emphasize the need for early and effective planning. A thorough planning process lays the foundation for informed and competent decision making. Those agencies recognized for their successful management of a demonstration all credited careful planning for their success, but also emphasized that additional planning would have been helpful. Conversely, agencies that experienced difficulty managing a demonstration all agreed that better planning could have avoided some major problems. The Seattle Police Department has managed some of the most widely publicized mass demonstrations in recent years. The following excerpt, from their World Trade Organization Ministerial Conference After-Action Report, highlights their findings:

Although the WTO Planning Unit did a remarkable job with the time and resources available, logging some 11,600 hours on planning with a very small team, insufficient depth and detailing of contingency plans represents a serious flaw the responsibility for which must ultimately be borne by senior commanders. This after action report recommends preparation of detailed contingency plans to support future operations. In addition, the establishment of a permanent Major Event Planning Unit in the new Special Operations Bureau of SPD is intended to provide an ongoing source of institutional memory and organizational expertise for future undertakings of this kind (Seattle Police Department 2000).

A properly executed planning process helps an agency to prepare its internal resources for a variety of contingencies, and to secure cooperation among partner agencies that will be sharing resources and knowledge during the event. The planning process is recognized as the key to

greater safety and security for both officers and the public. The process should operate in an environment where information becomes a key commodity as planners and organizers seek ways to justify and marshal adequate resources.

For large-scale events, some agencies have committed up to one year or more to the planning process, depending on the nature, complexity and size of the event. Planning for the 2005 UK G8 summit in Scotland began more than a year in advance, and preparation for the policing of the 2010 Winter Olympics in Vancouver was already underway in 2005.

Good working relationships—at a multitude of levels—are essential to facilitating a proficient process to acquire, analyze and interpret vital information that must be woven into the ever-evolving planning process. The federal government emphasizes such partnerships for specially designated events (see box on National Special Security Events, on page 9). A lack of information, or significant misinformation, can negate the value of otherwise well-thought-out plans. Information and intelligence management—a topic addressed in greater detail later in this document—must be ongoing and must coincide with the earliest stages of the planning process, continuing even after the event has ended.

Planners must recognize that a certain amount of unpredictability will accompany any event. An effective planning process will expressly recognize the need for plans to be flexible in the face of rapidly changing circumstances. The planning process should employ a discipline of continually challenging assumptions—considering all the “what ifs” and worst-case scenarios. Officials and planners should be cautioned not to underestimate the level of coordinated effort that some protest groups are capable of putting forth. Even after contemplating extreme potential scenarios, some police officials have been left reporting that

by Tony Narr

In May 1998, President Clinton issued Presidential Decision Directive 62 (PDD-62), which in part included a classified document dealing with the coordination of federal counterterrorism assets for events of national interest that are deemed National Special Security Events (NSSEs). The designation of an NSSE allows the U.S. Secret Service (USSS), the lead agency for designing and implementing the operational security plan, to access ample resources and ensure public safety by forming partnerships with other federal, state and local law enforcement and other security and public safety agencies.

There are only a few events that the Department of Homeland Security (DHS) designates as NSSEs each year. Recent designated events include the 2004 Democratic National and Republican National Conventions and the G8 Sea Island Summit. These events were good examples of effective coordination and cooperation among federal, state and local homeland security and law enforcement resources. The DHS and its many component agencies have provided tremendous support to local law enforcement charged with ensuring the safety of the masses who gather for these types of large events in their cities. For events that do not meet NSSE standards, DHS's Operations Integration Staff (I-STAFF) established an Interagency Special Events Working Group (SEWG) to develop federal consolidated security plans. This new system categorizes

events into Levels I, II, III and IV, corresponding with the internal FBI Special Events Readiness List (SERL). The factors that contribute to the level designation include federal participation, location of event, available threat assessment and state and local resources available. At this writing, DHS is expected to publish a Special Event Standard Operation Procedure in the near future.

Local law enforcement agencies must work with their governors to request an NSSE designation. A governor can ask that an event be considered an NSSE by formal request to the Secretary of DHS. The request is reviewed by the NSSE working group, composed of representatives from the USSS, FBI and FEMA. These representatives gather facts and make a recommendation to the Secretary, who makes the final decision. A number of factors are considered when designating an NSSE. First, the USSS determines how many dignitaries are expected to attend the event. Any event that may be attended by government officials or foreign dignitaries may create an independent federal interest in ensuring safety and increasing resources. Second, the size of the event may increase the need for additional security measures. Large events may draw the attention of terrorists or other criminals, increasing the attractiveness of the forum as a target for employing weapons of mass destruction. Third, the significance of the event may be historical, political and/or symbolic, which may also heighten concern about terrorist acts or other criminal activity.¹

1. More information on National Special Security Events can be found at the U.S. Secret Service website: <http://www.secretservice.gov/nsse.shtml>, and at the DHS fact sheet website: http://www.dhs.gov/dhspublic/interapp/press_release/press_release_0207.xml.

demonstrations, even celebrations, resulted in unprecedented brazen violence for which they were not prepared.

The 2001 Mardi Gras celebrations in Seattle caused the police to evaluate their response through a detailed and insightful post-event critique. Most markedly, their *Mardi Gras 2001 After-Action Report* identified a key distinction between “Pre-planned” and “Emergency” planning styles (Seattle Police Department, 2001). At its basic level, the distinction noted in Seattle was that pre-planning permits the opportunity to test and validate responses to a variety of scenarios, whereas, in the emergency-planning scenario, testing and validation of tactics do not occur. As its name implies, emergency planning is predominantly responsive to situations under ad hoc command conditions. In Seattle, the police department identified a need to develop a series of standing plans, which will henceforth provide a

blueprint for a rapid mobilization capability when policing spontaneous events. When there is no time to develop a plan, they provide a basic level of guidance and operational consistency. It has been said that a *workable plan within the available timescale is preferable to a perfect plan too late* (Richardson 2002).

Those with experience in handling demonstrations agree that effective planning not only prepares the agency for the pre-event and event phases, but also, and equally important, for the post-event phase. The following outline serves as an overview of the particular considerations, issues and tasks that should be addressed in each phase of a comprehensive planning process. Many of these issues will be expanded upon in subsequent chapters. It is useful to refer to this outline throughout the planning process to confirm that all of these critical and necessary issues and steps have been addressed.

Pre-Event Planning (External)

- Hold formal meetings with event organizers as early as possible before the event;
- Identify potential protest groups. Attempt to meet with them and advocacy groups such as the American Civil Liberties Union and the National Lawyer’s Guild. (Consider the benefits of inviting such representatives as part of the police planning team);
- Consider NSSE applicability;
- Identify partner law enforcement agencies (local, state, federal and others that may be applicable) and meet to discuss mutual aid, the possible roles for each agency and Memoranda of Understanding (MOU) issues. Consider cross-jurisdictional issues;
- Specify equipment and uniform MOU so that commanders are aware of the abilities of mutual aid agencies and how they will be deployed in the field;
- Hold formal meetings with all stakeholders who can provide support; including
 - Local leaders and elected officials
 - Business/private sector individuals
 - Public transportation personnel
 - Public utility officials
 - Medical facilities and the local Red Cross
 - Venue managers (hotels, meeting halls, convention centers);
- Contact police agencies that have prior experience with similar events and with the same organizers. Send observers to other similar events. In return, plan for visiting police observers to use your agency for the same learning purpose for future events;
- Establish a media strategy for managing media representatives, maintaining community contact and disseminating information;
- Develop MOU with partner and/or assisting agencies; and
- Secure a commitment to provide uniform pre-event training for all support agencies and at all levels—command to supervisors and front-line officers.

Pre-Event Planning (Internal)

- Determine command and control;
 - Appoint operational and tactical commanders
 - Outline the circumstances in which command and control transfer to another level
 - Determine when the organization will rely on a team approach to decision making versus sole responsibility for decisions
 - Review the rules of engagement for a hostile response, i.e., rules of conduct, force options, level of authorization required, levels of force to be engaged, etc.
 - Consider who will be authorized to deviate from the pre-determined rules of engagement and under what circumstances
 - Review parameters for declaring an “unlawful” assembly
- Plan for media contact;
 - Establish procedures for information dissemination (routine, press releases, inquiries)
 - Affix primary responsibility for information dissemination, and identify Public Information Officers for each agency involved. Determine who will speak on particular issues
 - Establish procedures for media credentialing and preferential access
 - Meet with the media (local and national when appropriate). Outline the overall media policy and how it will be managed
- Monitor the demonstration permit procedure;
 - Meet with the agency responsible to determine the details and status of event approval.
- Outline crime investigation protocols;
 - Determine how the department will respond to the investigation of event-related crimes
 - Familiarize appropriate personnel with unique aspects of arrest of foreign nationals, if likely
- Address intelligence issues;
 - Establish an intelligence component or “task force” consisting of intelligence officers from each participating agency
 - Develop overall parameters and guidelines for event intelligence gathering, such as
 - Responsibility for gathering and processing information
 - Impact, if applicable, of laws limiting intelligence collection/maintenance
 - Acceptable information-gathering methods and tactics
 - Developing productive sources
 - Reliability analysis
 - Community-sentiment assessments
 - Dissemination/sharing of intelligence
 - Information retention
- Assess resources;
 - Identify and arrange for special support (canine, mounted, bicycles, other special vehicles, air or marine support)
 - Plan for sufficient resources to be at the ready for the “what ifs” and the worst-case scenarios
 - Determine whether provisions of the applicable labor contracts or agreements will impact the availability/flexibility of the officers needed to properly manage the event (scheduling, overtime and relief issues)

- Ensure adequate specialized training of police officers before the event
- Arrange for adequate administrative/support personnel for stepped-up operational activities (communications, transportation, booking, records, detention)
- Identify and confer with other city/county/state agencies that can contribute to pre-event planning for logistical support; including
 - Fire department
 - EMS/ambulances
 - Public works
 - Sanitation
 - Coroner
 - Prosecutor
 - Courts
 - Legal affairs
 - Corrections
 - Parks and recreation
 - Finance/procurement
- Maintain service continuity;
 - Develop protocols for responding to non-event related calls for service
 - Establish call response alternatives (telephone reporting, delayed responses by appointment)
- Support police operations;
 - Set up logistical support for officers (nutrition, water, replacement uniform articles, weapons and ammunition, other weaponry and force alternatives, mass arrest supplies, spare vehicles and fuel, property/evidence control)
 - Consider interoperability issues (individual communications—radios, cell phones)
 - Identify available translators when needed
 - Arrange for other equipment (barriers, fencing, containment alternatives)
 - Arrange for heavy equipment and operators, and vehicle removal/towing capability
- Establish evaluative responsibility, including
 - A system to record decisions and information flow in order to maximize effective event management, support the department’s ability to review events for after-action reporting and respond to legal challenges
 - Guidelines for the department’s photo/video journal of events
- Follow MOU for equipment standardization among supporting police agencies.

Post-Event Planning

- Develop procedures for a post-event stand-down system to return to normal operational status;
- Identify a method for post-event debriefing, to include the solicited input of event organizers;
- Undertake citizen/public surveys to rate the effectiveness of police and overall handling of the event;
- Confirm the commitment from all necessary parties to produce a written after-action report outlining lessons learned, next-event planning and additional training opportunities; and
- Review standing plans in light of their effectiveness during the demonstration event.

MUTUAL AID AND MULTI-AGENCY COORDINATION

Mass demonstrations—because of their size, potential for violence, and the sheer demands they can place on an agency—often require the host agency to call upon neighboring law enforcement agencies for assistance. A significant challenge facing the lead department is the coordination, training and deployment of a multi-agency force in a crowd management situation. For example, the Boston Police Department; the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); and other agencies involved in the planning and handling of the 2004 Democratic National Convention recognized they could not handle the event without collaboration. Understanding that shared responsibility and unprecedented cooperation would be essential to a successful police operation, the Boston Police Department sought and received the assistance of scores of outside agencies to manage the event. (See article by Boston Police Department legal advisor Mary Jo Harris, later in this section.)

As mentioned earlier, because large-scale events often take place in a variety of venues that span jurisdictional lines, multi-agency cooperation is a key factor. As such, one initial goal of the external planning process should be to develop written agreements that outline the roles and rules for each of the agencies involved in the joint endeavor. The general content of Memoranda of Understanding (MOU) between public safety organizations can be thought out and structured in advance, but experience has shown that there are often unanticipated last-minute issues. In order to mitigate such issues, several topic areas should

be addressed through stipulations prior to a multi-organization event agreement. They include the following:

- Mission
- Direction—joint philosophical framework
- Supervision
- Assignment of personnel
- Authority (deputation)
- Joint organizational structure
- Equipment
- Funding, payment and financial processes
- Joint facilities agreements
- Internal and external communication plan
- Liability and legal services
- Documentation and tracking system agreement
- Operational plans
- Use-of-force policy
- Duration

An example of a comprehensive MOU was created by the Royal Canadian Mounted Police (RCMP) and the Calgary Police Service (CPS), and can be found in the *2002 G-8 Summit After-Action Report* produced by the Calgary Police Service (Perry and Kerr, 2002). Another example is an MOU defining relationships between the Metropolitan Police in Washington, D.C. (MPDC), and several federal and local agencies.

LOGISTICS

Basic logistics also are an essential part of mass demonstration management and must be integrated into the planning process. The lessons learned from Hurricane Katrina highlight the need for effective logistics planning. Experienced logistics experts stress the importance of planning for a longer-than-anticipated event. Field units will need food and drink, access to lavatory facilities, replacement vehicles, fuel, replacement

ammunition, chemicals and munitions, and more. The ability to *manage* such supplies—including storage, transportation and distribution in the field—is just as important as procuring the necessary supplies for an event. Communication is essential, and some experts recommend allocating a radio channel exclusively for logistics. This allows supervisors and managers ready access to those who can meet their needs, while reducing unnecessary traffic on operational frequencies.

box 2.2 Logistics Teams

During the FTAA meetings in Florida, the Miami Police Department appointed a logistics team to coordinate ordering, acquisition and delivery of approximately 3,000 meals for officers per day. In addition, the team obtained 25 pallets of water, 10 pallets of Gatorade® and 10,000 PowerBars®. Six mobile logistic vans per shift were used to deliver food and water, with ten golf carts rented for the same purpose in case traffic congestion prevented the use of larger vehicles. For those who could leave their posts, the team set up two de-escalation posts, where officers could go to “cool down, physically from the heat and emotionally from the incessant taunting and provocation” (Timoney 2004).

Planning for the Democratic National Convention

by Mary Jo Harris

Municipalities are permitted to regulate the time, place and manner of speech in public fora, provided those regulations are content neutral (i.e., imposed without regard to the message of the speaker), are narrowly tailored to serve a significant governmental interest and leave open ample alternative means of communication. The key to managing mass demonstrations successfully—including protecting the plan from legal challenge—is to be fully aware of the successes (and failures) other agencies have experienced, and to integrate those lessons learned into your agency’s mass demonstration response.

The City of Boston hosted the Democratic National Convention (DNC) in July 2004. This was the first major political party convention held in the United States since the attacks of September 11, 2001. The public safety challenges of protecting the delegates, former presidents, members of Congress and the public at large were unprecedented. Numerous law enforcement agencies—state, federal and local—were involved in developing the public safety plan for this event. However, the primary agency responsible for anticipating and responding to public protests and mass demonstrations was the Boston Police Department.

Boston’s officials reviewed the after-action reports of the cities that had most recently hosted the political conventions. They learned that in Los Angeles, host of the 2000 DNC, the federal district court threw out the public safety plan after a number of protest groups challenged it on

free-speech grounds. This decision forced L.A. officials and federal agencies to dramatically revise the plans for the demonstration just weeks before the event was scheduled to begin.

Boston’s hope was to create a public demonstration plan that would both withstand the inevitable First Amendment challenges and provide sufficient access and protection for protestors and delegates alike. We did so. A preliminary injunction brought by a coalition of protestors in the days before the DNC began was rejected by the United States District Court of the District of Massachusetts. The First Circuit affirmed that decision. See *Bl (A)ck Tea Society v. City of Boston*, 378 F.3d 8 (1st Cir. 2004).

This success can be attributed to several key actions taken by the Boston Police Department. First, Boston officials explored the relevant experiences of sister cities. By reviewing the events in L.A. (and in cities like Philadelphia, Chicago and Seattle), Boston knew that asking groups like the American Civil Liberties Union (ACLU) and National Lawyers Guild (NLG) to give feedback on the pros and cons of the mass demonstration plans would minimize the chances of surprise litigation on the eve of the convention. Therefore, Boston included these likely challengers in the planning process. A full year before the event was scheduled to begin, the ACLU and NLG were invited to review and offer suggestions about proposed planning. The city’s final demarcation of a “demonstration zone” was then based, in large part, on the critiques of the ACLU and NLG. This made it possible for Boston to argue, without

rebuttal, that there were no possible alternative sites for the demonstration zone to be located. Although the district court found that the ACLU and NLG brought their suits within a reasonable period of time (a mere five days before the event began), the First Circuit Court of Appeals seemed to weigh the timing factor against the plaintiffs (especially in light of the ample advance notice given by the city).

Traditionally, police departments have been unwilling to engage with advocacy groups such as the ACLU in the creation of public safety planning. I suggest that this reluctance is misplaced. In the best scenarios, advocacy groups can bring fresh perspective to policing decision making. Even when they do not, an agency that can show it invited advocacy groups to weigh-in on the decision making is more likely to successfully prove

that its regulations are narrowly tailored to the challenge it faces, and, thus, may be viewed more favorably by the court. In either case, the agency is taking proactive steps to successfully protect itself and its decision makers from legal challenge.

*Since 1998, Mary Jo Harris has been the Legal Advisor to the Boston Police Department, where she advises the Police Commissioner and Command Staff in all aspects of legal issues affecting policing. She was co-chair of the Legal Subcommittee for the DNC Planning Group. The subcommittee included counsel for the FBI, Department of Homeland Security, Secret Service, Democratic National Convention Committee, as well as a host of state and local law enforcement agencies. She was lead counsel for the City of Boston in *Bl (A)ck Tea Society v. City of Boston*, 378 F.3d 8 (1st Cir.2004).*

CONCLUSION

Of all the issues identified by those with experience managing mass demonstrations, planning and preparation were cited as the most important. Every practitioner emphasized the need for plans—standing, operational, tactical and contingency—and a flexible planning process. Practitioners agree that time and effort at the planning stage results in better police service and protection of the public, as well as reduced time spent on

post-event damage control. When agencies have advance knowledge of demonstrations, they should begin planning as early as possible. But not all demonstrations are announced in advance. Many occur spontaneously or with little notice. For that reason, it is essential that agencies develop plans, make preparations and train officers on an ongoing basis so they can respond as effectively as possible to changing conditions.



PHOTO BY SEAN GRAHAM

3

Training

O VERVIEW

Training is an ongoing process in every law enforcement agency throughout the nation. From entry-level academy training, through in-service and career development training, police officers train throughout their entire careers. Multi-agency training for large-scale demonstrations, however, is a fairly new, yet critical component of successful demonstration management. Commanders, supervisors and officers alike must be proficient at carrying out their role in the various tactical and contingency plans that may be put into operation during a mass demonstration event. Moreover, when a multi-agency operation is initiated, everyone involved must be able to perform in concert and up to expectations.

Training together is what makes this happen. Mass demonstration training should approximate the conditions associated with the event. Effective police training should be linked to the host agencies' core values and should always reinforce ethical policing practices, particularly the commitment to respect and uphold civil liberties.

This chapter discusses the importance of training in preparing an agency to manage a mass demonstration, including the importance of developing training programs that are consistent with plans. The chapter addresses issues such as incident management systems, training in teams, training with partner agencies and using consistent terminology. The chapter concludes with examples of how agencies have used training to enhance preparedness.

TRAINING TO MAKE PLANS WORK

The most carefully crafted plans to address a wide range of contingencies, “what ifs” and worst-case scenarios are effective only if the police are proficient at carrying them out as intended. From the top command to the officers on the ground, everyone should be trained to a common standard. This does not mean that commanders and officers should receive the same training (they should not since their roles will be quite different), but their training should reflect the same mission, strategy and terminology. Event commanders must be in agreement on their mission and the overall approach behind the plans they are charged to carry out.

Pre-event training can be in the form of classroom lectures, classroom-based simulations or practical exercises in the field. Classroom lectures are ideal for bringing personnel up to date on issues that can be expected to surface during an event. Demonstration management training—for personnel at all levels—should include the following:

- A review and reinforcement of applicable federal laws, state statutes and department policies;
- A review of civil liberties issues inherent in mass demonstration events;
- A uniform understanding of rules of engagement, use-of-force policies and mass arrest procedures;
- Clear instruction on the need for self-control, teamwork and adherence to commands;
- Stated expectations for highly disciplined behavior, self-control and restraint;

- A strong statement that any officer’s failure to comply could result not only in failed police tactics, but also employee discipline; and
- Instruction on de-escalation techniques.

As vital as classroom training is, only through practical training, tabletop exercises and other simulation efforts does the agency create an opportunity to actually test its contingency plans. Tabletop Incident Management System (IMS) training exercises are an excellent and inexpensive training tool for mass demonstration preparedness. The scenarios can be designed to include personnel from communications, jails, fire/EMS and emergency management departments, public works, and other government agencies. All are likely to be involved in a real event and should participate in the pre-event practice.

INCIDENT MANAGEMENT SYSTEMS

All levels of the organization should have a working knowledge of Incident Command Systems (ICS) or Incident Management Systems (IMS) that will be used during the demonstration. The terms are utilized somewhat interchangeably; however, IMS is the emerging national model and is tied to federal funding for events. IMS are utilized to plan, track and manage resources at a critical event. The techniques are easily taught and applicable to everyday police responses. IMS training instructions are available on the Internet through the Department of Homeland Security, Federal Emergency Management Agency.¹ IMS classroom training should be supplemented by tabletop exercises to ensure understanding and

1. For more information on IMS training go to: http://www.fema.gov/nims/nims_training.shtml.

proficiency and to build officer and commander confidence.

TRAINING AS A TEAM

Unlike typical training programs in which officers are randomly scheduled so as not to deplete unit strength, demonstration management training should be conducted in a group setting, preferably with officers assembled in the squads/teams in which they would likely be deployed. This “team-practice” approach facilitates proficiency in tactical skills, establishes individual and team expectations, helps promote use-of-force awareness and promotes teamwork over potentially counter-productive individual actions. This is especially important, as most police officers are accustomed to working alone or in pairs, not in squads and larger platoons.

Team leaders/supervisors and commanders must be knowledgeable about the skills and resources that are available to them, and about the limitations of both. They should train and drill in formation with their squads to ensure familiarity with overall team tactics, such as commands and hand signals, tactical rescue and arrest techniques. Field scenarios should be developed to demonstrate readiness and proficiency. Teams should be exposed to situations that require them to practice squad formations, mobile response techniques, mass movement exercises, protestor extraction methods and other field exercises.² Training specific to team leaders and commanders should include all of the following points, with added discussion and training emphasizing the supervisory role and its responsibilities.

- Taking control of the situation;

- Evaluating the situation and available intelligence to choose appropriate options;
- Making decisions based upon the current situation, intelligence, the overall strategy, department policies and legal constraints;
- Implementing the decisions through a formal plan;
- Maintaining an audit trail of those decisions for the after-action report; and
- Understanding the legitimate objectives of the media.

Law enforcement agencies should build demonstration management training into their regular training schedule. Then, when the department learns of an upcoming event, the focus can turn to refresher and “dry-run” training rather than to starting from scratch.

TRAINING WITH PARTNER AGENCIES

Consideration also should be given to conducting joint exercises with neighboring and overlapping police jurisdictions to familiarize each other with common protocols and ensure consistent methodologies. Preparations for recent mass demonstrations show this training is invaluable in preparing officers for the event. It provides an early opportunity for familiarity with a “single rulebook” as to use-of-force and making arrests. Moreover, well in advance of civil unrest, it allows various processes to be worked out, including the details of command and control authority, the passing of command and control in multiple jurisdiction environments, and the authority and processing of arrests in other jurisdictions.

2. The Office of Domestic Preparedness Basic Course Manual for Managing Civil Actions in Threat Incidents offers a full lesson plan.

CONSISTENT TERMINOLOGY

There is considerable disparity in terminology across the many operational plans developed by police agencies, thus increasing the potential for misunderstanding when a multi-agency response is required. In such circumstances, the host agency must ensure that all supporting agencies know and understand *in advance* the terminology to be used. For example, there are several interpretations of the use-of-force continuum in agency policies nationwide. Each interpretation holds significant implications for the application of force. If a support agency and host agency do not have a common understanding, communication breakdowns are possible, with potentially catastrophic results.

Standardizing oral commands and terminology throughout pre-event training ensures directives will be understood by all responding agencies. In addition, it is recommended that oral commands be given in two parts: a *preparatory command*, which directs what is to be carried out and mentally prepares line officers for execution of the order, and a *command of execution*, which is given when it is time to carry out the directive. Hand signals can be used in conjunction with verbal commands to overcome crowd or other noise issues.

PRACTITIONER PERSPECTIVES ON MASS DEMONSTRATION TRAINING

In order to provide additional perspectives for police leaders, PERF examined mass demonstration training experiences from several cities:

Miami

The Miami Police Department reported that its training initiatives for the 2003 Free Trade Area of America (FTAA) meetings commenced nearly a year before the event. In addition to a 40-hour *Managing Civil Actions in Threat Incidents* course³ that the Miami police department provided to its commanders, tabletop exercises were held regularly to test various plans. These exercises pointed out areas of concern and, in some instances, led to plan modifications. Furthermore, two weeks before the event, the department brought together 167 representatives from all of the agencies that would be participating in the management of the actual event for a comprehensive tabletop exercise. Led by trainers from the Office of Domestic Preparedness (ODP) and the Miami police designated FTAA training commander, this exercise tested the multi-agency capability to address threat incidents. Once again, plan modifications resulted. Miami's training regimen did not focus only on plan testing at the command level. Legal training and instruction on "Rules of Engagement" were formally presented to all Miami officers and participating agencies to provide a uniform understanding of legal and illegal protestor conduct and to ensure consistency among officers in abiding by strict, self-imposed use-of-force guidelines. Training was delivered to the department's lieutenants, sergeants and officers as well as to those from surrounding agencies that would collectively form patrol *response platoons* during the demonstration. A preliminary ten-hour lesson plan, with primary emphasis on team tactics, was followed by ten more hours of drill and practice with their

3. For more information go to: <http://www.ojp.usdoj.gov/odp/docs/CDP072005.pdf>.

commanders to further bolster team and management confidence. The lesson plan was derived from the ODP 40-hour course previously mentioned, and included the following:

- Discipline;
- Group action;
- Demonstrator tactics;
- Protection of First Amendment rights;
- Rapid deployment;
- Line formations;
- Verbal and hand commands;
- Squad movements;
- Equipment familiarity;
- Arrest techniques; and
- Use of baton.

Specialized training, drilling and practice were mandated for groups of officers with special responsibilities and their commanders to further build endurance and stress the importance of team tactics. Bicycle, extraction, SWAT, aviation and marine teams were all provided with training unique to the functions they would undertake during the event. A required training program on “safe positioning,” and what they might expect to encounter, was prepared for representatives of the media who would be embedded with police units. Once all of the command, specialized and generic training had been delivered, the department orchestrated a massive, nighttime practical training exercise in three venues around the city. Several scenarios were posed to various response teams. Each commander and team was required to rely on the previously delivered training and practice to meet their challenges under realistic conditions. This was the ultimate pre-event test

of both the planning and the training processes. After-action lessons learned by the department included the following:

- Resist donning riot gear unless officer safety is in jeopardy. Media images of officers in full gear can appear intimidating. All agencies participating in a demonstration event should be required to agree to this condition.
- Multiple agencies can operate as one team, one entity, especially in the application of force.

In 1980, Miami was the site of civil unrest that resulted in eighteen deaths, several hundred injuries and millions of dollars in destroyed property. From that experience, the police department developed what is now known as the “Mobile Field Force Concept,” which provides a rapid and organized response to crowd control and civil disturbances in urban settings. The concept emphasizes team movement rather than individual actions. Actions taken by a field force are under the direct command, control and responsibility of the field force leader. A field force can be deployed to restore order, move crowds, rescue victims and isolate problem areas. Recognizing that this runs counter to the typical police culture, where officer individuality and discretion are the accepted norm, thorough training and practice are essential to the success of a field force deployment. The mobile field force has been successfully adopted by many agencies worldwide.

Seattle

The Seattle Police Department, in its early preparation for the 1999 World Trade Organization (WTO) Ministerial Conference, established several subcommittees with specific responsibility for event activities. Each subcommittee was

charged with the responsibility for identifying training needs. The Demonstration Management subcommittee assumed responsibility for training needs related to crowd control the police use-of-force. The training agenda ultimately adopted included the following:

- Crowd management techniques—initial training, weekly squad-level practice and periodic platoon-level and multi-platoon formation practice;
- Basic commands, formations and tactics. Scheduled twice a week for one month. Officers and supervisors participated;
- Chemical agent protective mask and personal protective gear training for 900 officers;
- Crisis-incident decision making for supervisors and commanders;
- Weapons of mass destruction training and incident command training for SWAT officers;
- Dignitary protection, escort training, and area orientation training for motorcycle officers from Seattle and neighboring jurisdictions; and
- Two intensive tabletop exercises for Inter-jurisdictional Public Safety Committee representatives, held by the Secret Service and the FBI.

In total, the Seattle Police Department delivered almost 20,000 personnel-hours of mass demonstration-related training, using in-house and guest instructors. Despite this significant training effort, training lessons and issues were prominent in the after-action training recommendations. They included the following:

- Coordinated, multi-agency traffic management training proved valuable and should be continued;

- Demonstration management training was vital to officers “holding the line, exercising great restraint, and using only the minimum force necessary to accomplish objectives.” It was recommended this training be instituted as an annual refresher for all Operations Bureau officers;
- Chemical agent response team training proved to be effective in controlled delivery of irritants, thereby lessening injuries. It was recommended this training be expanded to operational personnel;
- With too few exceptions, outside agencies were not included in demonstration management training. It was recommended that joint annual training be conducted to provide a standardized regional approach to demonstration management; and
- Demonstration management training was commendable and of high caliber, but also disjointed, hurried and short. It was recommended that departmental and regional training goals be enhanced—by means of a training subcommittee led by a high-ranking official—and that training of sufficient length and depth, with periodic refreshers, include a progressive approach to building skill and competency over time.

Some two years after the WTO conference, the Seattle Police Department was again challenged with a mass demonstration event. This time it was a Mardi Gras celebration that escalated beyond expectations. Previous years’ celebrations had resulted in little more than a few disorderly conduct arrests and some small-scale property damage. But, in 2001 crowds became unruly, turning to violent behavior and destruction of property. In the end, there was one death as well as many injuries. This occurrence provided an opportunity for learning

that can benefit other law enforcement agencies. The police department's after-action report offers the following three training recommendations:

- Exercise standing contingency plans and orders—including a worst-case scenario—for all unusual occurrences;
- Continue squad-based crowd control training and expand to include large unit formations and special tactics for crowd entry and victim evaluation; and
- Establish a specialized Anti-Violence Team to perform high-risk insertion and extraction operations and to serve as an expert training resource in these tactics.

Boston

The Boston Police Department began planning and training some eighteen months before the Democratic National Convention. The department readily recognized that the DNC was of such a large scale that, even with a year and a half of advanced planning and training, it could not handle the event alone while continuing to police the city. Based on the anticipated size of the event, it was determined that between six and eight *public order platoons* of 100–150 officers should be at the ready. Recognizing that calls for service and everyday police activity would continue to consume the bulk of the patrol force, the department sought creative ways to assemble the necessary platoons. Internally, two smaller public order platoons were assembled from non-patrol units. The bulk of the department's convention-dedicated field strength consisted of those public order platoons along with two motorcycle platoons, the SWAT team, a bicycle unit, and a mobile field force comprised largely of academy recruits.

Outside assistance would be called upon to address the remaining need. A number of law enforcement agencies were responsible for key

aspects of the event. The Secret Service was responsible for the interior of the Fleet Center where the DNC convention was actually held. The U.S. Capitol Police assisted with dignitary protection. The Massachusetts Bay Transit Authority Police provided security at key locations and throughout the transit system. Others protected innumerable venues around the city. The Massachusetts State Police agreed to provide two public order platoons and one mobile field force. The final two public order platoons came in the form of two regional response teams already organized in the Boston area: the Metro Law Enforcement Council (Metro-LEC), and the Northeastern Metropolitan Law Enforcement Council (NEMLEC). Years earlier, police chiefs who recognized that their departments individually could not effectively deploy response teams for any significant event formed these consortia, comprised of representatives from Boston-area police departments and including 40 member departments. The regional response teams provided stand-by SWAT and mobile response teams, as well as canine and crisis negotiation team services. Each consortium provided two public order platoons (a combined 240 officers) to the overall effort. With this contribution, the desired eight public order platoons had been reached.

A year before the convention, Boston Police met with the leaders of NEMLEC and Metro-LEC, inviting them to play a vital role in the department's contingency plan. The Boston Police Department included the State Police, NEMLEC, and Metro-LEC in their operational plans, but they did not hold regular joint training. Each group was large enough to serve as a self-sufficient, independent public order platoon. Boston officials found them to be already well-trained and well-disciplined teams. Each had significant experience responding to events in the region, and NEMLEC had been called to Washington,

D.C., on three occasions to assist with mass demonstrations and presidential inaugural events. Boston police commanders and some support staff were assigned liaison roles to ensure maximum coordination between the department and the consortia. During the actual event, NEM-LEC and Metro-LEC liaisons would be positioned in the Boston Tactical Operation Center to further ensure coordination. Boston officials attended all demonstration-related training that took place. The training requirement for consortium membership already called for an eight-hour commitment each month. Since their mission was to be available for major incident response, their ongoing training agenda was in line with their potential DNC responsibilities. Once the groups were alerted to their upcoming role in the DNC, their training curriculum was enhanced to include topics like Boston's Rules of Engagement as well as working with mounted police and fire department tactical units. Three months before the event, training was increased to 16 hours per month.

Training for Boston's own officers took two paths. Training for the two Boston police public order platoons started a year before the event with a five-day block of instruction on mission, strategy and expectations. Over the following months, training increased from one day a month to two days a month, with increased emphasis on formation deployment, crowd control, team tactics and "blackboard sessions." Every other month, platoon-level practical exercises were staged to bring realism to the training. At the same time, the department recognized the potential for patrol officers—who had not been previously trained or considered for platoon deployment—to be called upon in the event of a "worst-case scenario." Therefore, some 800 patrol officers were exposed to introductory mass demonstration training.

In the end, this event went well, with only a few arrests and no significant problems. Public order platoon deployment was rare, and much of the training did not come into play. However, there is no doubt that this scenario is preferable to being under-trained when the worst-case scenario actually develops. The following recommendations surfaced after the DNC:

- Look at available resources realistically. Do not underestimate the number of officers needed for non-demonstration activities (e.g., to continue the operation of routine police services);
- Establish a clear understanding about the number of officers actually on restricted duty; and
- Throughout the deployment plan, look for gaps that will consume officers.

CONCLUSION

The effectiveness of any plan depends on the ability of field commanders and officers to execute it properly. That ability demands that officers know what to do under a variety of circumstances. In addition to that knowledge, they also need to be proficient in their respective roles. Officers need to hone their individual skills, but equally important is their performance as members of a team—officers and supervisors together. Officers, supervisors and commanders all need to know what to expect from each other and to be confident in their performance as a cohesive unit. The same requirements apply to multi-agency plans. The key to these performance expectations is training and practice.



PHOTO BY MUGUR GEANA

4

Intelligence and Information Management

O VERVIEW

Information processing is another component of effective planning. Mass demonstration management demands careful attention to managing information before, during and after the event. Gathering and thoroughly analyzing information or intelligence about the activities of demonstrators can dramatically strengthen a police department's demonstration management plan. However, for a variety of reasons, accomplishing this is not always easy. Reasons include limited experience gathering intelligence, secretive preparations by demonstrators, or a lack of incorporation of gathered information into the planning process. Nonetheless, most agencies are already adept at gathering useful intelligence and information.

Among the easiest pieces of information to collect are routine data; declassified information; and accounts from dispatch, operational commanders, various governmental departments, other law enforcement agencies and the public. Despite the ease of gathering such information, it can be critical to directing the event and to communicating with the media. The term "intelligence" conjures up visions of undercover operatives and covert information gathering. Sometimes this is accurate, but intelligence also means countless hours poring over websites, underground newspapers and any other potential sources of information. This chapter addresses the need for and process of gathering and assessing intelligence and information before, during

and after an event. The section stresses that verification, assessment and timely introduction to the planning process—not the ease or difficulty of gathering—are what make such intelligence and information valuable.

INTELLIGENCE GATHERING AND ASSESSMENT

The process of intelligence gathering is a contentious one. To gain a strategic perspective of an upcoming event, credible sources with links to the information sought should be identified and tasked to provide information. On rare occasions, usually during the height of an event, raw information may be so compelling that it must be considered for deployment and other tactical decisions. However, it remains vitally important to analyze all information in the context of the event, the organizers and the environment as well as political, economic and social issues to permit planning personnel to develop the most appropriate response or modification to existing plans.

The importance of committing to a complete and thorough intelligence process cannot be overstated. A process to produce meaningful and useful intelligence requires holding regular meetings at which information is shared and compared in hopes of cross-confirmation of details and sources. This helps analysts to distinguish rumor from corroborated accounts, and to separate criminal intent from legal acts of protest. Recognizing these differences is crucial when translating intelligence for consideration. However, some intelligence is difficult to put into perspective. The Seattle Police Department reported after the WTO Conference,

“In August and September, the frequency and virulence of rumors and reports of planned and spontaneous disruptive acts increased, principally via the Internet and other media. Most of these reports were alarming and many were

preposterous. Events like the WTO invariably attract doomsayers and extremist rhetoric. The challenge is to separate disinformation and fallacious reports from potentially authentic data. In hindsight, it is clear that fragments of information gathered during this period were accurate and predictive.”

Intelligence gathering can be overt and combined with other pre-event planning initiatives. For example, it is recommended that, as early as practical in the police planning process for a mass demonstration event, protest leaders be contacted (via letter, email, telephone or in-person) to solicit their support in ensuring a safe, violence-free protest. Though some groups may not respond, many others, whose groups have legitimate objectives, will be interested in cooperating and appreciative of the offer to help facilitate a lawful, peaceful protest. This outreach effort not only creates the possibility of a positive and cooperative relationship, but also serves to inform protest leaders of police expectations and objectives. Furthermore, it can provide police officials with new information useful to developing an appropriate response. Police efforts to work with protestors toward a violence-free event, and all information obtained as a result, should be documented for future reference.

Of all the methods utilized to obtain information, the use of covert means, either the deployment of undercover officers or the use of technological (audio or video) equipment, will be most likely to attract scrutiny and criticism. The overwhelming concern is that police are collecting, maintaining and sharing with other law enforcement groups intelligence files on persons conducting lawful and peaceful protest activities protected by the First Amendment. For example, the ACLU report on the 2002 WTO protest in Washington, D.C., criticized the use of undercover police intelligence sources and pre-emptive operations against protest groups based on such

intelligence.¹ The ACLU cited a number of concerns: specifically, that police should limit intelligence operations to a legitimate law enforcement purpose. There should be a reasonable suspicion that the targeted group is planning or about to engage in criminal activity, not just civil disobedience, based on explicit intelligence and not simply on the content of their political speech or ideology. There is a recognized need for clear policies outlining operational limitations to intelligence collection, adequate training for intelligence officers and an oversight mechanism to review ongoing activity for continued justification.

Some jurisdictions are governed by very restrictive legislation or ordinances designed to protect privacy. In these instances, law enforcement agencies may be impeded in their efforts to gather helpful intelligence. In jurisdictions where such intelligence gathering is legally restricted, police departments, being aware of the applicable limitations, must consider these ramifications early in the planning process. Other states have transparency laws that consider most police policies and manuals as public records. However, in Florida, for example, where this is the case, there also are exemptions for certain tactical and operational policies and for intelligence of an open investigative nature.² Agencies faced with these issues report that it sometimes delays, but rarely thwarts legitimate intelligence collection. Whether collected during an early stage of the planning process or after the event has commenced, new intelligence is often responsible for both small and large adjustments to the execution of the plan. Therefore, considerations relating to intelligence should include the following:

- Systems to communicate intelligence in a timely manner;

- Assessment to separate truth and accuracy from rumors, rhetoric, exaggerations and half-truths; and
- Systems to record and retain the assessments arising out of the intelligence function.

There is a continuum of intelligence gathering, from nonintrusive public sources of information to more-intrusive and less-clear areas of police authority. Some proven sources of information, and their limitations, include the following:

- Internet searches: many advocacy organizations either have their own websites or share a talk site with affinity groups. There are several problems with information gleaned from websites. Protest groups in their zeal to generate interest may overstate expectations. More sophisticated protestors may even post disinformation. While the Internet can suffer from reliability issues, it also is a valuable resource to groups needing to get out their message—and tactics—to their followers and should not be overlooked;
- Public postings and publications: information on planned events, the tone of the debate, a list of participants and preparatory gatherings can be collected from these sources. Each represents an “intelligence lead”;
- Assigning plainclothes officers to mingle among the crowds: this is commonly done, but it poses a potential risk to officers. Officers should have a mechanism to report developments back to the agency in a timely fashion; an electronic monitoring device may help address these safety concerns.

1. For more information go to: <http://www.dwatch.com/police/040311.htm>.

2. The Miami Police Department successfully blocked the public dissemination of the FTAA Operational Plan. The court agreed that such tactical information was exempt under existing “Sunshine Laws.”

However, care must be taken to assure that the operative is in a place where electronic monitoring, without a court order, does not violate a legal expectation of privacy; and

- Undercover activity within an organization: this is extremely controversial. An undercover officer can be pulled into the work of an organization and become a trusted fellow traveler. Once an undercover officer becomes a group member, there is a risk that he or she may be asked to engage in group activities of questionable legality. Officers must be extremely careful not to initiate or encourage illegal behavior from within the group. Police managers must also understand the importance of recognizing when a group is not a threat to public safety and when the operation should be curtailed. Before undertaking this type of activity, approval should be obtained from the department's legal advisor or the jurisdiction's office of law.

MANAGING INFORMATION DURING AN EVENT

The operational aspects of the demonstration management plan have gone into effect at this point. All resources are presumably in place, and the event should be managed according to plan. As with the pre-event stage, interagency cooperation and a continuous flow of information are critically important and will determine the event management's success. The planning process should remain active and flexible as new information informs the scope and nature of adjustments to

the existing plan. Planners should remain in a constant state of evaluation to ensure the plan remains an appropriate response, consistent with the circumstances. The intelligence function at this stage transitions to a more tactical approach, where information received is quickly assessed to offer timely input to commanders and other decision makers. Though there is still a strong focus on gathering intelligence, there is now also a need to manage a wide range of information. A formal information/data collection system should capture and record critical information during the event. Key events, decisions and actions (including their rationale) should be documented to create a historical record of all that took place. Some of the important elements for command-level personnel to consider in this stage include

- Chronology of the event—maintaining a running account of occurrences;
- Information tracking mechanisms—recording the source of information and the time obtained and relayed to command;³
- Command decision recording processes—a chronology of decisions, to include when, by whom and the rationale; and
- Active deployment of personnel—mapping and recording time when deployments were directed, and other related observations/outcomes, such as
 - Crowd behaviors;
 - All pre-arrest warnings;
 - All arrests and detention times of detainees; and
 - Use of tools, less-lethal munitions or other weapons.

3. Source information should not identify confidential sources, but rather officers who have obtained such confidential information.

The department's use-of-force reporting criteria *must* be followed during mass demonstration events. It may not be reasonable to expect an officer to abandon ongoing, front-line, operational tasks to complete a use-of-force report; however, after-action reports should include

- A detailed account of why force was necessary;
- The type of force used;
- The tools utilized;
- Whom the force was directed against;
- The resultant response of the crowd or individual;
- Any arrests;
- Any injuries observed (to officers, demonstrators or bystanders);
- Communications (internal and external)—transmitted and recorded; and
- Risk management systems activated where needed.⁴

These details will become critical in preparing after-action reports, developing lessons learned and defending the agency against any allegations of police misconduct.

Police in the United Kingdom recommend a practice they have found to be useful and effective: each field team designates an officer to document, as circumstances permit, a chronological log of events, orders and decisions affecting the team. The documentation can be either written or recorded via a handheld audio recording device.

It is desirable to have the documentation supported by video where available. This allows the team to maintain an audit of its actions and provide a rationale for responding to circumstances in a particular way. This practice is especially effective where officers are deployed for an extended period of time under pressure, when recollection becomes compressed and when incident overload leads to memory fatigue.

Documentation, however, need not be limited to handwritten or audio notes. Other acceptable methods of documentation include the following (from the California Commission on Peace Officer Standards and Training 2003):

- Still photography
- Audio recording
- Video recording
- Written/log journal
- Reports (including after-action reports)
- Media reports/footage
- Communication and dispatch tapes/printouts

These documentation methods also are suitable for documenting the following:

- Public disruption
- Property damage
- Injuries (public and police)
- Collective and individual behavior
- Individual arrests
- Physical evidence

4. Risk management in this sense refers to the systems and personnel required to respond to issues where use-of-force has occurred. The systems include the accountability measures that were addressed in the plan, investigative functions, health and safety functions and legal support.

POST-EVENT INTELLIGENCE

Even after a mass demonstration event has concluded and the participants have departed, there is an abundance of information that needs to be collected. Some is intelligence related: verifying reliable sources for future use; identifying intelligence shortfalls; and identifying ongoing activity. Other information includes costs of providing police services (pre-established accounting procedures to isolate event costs) and damages incurred (procedures to estimate event-related damage). Details such as these will be critical to an effective after-action critique of the plan and of the department's management of the event. It also may prove vital in preparing for the litigation that is likely to follow such events.

AFTER-ACTION REPORTING

The importance of early preparation for the after-action report cannot be overemphasized. A process to record key events, decisions and actions should be developed and implemented in the early stages of event planning, and followed throughout each event-management phase. Event managers will benefit from maintaining certain core documents to assist in countering post-event criticism or litigation. Two effective methods of recording event decision making are the "decision log" and "event file." The decision log is a record of the process for arriving at key decisions during the event. An Event File containing all relevant documents, emails, correspondence and media information will assist in describing the unfolding events in detail. Access to these records will facilitate the speedy production of the report and give a clear rationale as to why police responded in a particular style. It also will provide a clear audit trail of the rationale behind decision making for any post-event litigation that could occur several years down the line.

by John Gallagher

The marchers have come and gone. The chanting, the speeches and even the cleanup are all behind you. But this mass demonstration event is not over just because the protestors have left your town. Now begins a coordinated effort by some individuals and groups to shape the history of the previous days. From the moment your police department begins to plan for a mass demonstration event, you should also begin developing your “post-game” plan. The best event preparation, the best efforts at protestor accommodation and the best plan implementation will be forgotten if you claim victory too quickly and move on to other ever-present crises demanding your attention. From your first planning sessions, many months prior to a mass demonstration event, you should begin your after-action report.

In recent years, the police departments of Philadelphia and the City of Miami have managed mass demonstration events. In 2000, Philadelphia was host to the Republican National Convention. In 2003, the City of Miami was host to the conference of the Summit on the Free Trade Area of the Americas. In each city, the planning for these events was initiated more than a full year in advance. In each city, the events themselves lasted approximately one week. In each city, the initial response, from the public and the media alike, consisted of overwhelming praise for the efforts of the police department. And, in each city, informational campaigns, lawsuits and other post-event efforts to change that positive impression will keep those cities busy for years to come.

When your department first learns it will be policing a mass demonstration event, a person or group should immediately be tasked with tracking the history of the event. Start at the initial planning meeting. Throughout the planning process, your department will undoubtedly engage in a concerted effort to create a forum that respects and encourages lawful protest. Intensive police planning and training for the event will focus on restraint, professionalism and the respect of civil liberties. Your department will spend months meeting with protest groups, negotiating with their lawyers and offering countless accommodations to those seeking to express their First Amendments rights. Your department leadership will take numerous steps to calm the concerns of residents, protestors and even police officers who will be bombarded with media images of chaos at previous protest events in other cities. However, like a tree falling in the forest, the enormous efforts undertaken by the police department to provide a venue that is safe and inviting will go unnoticed in the face of an organized campaign to rewrite the story of the event.

In both Philadelphia and the City of Miami, the police departments prepared for the aftermath of the events while simultaneously preparing for the events themselves. Those who later claimed that the police showed “deliberate indifference” to constitutional rights had a tough sell due to the fact that the departments had a comprehensive record of all the planning undertaken and all the accommodations provided. In Philadelphia, for example, the police department arranged visits to the holding cells by leading civil

rights attorneys during the Republican National Convention. Documented records of those visits, summarized in the after-action report, immediately deflated the manufactured claims of some who sought to project an image of inhumane jail conditions. In the City of Miami, an after-action report was completed within 60 days following the close of the Summit on the Free Trade Area of the Americas. The rapid publication of the report has inserted the police department's record into the informational vacuum that follows the close of such an event—a vacuum that is often filled by those with an interest in portraying the police response in an unfavorable light.

Your after-action report must not be an afterthought. The vast majority of protestors at mass demonstration events are seeking to exercise their cherished constitutional right to free expression

in a meaningful and lawful manner. The enormous efforts to accommodate and protect such protestors must be documented in a timely after-action report. An honest, critical self-assessment in your after-action report will help your department and others avoid repeating mistakes at future events. At the same time, the rapid documentation of police efforts and activities in an after-action report shall provide a balance to those who undertake a campaign of myth and distortion to mold the history of the event.

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CONCLUSION

Information is crucial to managing mass demonstrations. Gathering intelligence from myriad sources prior to the event can help an agency prepare for a host of possible scenarios. Staying aware of developments and breaking events during the demonstration and communicating that information to those who need it can contribute greatly to effective management of the demonstration event. After-action assessments may help agencies examine what worked and what needs to be improved. However, effective information management requires that the agency consider these issues well before a mass demonstration begins, when they can still make a difference in the outcome.



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5

Roles and Responsibilities

OVERVIEW

In mass demonstrations, as in other law enforcement activities, it is important to clearly delineate the roles and responsibilities of officials, including the incident commander, operational commander, tactical commander and others. When roles and responsibilities are not clear, an agency dramatically reduces its chances of effectively managing the demonstration. Orders may be inconsistent, contrary or not followed. The recent experiences of agencies that have managed mass demonstrations highlight how imperative it is that everyone knows the “what,” “when” and “where” of the expectations placed on them.

The Seattle Police Department, in its Mardi Gras after-action report, noted that a breakdown of a centralized command and control function

was a major impediment to maintaining and restoring order. In Boston, the management of mass demonstrations after the Red Sox American League Championship Series victory over the New York Yankees was significantly impeded because of uncertainty over roles and responsibilities and the absence of a central command center. Indeed, it was concluded that this played a role in the death of a young celebrant who was killed by a projectile fired from a police less-lethal weapon (Stern et al. 2005).

This chapter focuses on the importance of determining and adhering to roles and responsibilities during a mass demonstration. A significant part of the chapter addresses command and control, while other portions address the roles and responsibilities of specialized units.

COMMAND AND CONTROL

Practitioners agree a well-defined, minimal chain of command is essential when dealing with mass demonstrations. The benefits include better understanding of responsibilities, clarity of decision making and, ultimately, timely actions in response to developing events. A unified command structure consisting of three levels—strategic, operational and tactical—has proven effective in the field.

The strategic level, involving the incident commander (e.g., the police chief), is ultimately responsible for the event. The operational level, involving the operational commander, refers to the person responsible for managing the actual deployment and response to the event. The tactical level, involving the field commander, manages the application of resources according to the operational commander's plan. This minimal command chain also is endorsed in the United Kingdom's Association of Chief Police Officer's (ACPO) guide, *Manual of Guidance on Keeping the Peace*, as an effective practice in protest management.¹ Department plans may have different names for these levels of command; however, the main emphasis is on a clear understanding of the role, rather than the name. It is useful to use the term *commander* or *command* only in these three roles to ensure clarity as to who the decision makers are. Supporting units or groups should not have the term *command* in their title to avoid any misunderstanding or encroachment into the actual command function. This terminology should be introduced and reinforced in pre-event planning, training and briefings to ensure that the role of support agencies is clearly understood.

STRATEGIC COMMAND

The strategic commander, typically the chief of police, establishes the strategic goals for the management of the event. It is imperative that the chief have an in-depth understanding of the critical issues that will arise at the strategic, tactical and operational levels to ensure that all strategic decision making is based upon informed judgment. The strategic commander or chief executive also must be able to develop, plan and implement, through appointed managers, a coordinated multi-agency operation. By approving the operational orders for the event, the chief executive formally acknowledges overall ownership of the event.

Mass demonstration events can provide a challenge for the agency chief executive. The chief is ultimately responsible for events, officer behaviors and crowd conduct, even though there is usually minimal front-line, direct control over street-level events. The chief executive is operating at a strategic command level, with commanders and team leaders responsible for controlling and redirecting officers in ways that can influence crowd behavior. It is thus important that the chief executive be involved at the earliest of planning stages. The chief executive also should be keenly aware of the training that has taken place; the available tactics, tools and other resources; and the capabilities and deficiencies of field personnel.

Many believe the chief executive also should lead the pre-event media strategy, providing the focus for public inquiry and information. This role in factual communication and reassurance is vital in maintaining a sense of security where uncertainty exists and in preparing for the post-event stage of the media strategy.

1. For more information go to: <http://www.acpo.police.uk/policies.asp>.

OPERATIONAL COMMAND

At the operational level, guidance and direction in accordance with established policy helps ensure that the operational plan reflects overall strategic objectives, while setting the operational and tactical parameters for the police response. At this level, the operational commander is responsible for reinforcing existing policy or developing new policy to guide how the police response is managed. During the event, it is the operational commander's responsibility to assess the situation, consider new intelligence, assess available resources and balance competing demands to best achieve the desired outcome.

TACTICAL COMMAND

Tactical issues relate directly to the application of front-line measures that are employed to implement the operational plan. In most instances, the direction and guidance here will be adequately covered in strategic objectives and operational policy. On occasion, however, specific tactical policy is needed to support front-line decision making and tactic application. The operational commander—in response to unfolding events—will usually direct general tactical policy. On other occasions, usually at short notice, the tactical commander (field officer or other supervisory designee) will be called upon to decide on specific actions or deployments. When short-notice decisions or changes to policy are in order, the direction is more often verbal than written. This in itself adds another dimension and poses challenges to post-event analysis of police response.

PRACTITIONER PERSPECTIVES ON MASS DEMONSTRATION ROLES AND RESPONSIBILITIES

The Miami Police Department and the other law enforcement agencies preparing for the FTAA felt the establishment of a single command center was an absolute necessity. To ensure clear lines of authority and communication, and to provide real time information for decision making, they followed the Incident Command System (ICS) model. They established an incident commander who was supported by the operations, planning, logistics, and finance sections. As the event grew nearer and specific needs and roles became more defined, other support functions (intelligence and hard perimeter) were added.

Event management included some 40 agencies that were represented at the Joint Law Enforcement Operations Command (JLEOC). The JLEOC became the operational “nerve center,” staffed by a command team 24 hours a day with the authority to make tactical decisions in response to unfolding events. In addition to the command team, there was a JLEOC Support Room where stand-alone work areas offered access to phones and computers to the representatives of the law enforcement agencies participating in the FTAA operation. The presence of these representatives and the opportunity for constant communication ensured that decisions would not be delayed due to the inability to contact a particular agency. Agencies were tasked with duties that best fit their ability to contribute (e.g., marine, air or traffic assignments were relegated to those with such capabilities). The primary venue, downtown Miami, was then divided into three tactical commands.

The Boston Police Department and all of its federal, state and local law enforcement partners prepared for the 2004 DNC using a multilayered command structure. The Multi-Agency Communications Center (MACC) was established to serve as a Strategic Center staffed by top or very high-level personnel from the representative agencies. This was the “big picture” command, where overall event management was centered. Critical decisions such as requesting major external resources or approval to deploy chemicals, for example, would be addressed by the MACC.

The Joint Operations Center (JOC), where another command-level group of representatives from participating agencies was housed, was responsible for executing and modifying the response and contingency plans. All field reports, intelligence and other information were coordinated there. Using all sources of input, the JOC determined if course corrections were in order and communicated those orders to the tactical level.

The Tactical Operations Center (TOC) is where those directions from the JOC are translated to actions in the field. While keeping both the MACC and JOC informed and carrying out their designated roles, the TOC commanders were responsible for directing field units.

COMMAND PROTOCOLS

Command protocols are necessary to inform and direct decision making so that strategic, operational and tactical commanders know what they are expected to achieve and how they will do it. Command protocols also must address potentially competing demands. For example, the senior investigating officer may require time to investigate a crime scene during an incident, and these demands might conflict with the operational commander’s ability to protect the scene. These

conflicting demands often compete for available personnel and equipment as well. The key principle for any command protocol policy is that each commander involved knows the following:

- His/her role, responsibilities and objectives;
- What resources are allocated to meet those responsibilities and objectives;
- His/her geographical or functional area of operation; and
- The contingency plans for transfer of command when there is:
 - Federal intervention, if a major/terrorist incident occurs
 - Specialist team deployment (e.g., a firearms or hostage incident within the main operation).

In an operation involving mutual aid with other police or support agencies, there must be an agreement that this command protocol will extend to those additional agencies.

CRIME INVESTIGATION

Studies on recent mass event disorders show that in many well-publicized events, protesters seeking to direct negative media attention toward the event or the police have developed deliberate programs intended to force confrontations with law enforcement agencies or other protesting groups. Operational plans, therefore, should emphasize the potential need for a proactive criminal investigation to detect and address suspicions or signs of unlawful activity aimed at physical confrontation. The early assignment of a senior investigator to manage the investigation is valuable. Likewise, personnel dedicated to gathering information and intelligence must be in place to support the strategy. A detailed policy guide to

general investigative policing can be found in the U.S. Department of Justice publication, *The Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations*.²

SPECIALIZED UNITS

Specialized units can fill critical roles during mass demonstrations. Some agencies have learned that the careful deployment of specialized units can have a significant positive effect on managing the demonstration. They are often better able to move among the crowds, allowing them to collect intelligence and even dissuade criminal activity. Below are examples related to the use of specialized units during mass demonstration events.

Bicycle Patrols

The Miami Police Department opted to organize a bicycle patrol to escort all major parades and rallies during the FTAA meeting week. They worked in two teams or platoons, each with radio access to high-level supervisory personnel. Bicycle officers could not only provide a rapid response (unlike cars or vans that would be impeded by heavy vehicular and pedestrian traffic), but also present a nonthreatening image to protestors and the media.

CART Teams

The Seattle Police Department deployed four Chemical Agent Response Teams (CART) to support demonstration management platoons at the WTO. CART teams were deployed—under the

control of the incident commander—during those hours in which the largest crowds were expected. Hoping to maximize their former training and existing experience, all the CART team members were current or former SWAT officers. Each team consisted of a sergeant and three or four officers with specific experience in the use of chemical irritants or other less-lethal impact munitions.

Cut Teams

At recent events protestors have been known to employ “sleeping dragons” to disrupt traffic or to create a diversion. Protestors link themselves together by placing their hands into hollow piping with metal or cement fortification on the outside of the pipe. In order to separate or remove the protestors, the pipes must be cut. The Miami Police Department staffed, trained and fielded four “cut teams” to handle such actions. They were staged and scheduled in staggered shifts to provide maximum coverage throughout the event, but were instructed to remove these individuals only if they posed a threat to health or safety. Fortunately, the cut teams were never called to action. The FTAA after-action report notes that protestors may have decided against the use of sleeping dragons “due to media coverage of the expertise developed by those officers charged with removing such devices (Timoney 2004).”

Mounted Teams

Both the Boston Police Department and the Miami Police Department deployed mounted units for crowd control. The elevated position of the mounted officers provides a better vantage point from which to observe crowd size, movement and

2. For more information see: <http://www.usdoj.gov/olp/generalcrimes2.pdf>.

actions, and establishes a highly visible, imposing police presence. Though there have been times when demonstrators have attempted to harm police mounts, crowds are usually quick to move when horses are employed to direct them to a specific area. With the help of the Metro-Dade Police Mounted Unit, Miami deployed a team of a dozen mounts as a single task force to monitor the downtown area. At the DNC in Boston, mounted units trained with and prepared to deploy with Public Order Platoons, including those from other participating agencies.

SWAT Teams

For most police departments, Special Weapons and Tactics (SWAT) teams represent a ready force of expertly trained specialists. As such, their deployment during mass demonstration events is a foregone conclusion. For the DNC in Boston, SWAT teams from the city and neighboring regional teams were deployed at the Fleet Center, the primary event venue, essentially for dignitary protection. During the Seattle WTO conference, the SWAT team's role evolved from demonstration management to readiness for Weapons of Mass Destruction response. The Miami FTAA plan included two internal and seven mutual-aid SWAT Teams at the ready. The two Miami teams were deployed in 12-hour shifts to maintain around-the-clock, stand-by status at police staging areas where they could quickly respond to any critical event, while the other teams were geographically deployed at key locations around the city.

Violence Abatement Teams

These are special-purpose teams that can be deployed as particular circumstances arise. In Seattle, they were created prior to the WTO conference

expressly for the purpose of identifying and arresting protestors who would turn to violence, looting or property destruction. Thirty members strong, the team included both plainclothes and uniformed officers who were responsive to observed acts of criminal misconduct as well as leads developed through intelligence and confidential sources.

Arrest (Transport/Booking) Teams

The arrest and processing of persons taken into custody at mass demonstrations and protests can differ from agency to agency just as they do for everyday arrest situations. Some departments have the luxury of central booking facilities that focus on getting the arresting officer back on the street, while others require the arresting officer to handle all arrest and processing tasks. However, for mass arrest situations, agencies share the priority of keeping arresting officers on the front-line. This typically translates to the creation of transport teams that take control of prisoners and their property and relocate them to processing locations where booking teams complete fingerprints, photographs and charging documents.

COMMUNICATIONS

Maintaining effective radio communications during a major event is always challenging. The capacity of communications systems and personnel in many departments is stretched on a daily basis by routine police operations. Add the complexity of a multijurisdictional mass demonstration event, and it can be overwhelming. During the event there will be two systems operating; one dealing with nonevent calls for service; the other dealing with tactical units and support units working the event. In either a multiagency or single-host event operation, access and technology

strategies should be designed to address the following considerations:

- The need for a dedicated communications channel for strategic, operational and tactical commanders;
- One or more channels for field officers;
- A separate channel for “normal” police service continuity;
- A separate channel for logistics;
- Common terms and procedures across units and agencies. (This should be resolved at pre-event training, or in regular major incident training among partner agencies); and
- The use of clear, concise English in place of radio codes.

Coordinating resources effectively to respond to crisis situations is especially daunting when disparate radio systems are used by participating agencies. Recent events—from Columbine to 9/11 to Hurricane Katrina—have demonstrated how incompatible radio systems can cripple operations. Those in law enforcement are fully aware of the need for interoperable communications systems, but funding constraints and an informal territorialism impede such progress in many jurisdictions. A limited and fragmented radio spectrum serves as an additional impediment. At the WTO in Seattle, the FTAA in Miami, the G8 Summit in Savannah, the DNC in Boston, and nearly every other multi-agency operation, it has been highlighted repeatedly that a single communications system, compatible to all, does not exist. The implications of this fact become readily apparent early in event-management planning.

There are several options to help mitigate the problem. These options range from purchasing additional radios for support agencies to technical patches for managing otherwise non-compatible systems.

The Miami Police Department, in preparation for the 2003 FTAA, recognized the difficulty that 40 different radio systems/frequencies would pose for effective tactical operations. They assessed each participating agency’s radio system for compatibility well in advance of the event. A dozen participating agencies used systems that could interface with the Miami radio system. Through a series of MOU supported agreements, these agencies were able to share their confidential Motorola key codes, thereby allowing them to operate on the Miami police radio system. Another six agencies were able to install “patches” allowing them also to access the Miami police system. These actions gave radio access to nearly half of the agencies participating in the management of the event. The remaining 22 agencies were operating on radio systems that were simply not compatible. The Miami Police Department was able to assemble some 191 spare radios that were distributed to the operational personnel from those agencies. Through effective planning and cooperative agreement, an unusually high percentage of participating officers were afforded unified radio communications during the event. The newly created radio network was vastly enlarged, thus demanding greater airtime discipline. To establish better order, eight talk groups were created along functional lines, and transmissions were limited to command and control and emergency situations. Fearing the potential that verbal codes vary from agency to agency, codes were abandoned in favor of simple everyday language.

POLICIES AND PROCEDURES

Whenever a multi-agency operation relies on officers from different police departments to perform in situations that may include containment, order maintenance and arrest duties, use-of-force and rules of engagement, there is a risk that the policies and procedures governing officers will vary. Much of this concern can be addressed through MOUs and unified training, but there should be a clear understanding by all involved that the operational policies of the host agency provide the primary direction to the various work teams. These policies should be clearly understood by all participating agencies.

CITIZEN COMPLAINTS

A formal process and investigative protocol should be established to handle complaints from the public. The public and all participating agencies should be advised of the process, and all the participating agencies should agree to hold their officers accountable for their actions. Each agency can investigate only allegations brought against members of its own department. So, after establishing the complaint protocol, participating agencies also should agree to submit their findings to the internal affairs division or civilian review panel of the host jurisdiction for a final tally.

by **Malcolm McFarland**

During June 6–10, 2004, PERF staff visited the G8 summit in Sea Island, Georgia, as part of our ongoing Motorola-sponsored research to develop state-of-the-art responses to critical issues facing law enforcement.

Previous G8 summits (composed of the leaders of the United States, United Kingdom, Canada, France, Germany, Italy, Japan and Russia) and World Trade Organization (WTO) conferences have been the target of organized protest by environmental and anti-globalization groups. Many of the protestors were committed to peaceful protest. However, past G8 and WTO protests also have attracted violent protests. The last WTO summit to be held in the United States was in Seattle in 1999. The scenes of violent protest remain vivid in our memory. Protestors caused in excess of \$3 million dollars in damages, and 600 arrests were made. G8 summits in Europe also have experienced organized violence. In 2001, violence in Genoa, Italy, resulted in a fatal police shooting and 300 arrests.

With this history in mind, security preparations for the Sea Island, Georgia, G8 summit began twelve months before the July 2003 event, with an intensive planning operation and security program involving 62 law enforcement agencies. The lead agency for the Georgia Governor's Office was the Criminal Justice Coordinating Council.

Focusing specifically on interagency communications, the management of the event was coordinated from a number of command centers in

the region. The Federal Joint Operations Center (JOC) was situated close to Sea Island and was on standby to take control of any critical or terrorist incident. Representatives of the FBI, U.S. Secret Service, and many other federal agencies with counterterrorism and mass-destruction responsibilities staffed the JOC. The JOC complex also housed the agencies that had "consequence management" responsibilities (e.g., U.S. Federal Emergency Management Agency, U.S. Department of Health and Human Services, U.S. Department of Energy).

The day-to-day operations for most state and local agencies were coordinated in the Multi-Agency Command Center (MACC) at Hunter Army Airfield in Brunswick. Staffing mirrored that at the JOC and also included federal agency personnel. Direct communications with the JOC allowed timely information and intelligence flow between the two command centers. Of particular interest was the on-screen display of concurrent incident management at both venues, allowing for a speeding up the information process. The software program allowed all participants to see the particular events requiring their attention as well as the specific agency tasked with responding to that event. The JOC and the MACC had large-screen displays that could be viewed from any desk in the building. Both centers had impressive logistic support, including continuous food and beverage service.

The respective sheriff's departments coordinated the policing deployment and protest response activity in Brunswick and Savannah. These

departments also were linked to the MACC to ensure uninterrupted information and intelligence transfer. In all, more than 2,700 local, state and federal officers, as well as more than 5,000 military personnel, were engaged in the operation.

The build-up to the event was closely covered in the local and international media. A Joint Information Center was established where public information officers assembled in a one-stop shop for G8 security information.

In Savannah, protestors were permitted to gather in Forsyth Park, a short walk from the center of town, and a four-mile protest route was authorized. As it turned out, the number of protestors never exceeded 100; there were much fewer protestors on most occasions. They were inevitably outnumbered by the media and even more so by security personnel. Only on one occasion was

there a determined protest along the route by approximately 80 protestors. No incidents were reported, and police deployment was not significant.

In Brunswick, police officers easily marshaled a small number of protestors. It is fair to say that the extensive and thorough security plans were never seriously tested during the G8 summit period and that the highly trained and skilled immediate response teams and field reaction force units were not significantly deployed. Brad Brown, the Mayor of Brunswick, best summed up the G8 event with this statement, “We prepared for the worst and we got the best.”

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CONCLUSION

During mass demonstrations, law enforcement personnel from chiefs to officers need to understand their roles and responsibilities and adhere to them. Determining these roles ahead of time will help individuals better understand what is expected of them during the event. To the extent possible, roles should not be changed mid-event, and every person should have one role to assume, thus avoiding various, and sometimes conflicting, duties.



PHOTO BY GAVIN MACVICAR

6

Crowd Control and Use-of-Force

OVERVIEW

Crowds can vary dramatically in size, composition, intentions and behaviors. Crowds can be small, large or larger than expected. They can be composed of one group with one goal or multiple groups whose goals can be similar or in opposition. Crowds can be completely peaceful or law-abiding, or they can contain disruptive and destructive elements. The possible combinations are almost limitless, thus creating an enormous number of contingencies law enforcement agencies must identify and handle effectively. Whatever the contingencies, agencies must carefully consider three issues: crowd control, mass arrests and use-of-force. This chapter discusses the critical

nature of these three issues, including the needs to develop clear policies and procedures, as well as to specify the equipment and tools that will enhance the agency's ability to control crowds, make mass arrests and use force, if necessary.

CROWD CONTROL

The following key principles should be considered during the planning, briefing and deployment stages of any policing operation involving the management of crowds:

- **Intelligence.** Prior to any event, the police should identify groups who might be

involved—their intentions, tactics, notions of acceptable behavior and views of other groups. Intelligence also may indicate the proportion of activists within a crowd and how homogenous that crowd might be in its intention, or the balance of those prone to violence and those who are peaceful;

- **Facilitation.** The police should seek to facilitate any lawful and legitimate aims of groups who are present—especially when conflict breaks out. The aim should be to permit the pursuit of lawful actions while dealing with groups acting illegally;
- **Communication.** The police should communicate to the crowd how they are seeking to facilitate the crowd’s legitimate aims and how the illegitimate actions of some in the crowd may serve to impede those aims. Communication should be through individuals respected by crowd members. Meeting and establishing communication with protest groups at an early stage in the planning process should help; and
- **Recognition.** Officers must be mindful that a crowd can consist of a variety of persons, present for a range of reasons. When violence starts, there is the risk of dealing with all those present as if they are hostile protesters. However, especially in such situations, it is crucial to treat people with respect and win them to law enforcement’s side, not the side of those already promoting conflict. It may be necessary to facilitate the desires of the many, such as the wish to peacefully protest, so that the demonstrators may assist the police with their overall intention, which is to prevent disorder.

FORMATIONS

Police formations—such as columns, skirmish lines, wedges, half-step movements, and controlled rushes—when properly employed against a large gathering are among the most practical methods of crowd control. Formations may be employed to disperse, contain, move or block large numbers of people. The use of formations is particularly effective when attempting to disperse crowds in urban areas because they enable the police to split a crowd into smaller segments. Though smaller crowds may be easier to deal with, it cannot be assumed they have been capitulated. The resultant smaller mobs are entirely capable of initiating riotous acts such as sniping, looting and burning. Commanders must realize both the value and the limitations of formations. In the Seattle Mardi Gras demonstration, for example, police found that the growing size of the crowd, accompanied by increasing violence, constituted sufficient cause for officers to retreat for their own safety. However, it was not possible to reinsert these officers later.

Once the determination has been made to deploy police in formations, appropriate support must be in place to provide a suitable measure of officer safety. Since officers in the formation will be focused on the crowd before them, other officers must be in place to protect the formation line from an attack on a blind side. Rooftops must be secured to help prevent assault from these vantage points. Helicopter observation is one method of visually securing rooftops. Deploying officers as spotters on rooftops is another. However, when officers are stationed in high buildings or on rooftops, all other officers must be informed of this to avoid the possibility of control force members being mistaken for hostile actors. In the 2004 American League Championship

Series demonstration, Boston police were unable to place observers on rooftops. This greatly hindered their efforts to control the crowds that subsequently did gain the high ground and used it to frustrate police efforts.

When the use of formations is no longer an effective control option and a crowd refuses to comply with the lawful and necessary orders of the police, other techniques such as mass arrests or controlled use-of-force (e.g., chemical agents) may be needed. If the decision is made to arrest crowd members, formations may be useful to control further movement of the crowd. Arrest teams can then escort arrestees back and out through the formation.

MASS ARRESTS

We have seen from police after-action reports and third-party reviews of police practices that the mass detention of protestors not actively engaged in violence can create significant problems for law enforcement agencies (New York Civil Liberties Union 2004). Mass arrests during demonstrations in Washington, D.C., New York City and other major locales have been criticized. In some cases, the protest activity, while unlawful, was not necessarily violent. Complaints included that law-abiding protestors and passersby were rounded up and detained along with violators in overly broad sweeps. The negative impact of these media images damages the public perception of the police operation, as it draws into question the reasonableness and proportionality of the police response. Subsequent litigation has proven to be particularly costly. In most instances only a tiny number of those arrested actually appear in court and most of those are charged with offenses that would not normally attract an arrest or detention (Temple 2003). Law enforcement agencies need to ensure that operational commanders have a clear and uniform understanding of the mass-arrest policy to be followed.

Litigation has included criticism of understaffed prisoner processing operations that, when overwhelmed, led to inordinate detention without charge. This occurred at the Republican National Convention in 2004 and led to court instructions and fines for inordinate delay in processing detained persons (New York Times 2004). Research into recent mass-arrest operations shows that arrests are easily accomplished. The areas where problems arise with sudden, but now predictable, regularity are

- The quality of evidence available to pursue prosecution against each individual;
- The logistics of transporting and handling large numbers of prisoners;
- Allowing legal and medical access;
- An inordinate delay in arranging for release or bringing persons to court;
- Not enough police on duty to cope with the above—process centers are frequently overwhelmed at an early stage due to lack of resources; and
- In some cases, the courts have ruled that top police officials can be held personally liable for damages or actions.

Mass arrests are generally advisable only when all alternative tactics have either been tried unsuccessfully or are unlikely to be effective under specific circumstances. When mass-arrest tactics are used, evidence against each individual prisoner must be available to support the charges. Arrest tactics training is a critical component of mission success. The training must address the spectrum of event types: non-violent protest, non-violent civil disobedience, passive resistance (including the use of chains, sleeves and other devices to impede arrest) and violent

confrontation. Training must recognize the difference between two arrest scenarios:

- Arrest tactics where police are in control of the environment and have time to plan and implement the arrests or dispersal in a controlled manner, (e.g., at a sit-down protest); and
- Arrest tactics where police do not control the environment (e.g., when police are trying to re-establish control of the environment by arresting violent demonstrators).

Pressure point techniques, in conjunction with empty hand control, efficient handcuffing, and arrestee escort methods should be included to remove protesters humanely while minimizing risk of injury to protesters and police. Such tactics should be part of ongoing and regular refresher training to ensure officers maintain efficiency.

Tactical commanders present at many of the demonstration events reviewed by PERF agreed that unless the actions of certain protesters necessitate their removal, the better course of action is not to expend resources on arrests. For example, in instances where sleeping dragons are situated so as to disrupt traffic, it may be less of a drain on already-thin operational resources to simply monitor them and reroute traffic. Moreover, protest organizers have on occasion scheduled “officer intensive” diversions just before they undertake more violent or destructive actions elsewhere, calculating that the police would be too busy handling the mass arrest to respond to further actions.

USE-OF-FORCE

The use-of-force by police against the public, no matter the need or justification, usually conveys a disturbing appearance. The prospect of capturing such confrontations is part of the reason

the media covers mass demonstration events. Needless to say, it is the goal of some protesting factions to provoke the official use-of-force, knowing full well that the incident will be broadcast around the world.

Every police agency is governed by policies regulating use-of-force. The agency’s use-of-force continuum or model should not be adjusted or modified for mass demonstration events. The rules of engagement need to be consistent among participating agencies. The theory of a graduated use-of-force in response to escalating disorder is based on what is both reasonable and proportionate to the threat. An appropriate response must be stressed at all times, especially given the amount of media attention that focuses on police when disorder erupts during mass demonstrations, and how this attention affects the public perception of the department. Chief executives should review department policies governing the use of less-lethal munitions to ensure consistency in application in mass demonstration events. In particular, the appropriate level of authority to approve deployment and use of these weapons should be agreed on by all participating agencies at an early stage. It is incredibly difficult to defend conflicting levels of force application.

For the FTAA demonstration, the Miami Police Department chose the pepper ball round as the less-lethal method to be deployed against individuals disturbing the peace. The pepper ball is designed to strike the target and deliver an irritating blast of pepper spray that temporarily hampers the target’s breathing and vision without causing long-term negative effects. However, the tool was found to be less effective than expected. SWAT members reported that five or more rounds had to be fired at an individual before it achieved a deterrent effect. In their after-action report, the Miami Police Department indicated a need to evaluate other methods for future operations to determine if the desired

effect can be achieved more efficiently. The Boston Police Department conducted a critical review of its training and use of less-lethal weapons after police fired a plastic, pepper-spray-filled projectile that killed a young woman in 2005. The FN303 firing device is often used because it was designed to avoid causing bodily injury. However, instructions indicate that it should not be aimed above the waist. The young woman who was killed was unintentionally struck in the eye. Police professionals should not necessarily abandon the use of this type of device, but should be aware of incidents such as this and provide proper training in order to avoid similar tragedies.

After the experience of managing major mass demonstration events in Washington, D.C., Metropolitan Police Department managers in 2003 recognized that the reporting, documentation and investigative aspects of existing use-of-force policies were not fully practical for civil disturbance situations. Factors that presented unique obstacles to force investigations during a civil disturbance included safety concerns for force investigators; logistical challenges relating to securing the scene; challenges to collecting evidence in a fluid situation; and the documentation of events in a hostile environment. As a result, the department developed a new, more-responsive policy to be implemented only when the chief of police declares a civil disturbance condition. In those instances, the Civil Disturbance Use-of-Force Reporting and Investigation Protocol applies not only to the Metropolitan Police Department, but also to all officers from agencies working under contract with them during the declared condition. The policy clearly spells out the responsibility to preserve the peace and to arrest those who engage in criminal misconduct, all the while protecting demonstrators' rights to peaceful assembly and free speech. Officers are instructed

that non-arrest methods of crowd control are to be the first and preferred options. In fact, the policy specifies that, absent safety concerns, arrests and applications of force should be carried out and documented by units at the specific direction of a Metropolitan Police Department assistant chief. Moreover, any use of chemical agents must be authorized by the chief of police or his designee. The policy establishes a specific reporting requirement to ensure that all use-of-force incidents are promptly reported by the ranking command officer to the department's Joint Operations Command Center (JOCC), where they are formally documented and initially reviewed. Subsequent review will take place in the official after-action report. The department clearly establishes and defines various levels of force and the use-of-force continuum that is applicable only to crowd control situations. Additionally, the department identifies the various circumstances in which force may be necessary during crowd control situations.

As in all use-of-force investigations, the department's office of professional responsibility is charged with conducting a thorough investigation of force incidents that take place during mass demonstration events. Within the limitations of an ongoing demonstration event, a force investigation team, headed by a captain, is tasked with maintaining a rapid-response capability to allow them to gather as much information as possible (on-site evidence, video footage, medical reports, etc.). A member of that team is assigned to the JOCC to coordinate the flow of force-related information necessary to conduct a full investigation.

PRE-EVENT BRIEFINGS

Pre-event briefings of personnel should include a discussion of the rules of engagement; the use-of-force policy; and the authority to direct the use-of-force, specialized tools and weapons. It

is recommended that potential scenarios be discussed and practiced in advance of each operation to ensure a uniform understanding of the level of force to be used at the outset. This must then be communicated to all officers likely to be involved in the response to a particular scenario. For example, if a sit-down protest is encountered, officers should be pre-briefed that the initial removal tactic will be a verbal warning followed by a specifically identified use-of-force action. Additional use-of-force, if necessary, would then be applied at the discretion of the field officer in accordance with existing departmental policy. This practice reduces some of the last-minute planning and communication that can easily lead to less-effective event management.

EQUIPMENT AND TOOLS

The list of the tools and equipment available for proactive crowd management and officer protection is extensive. The focus of this section will be on those items and issues that are most relevant to recent situations or that have been identified as particularly useful or controversial. Some of the tools fall into both categories, in which case emphasis is on the appropriate use of such equipment to maximize effect and minimize the possibility of negative outcomes and criticism. The issues highlighted are protective equipment, less-lethal options and barriers.

PROTECTIVE EQUIPMENT CONSIDERATIONS

Officer safety is an inherent goal of any mass demonstration event, particularly where disorder is expected or anticipated. Protective equipment for officers comes in a variety of forms. When choosing gear, it is important to balance flexibility of movement against level of protection. A review of recent mass demonstration events

reveals that special consideration should be given to two additional equipment-related issues:

- **Image.** Experience shows that the appearance of heavily protected “Robocop” officers sends a clear message to assembled protestors. Its use has had a deterrent effect on most persons and has assisted in maintaining public confidence that police are in control. *However, this image also can have a negative effect on the public. Media accounts of protected officers facing off against peaceful demonstrators can lead to a public perception that the police are being heavy handed and overreacting, thus generating criticism of the department;* and
- **Deployment.** The deployment of protected officers needs careful thought. They are a necessary part of the police response, but the timing and nature of their deployment should be carefully balanced against the potential negative effect of such action. It is recommended that any decision to deploy protected officers be fully recorded in an event log for reference in the after-action report.

The use of standard-issue equipment, such as straight- or side-handle batons, hand-held pepper spray and conducted-energy devices (tasers, stunguns, etc.) should be reviewed for applicability, proper utilization (both technique and placement within the use-of-force continuum) and officer proficiency. Training should include both a review of the use-of-force policy and a hands-on demonstration of officer proficiency. Specialized tools such as long batons and riot shields will require regular training to ensure officer proficiency, even as the value of such tools is debated. Some view them as necessary to protect front-line officers from debris and missiles; others view them as a hindrance, as they can limit

an officer's ability to make an arrest or maneuver quickly to avoid injury.

LESS-LETHAL DEVICES

The deployment and use of less-lethal equipment is normally a response to escalating disorder and violence. Less-lethal methods for restoring order are always contentious, whether referring to engaging in physical contact; discharging projectiles, gases and chemicals; or using conducted-energy devices.¹

There are two critical questions police officials must ask themselves before deploying such equipment: Is the equipment best suited to remove the threat to front-line officers and enable them to maintain or regain their objectives? Is its use reasonable, balanced and proportionate in light of the above?

A review of recent mass demonstration events provides numerous positive examples of the appropriate use of less-lethal equipment in crowd control. The public, media and judicial system, it has been shown, will readily support the proper application of force under such circumstances. However, the same review also reveals that when inappropriately used, such options have, at best, led to severe criticism and, at worst, to loss of life and injury, considerable damage to the department's reputation and significant litigation. The following guidelines are based on lessons learned and best practices known to exist when determining deployment and use of less-lethal options:

- The use must be balanced against the threat faced by front-line officers and the goal

officers are attempting to accomplish (e.g., contain, make arrests, quell disorder);

- The option should be used only until the desired effect is achieved;
- Use should be frequently reassessed to ensure continued need for deployment;
- The deployment and use should be authorized at the agreed supervisory/command level;
- The decision and the circumstances leading to the use should be documented to support after-action reporting and any subsequent inquiry or litigation;
- The incident commander, operational commander, tactical commander, and public information officer must be kept accurately informed on use to allow them to update media spokespersons and to maintain the media initiative;
- The incident commander, operational commander, tactical commander, field officers and supervisors must have detailed knowledge of the effect and limitations of each option to assist in authorizing use; and
- Officers deployed in the field with less-lethal options must, without exception:
 - Be fully trained in their use, including regular refresher training
 - Be fully aware of the capabilities of the option
 - Be fully aware of the limitations of the option
 - Be empowered to make the final decision to use, or not to use, the option as circumstances dictate.

1. Additional equipment currently used to support law enforcement initiatives are listed in: "Department of Defense on Non-lethal Weapons and Equipment Review: A Research Guide for Civil Law Enforcement and Corrections." Available at: <http://www.ncjrs.gov/pdffiles1/nij/grants/200516.pdf#search='Department%20of%20Defense%20on%20Nonlethal%20Equipment%20and%20Weapons%20Review%3A%20A%20Research%20Guide%20for%20Civil%20Law%20enforcement%20and%20Corrections%E2%80%99'>.

Police managers must ensure, through a system of checks and balances, that any use of less-lethal options are necessary and proportionate, and can be supported in after-action inquiry through sufficiently detailed records. When properly applied, less-lethal weapons can be effective tools in accomplishing the police mission. In mass demonstration events, absent a specific and immediate need for self-defense, less-lethal use-of-force directed at a crowd should occur only at the direction of a supervisor.

BARRIERS

Physical barriers are commonly used to assist in crowd management and can take many forms. Barriers can extend police resources when demand is high, but should be considered a support option and not a substitute for personnel. The primary purposes of barrier use are to

- Control crowd movement (e.g., in the case of enclosing/defining legal protest areas);
- Prevent street/building access to restricted or vulnerable areas; and
- Channel or guide protestors along a particular route.

Barrier type should reflect the intended use. One excellent example of an effective, flexible and positive image barrier involves the use of police bicycles to screen crowds and control access. However, barriers to prevent determined access should be more substantial. Three such barriers already have proved effective at mass events in Savannah, Boston and New York: thirty-six-inch perimeter fencing (bike-rack style); 6'-8' fencing to prohibit access to areas; and K-rail cement dividers. A crucial consideration when placing barriers, particularly those that are more robust and static, is that sufficient exits and gates must be

included to allow police to cross barriers in response to crowd dynamics, or to allow crowds to cross barriers for safety reasons (e.g., to escape a major catastrophe). Though barriers must be staffed, their use is highly recommended to allow a smaller number of officers to control a much larger area.

Multi-agency operations frequently raise an issue of equipment parity. This was particularly evident during the 2004 G8 Summit in Savannah and the DNC in Boston. On both occasions, differences in equipment type and deployment policies were identified at an early stage, with planners quickly realizing that these differences could have a detrimental effect during the operation. Effective management and pre-event training allowed the hosts to specify exactly what equipment would be carried by participating agencies and how and at what level it would be authorized for use. In the event an equipment variance could not be unified, the command levels recognized the nature of the variance and deployed the resources with full knowledge of their exact capabilities, thus avoiding potential for conflict with event policy and command.

The Miami Police Department, a day before the FTAA conference, erected a fixed barrier to contain a "restricted area" that could be accessed only with the appropriate credentials. A security fence, rented at a cost of approximately \$200,000, was installed (Timoney 2004). This patented design fence is constructed of interlocking steel panels with tight mesh to prevent protestors from gaining a handgrip to climb or pull on the fence. It also has a metal plate attached at the bottom that extends approximately three feet toward the crowd. This was found to be a very effective feature because in order to get close enough to the fence to attempt to tear it down, protestors had to stand on the plate, thereby making it impossible to lift.

CONCLUSION

Law enforcement agencies should be aware of the various types of behaviors associated with demonstrations, and determine the law enforcement response appropriate for each behavior. The ability of law enforcement to maintain or restore order is highly dependent upon a thorough understanding of the factors surrounding the purpose of the gathering, the type of crowd and its potential behaviors.



PHOTO BY KENN KISER

7

Media Relations

O VERVIEW

Recent experiences clearly demonstrate the media's increasing attention to mass demonstrations. Contributing to this heightened news coverage is the fact that well-organized demonstrators often tip media sources as to the locations and timeframes of their activities in order to maximize publicity. Media saturation means that law enforcement operations are increasingly in the spotlight and that police chiefs are subject to criticism for their actions, or lack thereof. As a result, event management must include a media strategy.

An integrated media strategy seeks to manage and harness the media attention in order to help achieve the overall policing objectives. By

partnering with the media, the potential increases for all parties to win, public confidence to be maintained and the reputation of the law enforcement agencies to be enhanced. In short, it is about getting the right message out at the right time, in the right place and by the right person. Police can work with media outlets to disseminate planning information, and the media can be assured they will receive timely and factual information as the demonstration progresses. It is important that the police take a proactive stance; without a clear media strategy, police operations will likely be forced onto a reactive footing. Under such a scenario, the police would forfeit their ability to manage the release of information and the opportunity to provide accurate details.

This chapter focuses on the need to develop a comprehensive media relations policy for mass demonstrations. This includes working with media representatives before, during and after an event. Particular attention is devoted to spokespersons, joint information centers and press conferences.

MEDIA STRATEGY

Prior to the event, the police should prepare a press release, or even a press briefing, to assure the public they are adequately staffed and have properly prepared to maintain public order and keep the community safe. The information presented should outline the following:

- Anticipated protest activities;
- Efforts undertaken to ensure a peaceful outcome;
- A commitment to uphold civil liberties for all, commensurate with the challenges to be faced;
- Specific parade or protest routes;
- Locations subject to disruption of normal business or traffic;
- The extent of disruption expected; and
- Alternative routes and/or mass transit alternatives.

Also, leaders should reiterate that the police are well prepared, and call for the public to remain calm. Whenever possible, hard copies outlining specific details should be prepared for distribution to the media to help ensure accurate reporting later. Recognizing that the media, ideally, needs current photos and video footage to accompany their stories, the police should make the department's chief executive, event commander, mounted units, canine teams and special

equipment available to the media's photographers and film crews. The more the police can anticipate and address the media's needs in advance, the more accurate and thorough the reports will likely be.

In order to avoid misunderstandings, the police department's standing media policies as well as special procedures relating to a specific event need to be disseminated to and discussed with media representatives well in advance. The aim of such policies should, at a minimum, include the following:

- Promote police integrity and professionalism;
- Reassure citizens that the law will be enforced and that their safety is paramount to the police;
- Deter criminals by reinforcing the department's resolve to arrest those who commit crimes;
- Minimize disruption of the routine of the public; and
- Ensure a timely flow of accurate information to the public about the event.

On-scene supervisors and managers will likely be too busy to grant interviews, but should be well versed in the department's media policies and practices. They should be able to refer news outlets to an appropriate source for timely commentary. As has been stressed throughout these guidelines, agencies must begin planning as early as practical. In preparation for the 2004 DNC, the Boston Police Department initiated the planning process more than a year in advance of the actual event. A media subcommittee was established early in the process. It was determined that the Boston Police would be sharing event responsibility with the Secret Service, which would be responsible for security and operations inside the Fleet Center (the actual event venue). Therefore,

these two agencies spearheaded the media subcommittee. The group held monthly meetings, which were attended by representatives of the 14 agencies thought to be best suited to address anticipated media inquiries. In Miami, home to the 2003 FTAA conference, the police department's planning process also preceded the event by a year and involved input from as many as 40 agencies (including surrounding police departments) that would supply public information officers during the event.

PUBLIC INFORMATION

Some feel the release of information concerning an event is deemed more reliable and seamless when a single public information officer (PIO), guided by advisors, is selected for this role. Other departments have been successful, however, in training a larger number of officers to serve as the department's on-camera representative. In either case, the person(s) chosen for this role should be qualified (by rank or experience), well informed and comfortable in media interview situations. There is no set or minimum rank or level of experience for a PIO, but persons recognized for their expertise or supervisory/command level among members of the department can offer the public a considerable degree of confidence.

Many departments believe the public—and the media—have greater confidence in the accuracy of information when it comes from the “face of the department” they have come to know and trust. This familiarity and trust is developed over time. In Washington, D.C., for example, Sergeant Joe Gentile has been the police department's on-camera representative for over three decades and has earned an enormous amount of respect and trust from the media.

The police in Seattle categorize press releases according to the importance of their content. A Level 1 release is routine information that is

usually handled by the PIO. A Level 2 release is of an unusual nature, such as mass arrests or operations resulting in injury. Operational commanders most often handle these releases. The most serious are Level 3 releases, which could inform of deaths or a major impact to the city and are handled by the chief of police and sometimes the mayor. Regardless of the press-release strategy determined by the police, it is imperative that all staff members understand who is authorized to speak on various topics. Additional points to remember when engaged in media interviews include

- Focus on key messages;
- Never criticize partner agencies;
- Always protect intelligence sources; and
- There is no such thing as “off the record.”

JOINT INFORMATION CENTERS

A Joint Information Center (JIC) is a common feature among police departments that have successfully prepared for large-scale events. The purpose of the JIC is to provide a single point of contact that the media and public can call to receive routine information and seek the answers to specific questions they may have. The operational format of the JIC varies from agency to agency, but most agree that the JIC should be in a secure location that is not physically accessible to the media during the event.

In Boston, the JIC was set up in a secure area within the Boston Police Headquarters, apart from the everyday public information office. Representatives of the 14 agencies were available from 8:00 a.m. to midnight throughout the event. By having a member from every involved police agency (and other appropriate governmental entities) in the JIC, there was an expectation that the most appropriate agency representative could quickly research any inquiry. Realizing

that the bulk of activity and media investigation would not take place after midnight, overnight staffing was limited to the Boston Police, the Massachusetts State Police and the Secret Service. Also, a large-screen monitor was positioned in the JIC for all participants to view transcribed text of incoming calls for service related to the event. This monitor included important information concerning threats, suspicious packages and general data such as the number of arrests. Each member of the JIC staff also was outfitted with a telephone and a home agency-linked computer. In Miami, officers from every participating agency were present in the JIC and were connected by radio and telephone to their respective agencies. There, field information was further enhanced by means of an ongoing flow of communications from roving public information teams deployed in the streets.

In Miami during the FTAA meetings, rather than centralizing all of public information resources in the JIC, three multi-agency teams, each consisting of three specifically trained public information officers, were deployed to the areas of activity to provide immediate information release and control as events unfolded. These teams monitored police radio traffic to determine hot spots and where they might be needed. Operational commanders had the option of fielding questions and conducting interviews, or they could call in a public information team.

In addition to the public information staff assigned to the JIC and placed in roving field teams, departments agreed on the vital importance of tasking a PIO with disseminating releasable information in a timely manner. It also has been suggested that the PIO should have ready access to the department's legal advisor. Before personnel assigned to the JIC can release information, they must have access to the information of interest. This implies the need for an open and accurate flow of information among and

between field units and operational commanders, the communications/dispatch centers and top departmental officials. JIC managers unanimously agreed that their most vital link to accurate information was with the operational and/or tactical centers. This provided real-time access to information "from the street" or other hub of activity. Typically, these centers also are the reception points of live feeds from aerial support and stationary cameras. In Boston, for example, some twenty cameras were positioned around the event area to monitor key points relative to the Democratic National Convention. Operational commanders also benefited from a live feed from the Massachusetts State Police helicopter. The JIC also should be outfitted with televisions tuned to the local and national news channels covering the event. Monitoring media outlets permits an opportunity for prompt correction or rebuttal when the media supplies erroneous information. Failure to respond quickly and accurately when the department's actions are criticized has proven to be costly to police departments and their chief executives. It is vital that the department be fully aware of what is being reported, and by whom. In the event the department itself has released misinformation, a prompt correction is vital.

When Seattle activates a JIC, at least two individuals are assigned exclusively to monitoring media reports. Major news services and local print media websites also should be monitored. This level of monitoring—around the clock during the event—is vital to ensuring that the department's public information officials and top administrators are aware of what is being reported, both accurately and inaccurately. JIC operations in Seattle also include a formal briefing at shift change to communicate relevant information to the incoming staff.

In keeping with the primary objective of the JIC—to collect and disseminate accurate and timely information—it is critical to develop procedures

to facilitate the release of information and to make sure the media understands these procedures. Well in advance of the event, the media must be informed of what type of information to expect and what methods for accessing that information to use.

To address reporters' specific questions about the DNC, the Boston Police Department released "media only" telephone numbers for the JIC. The numbers were released only to pre-identified media and only a few days before the event. The Boston Police Department employed this method because once the JIC becomes active, the telephone number provided to the media should be staffed around the clock. Additionally, departments have found it valuable to have each media agency provide one point of contact (for the police) at their news desk during the event. Finally, it is agreed that every telephone transaction that occurs within the JIC must be documented. Details of every inquiry and answer provided should be fully captured and retrievable. Not only is this important in the event of future litigation, but also it can be useful in identifying lessons learned.

PRESS CONFERENCES

PIOs and media professionals agree that when "pushing information," the police department has the opportunity to include details and perspectives it feels are worthy of the public interest. Though the media can, and will, edit what the police release, it is far better for the department to put out information rather than simply respond to inquiries. In the interest of furthering this goal, the Seattle Police Department policy, for example, requires the PIO to schedule press conferences at regular intervals throughout large-scale events.

Regular updates and specific releases are typically handled by means of broadcast fax

transmissions, mass email and website postings. During the FTAA, the Miami Police Department maintained a requirement to release an update of information every three hours. They arranged with the U.S. Coast Guard to be given access to a computer program through which they could post news updates on the Coast Guard website. By continually posting and updating information about the number of protestors, arrest numbers and locations, fire and rescue calls, traffic issues and commuter information (subway or road closures), and answers to frequently asked questions, many general inquiry calls from the media were precluded.

In addition to the ongoing flow of information, news agencies need sound bites, photos and video footage. To meet this need, and to demonstrate openness and accessibility, the police department may wish to establish a daily briefing and question-and-answer opportunity with the chief executive and other appropriate representatives. If the event and the police response become more newsworthy, it may be necessary to host multiple briefings each day. Miami officials felt the pre-arranged press conferences, as well as Miami's PIO teams in the field, provided the department an opportunity to show its officials and officers in "soft" and familiar uniforms, which helped balance the sometimes heavily armored images often shown in media reports.

Press conferences need not be exclusively reactive and focused on the police response to incidents. They also can serve as a vehicle for the department to push good news. A thorough public information staff working through a large-scale event can uncover human-interest stories that humanize the police and highlight their efforts. Understandably, the media is on the hunt for action stories, but there also are opportunities to air or print "lighter" news. These opportunities should be maximized. Most importantly, don't change the rules. Once the media is prepared to

work with the department's policies, change can be viewed as indecisiveness and, in some instances, as favoritism. If something is not working and change is necessary, it is vital that everyone be informed before the change takes place.

POST-EVENT ACTIVITIES

Without question, the media will focus on the happenings they find most newsworthy. However, their reporting can serve to restore calm. For example, as things begin to return to normal, the reporting and imagery of roadblocks being taken down, streets being reopened and buses departing the event area can calm the public and further help to restore normalcy. There surely will be considerable ongoing media attention well after any mass demonstration event. The actions of the police, demonstrators and the public will be examined, critiqued and criticized, sometimes for weeks and months afterward. The police should utilize the brief opportunity they will have to summarize their perspective immediately after

the event; the chief executive and key spokespersons should be prepared with an initial assessment and a media exit strategy. This requires the spokespersons to be fully informed of summary information (i.e., facts related to injuries or deaths, numbers of arrests, ongoing conditions, and the like). This is an excellent opportunity for the department to demonstrate its awareness and control throughout the event.

In the post-event phase, the policy direction will be the benchmark against which police activity will be assessed. Commanders can clearly audit why they took particular action, and their decisions can be measured against the stated strategic and operational objectives established under the same policies. From a public perspective, displaying a high professional standard will enhance the community's confidence in the police's ability to manage mass events. Looking ahead to successfully contesting potential post-event litigation, significant factors include clear policies, reasoned decision making, thoughtful implementation and a clear audit record.

by **Tony Narr**

The positive response by the American public to media embedded with military units in Iraq—and with police on “ride-along” television programs—has filtered its way to mass demonstration operations. Prior to the FTAA, the Miami Police Department developed a policy to address the embedding of recognized media representatives with certain operational units (Timoney 2004). The policy specifically permitted the local television and print media, national news services and minority news outlets to travel with the units on these frontline units: the bicycle squad, response teams and cut teams. They even went aboard the U.S. Coast Guard Cutter docked at the Miami Harbor.

The opportunity was specifically extended to pre-identified news organizations, not individual reporters. Actual assignments were made on a rotating basis via a lottery system administered by the PIO. Embedded reporters were required to release the department from liability and were held to strict uniform dress code and safety gear requirements (helmets and gas masks), which were to be provided by the news outlets. The embedded reporters also were required to attend a training session on what to expect, what officers were trained to do and how various circumstances would be addressed.

The intent of embedded reporter programs is to provide the media—and ultimately the public—with timely and interesting first-hand information. It also is noteworthy that camera shots from

the police side of a confrontation can capture a more comprehensive view than if the cameras are only on the protestors’ side. Nevertheless, embedding demands that reporters and the police have a clear agreement on the nature of information that is deemed too sensitive for release. Generally, restricted information should be limited to that which could compromise police operations or endanger the safety of the public or officers. In Miami, restricted information was identified as

- Specific numbers of officers in a unit;
- Specific numbers of units participating in an event;
- Specific numbers regarding equipment of critical supplies;
- Specific geographic location of units during an event (including identifiable imagery video);
- Information relative to future operations;
- Information relative to protective measures;
- Information relative to rules of engagement;
- Information relative to intelligence collection activities, compromising tactics, techniques or procedures; and
- Operational information (e.g., entry points or estimated response times).

Unit commanders should be encouraged to facilitate opportunities for embedded media to observe and report on events and operations.

Those same commanders, however, must be authorized to temporarily hold the transmission of restricted information, or terminate a reporter's assignment when necessary. It also is important to remember there will be freelance and other news agency reporters covering the event who are

not embedded. Though they may not be afforded the same access as embedded reporters, they have a legitimate right to undertake their work; alienating them or over-restricting their access can prove counter-productive.

CONCLUSION

The new relationship between law enforcement and the media is complex, and in the case of mass demonstrations, it can prove especially challenging. Police executives should understand that the relationship deserves an investment—in building trust, ground rules and expertise to make the most of a positive arrangement with the media. The media can be an ally and can tell the police’s side of the story, too, provided they are engaged early in the event preparations.



PHOTO BY DOUG NELSON

8

Conclusion

“It’s not the plan that is important, it’s the planning.”

GENERAL DWIGHT D. EISENHOWER

Over the past fifteen years, mass demonstrations have created significant challenges for law enforcement agencies. From spontaneous disorder after athletic events to highly organized protests against international monetary policies, local law enforcement agencies have encountered demonstrations that require seemingly every available resource to contain. In addition, police actions seem to be the subject of increased monitoring by third parties, including news agencies, amateur reporters, and civil rights organizations,

all of whom are armed with video cameras. These developments exert sustained pressure on law enforcement to “get it right.”

Agencies must balance a number of conflicting demands when managing demonstrations. These include allowing legitimate groups to express their First Amendment rights; protecting innocent bystanders; safeguarding municipal and private property; ensuring unimpeded commerce and traffic; containing unruly protestors with the appropriate type and amount of force;

preventing injuries to officers; and, all the while, projecting professionalism and proficiency.

This report has drawn on the experiences of several agencies that have had experiences—good and bad—managing mass demonstrations. The prominent message that emerged from the research, discussions and interviews conducted for this project is the importance of early and comprehensive planning for mass demonstration events. Planning a police response is not limited to organized demonstrations, but is possible for many spontaneous ones, such as those associated with sporting events. The planning does not stop with the “plan.” It is a live process designed to avoid a potential crisis, while allowing commanders the flexibility to meet unforeseen circumstances. The true measure of the planning will be seen in the post-event period, during which critical reviews from both internal and external sources may occur, either as investigations, media reports or law suits (or any combination thereof). It is, therefore, necessary to invest time and effort early in the planning process. It also is vital to build relationships and to maximize training and preparation to ensure the police response will be effective on the day of the event.

Agencies also should pay particular attention to several measures that can significantly impact the successful management of demonstrations. Training for managing a mass demonstration is essential to success. Commanders, supervisors and officers alike must be proficient at carrying out their respective roles. Training should begin in the classroom and expand to tabletop and simulations. Mass demonstration management training should be conducted in a group setting, preferably with officers assembled in their assigned squads or teams. This “team practice” approach facilitates proficiency in tactical skills, establishes individual and team expectations, helps promote use-of-force awareness and promotes teamwork over potentially counterproductive individual actions.

Information management also is a component of effectively controlling a demonstration. Mass demonstration management calls for careful attention to managing information before, during and after an event. Both gathering and thoroughly analyzing information and intelligence about demonstrators’ activities dramatically strengthen a police department’s plan. A formal information/data collection methodology should be put into place to record critical information during the event. Documentation of key events, decisions and actions (including their rationale) allows the agency to create an historical record of all that took place. A process to record key events, decisions and actions should be developed and implemented in the early stages of event planning, and followed throughout each event management phase. It is especially important to stress the necessity of strictly following the department’s use-of-force reporting criteria during mass demonstration events.

The recent experiences of agencies that have managed mass demonstrations highlight the necessity of making certain that everyone knows the “what,” “when” and “where” of expectations assigned to them. Roles and responsibilities must be clear, or an agency will dramatically reduce its chances of effectively managing the demonstration. Practitioners agree that a well-defined, minimal chain of command—consisting of strategic, operational and tactical levels—is effective when managing mass demonstrations. Agencies also must consider the responsibilities of units that will support the larger effort to manage the demonstration, including criminal investigation units and specialized units, such as SWAT, mounted units and bicycle patrols.

Because crowds at mass demonstrations can vary dramatically in their size, composition, intentions and behaviors, crowd-control policies and tactics are essential. Closely related to crowd control are the use-of-force and mass arrests. All

three issues are critical to keeping a demonstration under control. If mishandled, they can endanger officers, innocent bystanders and demonstrators. Third parties are especially sensitive to how law enforcement agencies handle these issues. If an agency mismanages them, it can damage the agency's reputation and even result in litigation. Agencies must maintain clearly articulated policies, and ensure that every officer is familiar with them prior to a demonstration.

Recent experiences clearly demonstrate that media attention has increased and will continue to do so. Media saturation means that law enforcement operations are increasingly in the spotlight and that police chiefs are all the more subject to criticism for their actions, or lack thereof. To maintain and increase public confidence, as well as to manage the reputation of the law enforcement agencies involved, agencies must develop an integrated media strategy that will help achieve overall policing objectives. Important aspects to consider include developing media messages before, during and after the

event, working with the media covering the event, designating agency spokespersons, establishing joint information centers and holding press conferences.

Mass demonstrations create significant challenges for law enforcement leaders and officers. They can lead to injuries, loss of life and ruined careers. This report has identified many of the critical issues that departments should consider when planning for and actually managing mass demonstrations. The experiences detailed herein are significant because they involve agencies that have managed some of the nation's most recent high-profile demonstrations. Still, there are other examples, lessons learned and manuals to guide agencies as they prepare for mass demonstrations. By investing time and effort early in the planning process, building relationships and maximizing both training and preparation, law enforcement agencies can position themselves to manage mass demonstrations successfully.

Appendix A.

Links to Documents on the World Wide Web*

Association of Chief Police Officers. “Manual of Guidance on Keeping the Peace.” Available at: http://www.acpo.police.uk/asp/policies/Data/keeping_the_peace.pdf.

CNN.com article. “24-hour Seattle Curfew Near WTO site.” Available at: <http://www.cnn.com/1999/US/12/02/wto.03/>.

CNN.com article. “Police, Protesters Clash Near Miami Trade Talks.” Available at: <http://www.cnn.com/2003/US/South/11/20/miami.protests/>.

Council of the District of Columbia Draft Report. “Report on Investigation of the Metropolitan Police Department’s Policy and Practice in Handling Demonstrations in the District of Columbia.” Available at: <http://www.dcwatch.com/police/040311.htm>.

National Security Research, Inc. “Department of Defense on Non-lethal Weapons and Equipment Review: A Research Guide for Civil Law Enforcement and Corrections.” Available at: <http://www.ncjrs.gov/pdffiles1/nij/grants/200516.pdf#search=Department%20of%20Defense%20on%20Nonlethal%20Equipment%20and%20Weapons%20Review%3A%20A%20Research%20Guide%20for%20Civil%20Law%20enforcement%20and%20Corrections%E2%80%99>.

New York Civil Liberties Union. “NYCLU Supports Council Hearing On Police Practices During The RNC.” Available at: http://www.nyclu.org/rnc_police_hearing_pr_091404.html.

Police Assessment Resource Center. Commission Investigating The Death of Victoria Snelgrove. Available at: <http://www.parc.info/>.

The New York Times. “Judge Keeps City on Notice Over Convention Protest Arrests.” Available at: <http://www.nytimes.com/2004/09/10/nyregion/10detain.html?ex=1252468800&en=288572afb358a3ba&ei=5090&partner=rssuserland>.

U.S. Department of Homeland Security Center for Domestic Preparedness. Available at: <http://www.ojp.usdoj.gov/odp/docs/CDP072005.pdf>.

U.S. Department of Homeland Security, Federal Emergency Management Agency. “National Incident Management System Training.” Available at: http://www.fema.gov/nims/nims_training.shtm.

U.S. Department of Homeland Security. “National Special Security Events Fact Sheet.” Available at: http://www.dhs.gov/dhspublic/interapp/press_release/press_release_0207.xml.

U.S. Department of Justice. “The Attorney General’s Guidelines on General Crimes, Racketeering Enterprises and Terrorism Enterprise Investigations.” Available at: <http://www.usdoj.gov/olp/generalcrimes2.pdf>.

U.S. Secret Service. “National Special Security Events.” Available at: <http://www.secretservice.gov/nsse.shtml>.

* All resources were available at the indicated links as of 10 January 2006.

Appendix B.

Seattle Police Department

Planning Checklist for Special Events

Planning Checklist for Special Events

Event Name _____ Special Event # _____

Event Date _____

COMMAND

Event Commander _____ notified by _____

Field Commander _____ notified by _____

SPOC Activated _____ Commander _____ notified by _____

Lead Planner _____

Planning meetings scheduled _____ weekly – bi-weekly – monthly _____

Dates: _____

Ops Plan written by _____

Required attendance by _____

Fire _____

Sea Tran _____

Public Health _____

Event Promoter _____

S.P.U. _____

City Light _____

School Security _____

Warning Order – Yes No Information _____

Frequency _____ monitored _____

INTELLIGENCE / PLANNING notified by _____

- Commander _____
Situation Report _____
- Threat Analysis Received _____
- Contingency Plans _____

PERSONNEL / FINANCE / ADMINISTRATION

On Duty Resources notified by _____
utilized _____ available _____

- Task Force Commander _____
 - o First Watch _____
 - o Second Watch _____
 - o Third Watch _____
 - o Precinct _____
 - o Bikes _____ N _____ S _____ E _____ W _____
 - o Footbeat _____
- Demobilization Plan _____

OPERATIONS

Precinct Resources Utilized

- o CPT _____ N _____ S _____ E _____ W _____
- o ACT - Days N _____ W _____
Nights N _____ S _____ E _____ W _____

Special Resources

Anticipated Tasks

- | | |
|--|-------|
| <input type="checkbox"/> PORT One notified by _____ | _____ |
| <input type="checkbox"/> PORT Two notified by _____ | _____ |
| <input type="checkbox"/> PORT Three notified by _____ | _____ |
| <input type="checkbox"/> PORT Four notified by _____ | _____ |
| <input type="checkbox"/> Long Rifles notified by _____ | _____ |
| <input type="checkbox"/> EMT's notified by _____ | _____ |
| <input type="checkbox"/> Traffic notified by _____ | _____ |
| o AM _____ | |
| o Motors _____ | |
| o PM _____ | |
| <input type="checkbox"/> Prisoner Processing notified by _____ | _____ |
| <input type="checkbox"/> ART – T1, T2 notified by _____ | _____ |

OPERATIONS *continued*

Special Resources

Anticipated Tasks

- SWAT – D, N notified by _____
- SAT notified by _____
- Mutual Aid-see Logistics notified by _____
- ABS notified by _____
- Radio Crisis Response Team notified by _____

LOGISTICS

- Commander _____ notified by _____ Tasks _____
- Support Staff _____
- Vehicle Rentals _____
- Feeding Plan _____
 - o SPD _____
 - o Mutual Aid _____
- Determine / Assign Radio Frequencies / Call Signs _____

Anticipated Needs for Event

- Vehicles _____
- Mobile Precincts _____ CV _____ N _____ S _____ E _____ SW _____
- Demo Van _____
- 40' buses _____
- Dart Vans _____
- Chemical Agents _____
- Barrier tape _____
- Fencing _____
- Parking _____ Staging Area _____

Anticipated Communications Needs for the Event

- Communications needs _____ Freqs. _____
- Other needs _____

Special Logistical Needs

MUTUAL AID

**The Logistics Section Chief should handle notification of Mutual Aid resources and provide Staging location for response during the event.*

- Washington State Patrol notified by _____
 - o Uniform notified by _____
 - o CDAT notified by _____
 - o WSP SWAT notified by _____
- King County Sheriff notified by _____
 - o CDU notified by _____
 - o KC SWAT notified by _____
- Snohomish County notified by _____
- Snohomish County ALERT notified by _____
- Valley Crowd Control notified by _____
- Valley SWAT notified by _____
- Bellevue Police notified by _____
- Bellevue SWAT notified by _____
- Kirkland Police notified by _____
 - o CDU notified by _____
- Redmond Police notified by _____
 - o CDU notified by _____
- Everett Police notified by _____
 - o CDU notified by _____

NOTES: _____

Appendix C.

Presidential Inauguration Task Force MOU

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is executed by the United States Attorney for the District of Columbia, the Metropolitan Police Department of Washington, D.C. (MPD) and the (Outside Agency Name).

I. PURPOSE

The purpose of the MOU is to outline the mission of the Presidential Inauguration Task Force (PITF) in the Washington, D.C. area from January 19, 2005 to January 21, 2005. Additionally, this MOU will define relationships between the U.S. Marshal Service, MPD and the (Agency Name), as well as other participating agencies with regard to policy, guidance, utilization of resources, planning, training, public relations and media in order to maximize interagency cooperation, during this period.

II. MISSION

The mission of the PITF is to achieve maximum coordination and cooperation in bringing to bear combined resources to effectively implement measures to ensure the safety of the President of the United States, inaugural participants, the public, visitors and residents while allowing individuals and groups to exercise their rights.

Additionally, all units that are participating agencies will coordinate their activities and be considered a member of the PITF, sharing information and coordinating investigative and law enforcement efforts which result from apprehensions originating from the PITF.

III. ORGANIZATIONAL STRUCTURE

A. Direction

The (Agency Name) acknowledges that the PITF is a joint operation in which all agencies, including the Metropolitan Police Department of District of Columbia, Office of the United States Attorney for District of Columbia, United States Marshals Service, United States Secret Service, United States Federal Bureau of Investigation, National Park Service, (Agency Name) Police Department and other agencies, act as partners in the operation of the PITF. The Command Center for the operations will be located at the Metropolitan Police Department (MPD) Headquarters and will be staffed by members from United States

Marshals Service, MPD, U.S. Park Police, and the Federal Bureau of Investigation. These officers will serve as the Executive Council for this operation.

B. Supervision

The day-to-day operation and administrative control of the PITF will be the responsibility of a Tactical Team Commander selected from one of the participating agencies. The Tactical Team Commander will coordinate with supervisory personnel of the United States Marshals Service as the sponsoring agency for Special Deputation (federal) and with MPD as the lead agency for the operation. The daily management of the PITF will be closely monitored by the MPD.

Responsibility for the conduct of the PITF members, both personally and professionally, shall remain with the respective agency directors subject to the provisions in Section IX (Liability).

C. Unilateral Law Enforcement Action

There shall be no unilateral action taken on the part of any participating agency relating to PITF activities. All law enforcement action will be coordinated and conducted in a cooperative manner under the direction of the Executive Council and the MPD.

IV. PROCEDURES

A. Personnel

Continued assignment of personnel to the PITF will be based upon performance and will be at the discretion of the respective agency. Each participating agency will be provided with reports as necessary regarding the program, direction, and accomplishment of the PITF.

B. Deputation

All local and state law enforcement personnel designated to the PITF will be subject to background inquiry and will be federally deputized, with the United States Marshals Service securing the required deputation authorization. These deputations will remain in effect throughout the tenure of each officer's assignment to the PITF or until termination of the PITF, whichever occurs first. Each individual deputized as a Special U.S. Marshal will have all necessary law enforcement authority as provided by 28 U.S.C. 566(c) and (d); 28 U.S.C. 564, 18 U.S.C. 3053, 28 C.F.R. 0.112, and the deputation authority of the Deputy Attorney General. The Special Deputy U.S. Marshals will be responsible for 1) performing necessary law enforcement steps to keep the peace of the United States; 2) enforcing federal law (e.g., 18 U.S.C. 112, 1116, and 878, as well as other provisions of that title); 3) protecting visiting foreign officials, official guests, and internationally protected persons; 4) taking necessary law enforcement steps to prevent violations of federal law, and; 5) enforcing District of Columbia law as a result of the deputation (see D.C. Code and 28 U.S.C. 564).

Individuals deputized as Special Deputy U.S. Marshals pursuant to this MOU who suffer a disability or die as a result of personal injury sustained while in the performance of his or her duty during the assignment shall be treated as a federal employee as defined by Title 5 U.S.C. Section 8101. Any such individuals who apply to the U.S. Department of Labor for federal workers' compensation under Section 3374 must submit a copy of this MOU with his or her application. All applicants will be processed by the U.S. Department of Labor on a case by case basis in accordance with applicable law and regulation.

C. Law Enforcement Activities

Since it is anticipated that almost all cases originating from PITF arrests will be prosecuted at the state or local level, the law enforcement methods employed by all participating law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to a change of venue for prosecution.

D. Prosecution

The criteria for determining whether to prosecute a particular violation in federal or state court will focus upon achieving the greatest overall benefit to law enforcement and the community. Any question that arises pertaining to prosecutorial jurisdiction will be resolved through the Executive Council. The U.S. Attorney's Office for the District of Columbia has agreed to formally participate in the PITF and will adopt policies and seek sentences that meet the needs of justice.

V. ADMINISTRATIVE

A. Records and Reports

All records and reports generated by PITF members shall be routed through the Tactical Team Commander who shall be responsible for maintaining custody and proper dissemination of said records as he or she deems appropriate.

B. Staff Briefings

Periodic briefings on the PITF law enforcement actions will be provided to the Directors of the participating agencies or their designees. Statistics regarding accomplishments will also be provided to the participating agencies as available.

VI. MEDIA

All media releases pertaining to the PITF law enforcement activity and/or arrests will be coordinated by all participants of this MOU. No unilateral press releases will be made by any participating agency without the prior approval of the Executive Council. No information pertaining to the PITF itself will be released to the media without mutual approval of all participants.

VII. EQUIPMENT

A. PITF Vehicles

Each participating agency, pending availability and individual agency policy, agrees and authorizes PITF members to use vehicles, when available, owned or leased by those participating agencies, in connection with PITF law enforcement operations. In turn, each participating agency agrees to be responsible for any negligent act or omission on the part of its agency or its employees, and for any liability resulting from the misuse of said vehicles, as well as any damage incurred to those vehicles as a result of any such negligent act or omission on the part of the participating agency or its employees, subject to the provisions of Section IX (Liability).

Participating agency vehicles assigned to the PITF are subject to funding availability, are provided at the discretion of the supervisor of the providing agency and will be utilized only by the PITF members. Vehicles provided by participating agencies will be used only during working hours and will not be used for

transportation to and from work by task force members or used for any other purpose. Participating agencies will provide maintenance and upkeep of their vehicles consistent with each agency's policy. Vehicles provided as pool vehicles for PITF use will be parked at the end of each shift at a location determined by the Tactical Team Commander or his/her designee.

B. Other Equipment

Other equipment furnished by any agency for use by other agencies' participating personnel shall be returned to the originating agency upon termination of the PITF or this MOU.

VIII. FUNDING

The (Agency Name) agrees to provide the full-time services of its respective personnel for the duration of this operation, and to assume all personnel costs for their PITF representatives, including salaries, overtime payments, and fringe benefits consistent with their respective agency policies and procedures. Reimbursement for the cost of such personnel will be made by the District of Columbia, with funds provided by the United States and from general revenue.

IX. LIABILITY

Unless specifically addressed by the terms of this MOU, the parties agree to be responsible for the negligent or wrongful acts or omissions of their respective employees. Legal representation by the United States is determined by the Department of Justice on a case-by-case basis. There is no guarantee that the United States will provide legal representation to any federal, state or local law enforcement officer. Congress has provided that the exclusive remedy for the negligent or wrongful act or omission of any employee of the United States government, acting within the scope of employment, shall be an action against the United States under the Federal Tort Claims Act (FTCA), 28 U.S.C. 2679(b)(2).

For the limited purpose of defending claims arising out of PITF activity, state or local law enforcement officers who have been specially deputized as U.S. Marshals and who are acting within the course and scope of their official duties and assignments pursuant to this MOU, may be considered an "employee" of the United States government as defined in 28 U.S.C. 2671. It is the position of the Department of Justice Civil Division Torts Branch that such individuals are federal employees for these purposes.

Under the Federal Employees Liability Reform and Tort Compensation Act of 1988 (commonly known as the Westfall Act), 28 U.S.C. 2679(b)(1), the Attorney General or his designee may certify that an individual defendant acted within the scope of employment at the time of the incident giving rise to the suit. ID., 28 U.S.C. 2679(d)(2). The United States can then be substituted for the employee as the sole defendant with respect to any tort claims. 28 U.S.C. 2679(d)(2). If the United States is substituted as defendant, the individual employee is thereby protected from suits in his official capacity.

If the Attorney General declines to certify that an employee was acting within the scope of employment, "the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment." 28 U.S.C. 2679(d)(3).

Liability for any negligent or willful acts of PITF employees, undertaken outside the terms of this MOU, will be the sole responsibility of the respective employee and agency involved.

Liability for violations of federal constitutional law rests with the individual federal agent or officer pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), or pursuant to 42 U.S.C. 1983 for state and local officers or cross-deputized federal officers.

Both state and federal officers enjoy qualified immunity from suit for constitutional torts insofar as their conduct does not violate “clearly established statutory or constitutional rights of which a reasonable person would have known.” *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).

PITF officers may request representation by the U.S. Department of Justice for civil suits against them in their individual capacities for actions taken within the scope of employment. 28 C.F.R. 50.15, 50.16.

An employee may be provided representation when the actions for which representation is requested reasonably appear to have been preformed within the scope of the employee’s employment and the Attorney General or his designee determines that providing representation would otherwise be in the interest of the United States. 28 C.F.R. 50.15(a). A PITF officer’s written request for representation should be directed to the Attorney General and provided to the Civil Division of the U.S. Attorney’s Office for the District of Columbia, which will then forward the representation request to the Civil Division of the United States Department of Justice together with a recommendation concerning scope of employment and Department representation. 28 C.F.R. 50.15(a)(3).

If a PITF officer is found to be liable for a constitutional tort, he/she may request indemnification from the Department of Justice to satisfy an adverse judgment rendered against the employee in his/her individual capacity. 28 C.F.R. 50.15(c)(4). The criteria for payment are substantially similar to those used to determine whether a federal employee is entitled to Department of Justice representation under 28 C.F.R. 50.15(a).

X. DURATION

This MOU shall remain in effect until terminated as specified above, unless that date is modified as set forth in Section XI. Continuation of the MOU shall be subject to the availability of necessary funding. This agreement may be terminated at any time by any of the participating agencies. The (Agency Name) may withdraw from this MOU at any time by providing a seven-day written notice of its intent to withdraw to the MPD. Upon the termination of the MOU, all equipment will be returned to the supplying agencies.

XI. MODIFICATIONS

The terms of this MOU may be modified at any time by written consent of all parties. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

XII. LIMITATION

Nothing in this MOU is intended to, or shall be construed to, create enforceable rights in third parties.

(AGENCY NAME)

City Manager/Authorized Designee

WASHINGTON, D.C. METROPOLITAN
POLICE DEPARTMENT

Chief of Police

UNITED STATES ATTORNEY
FOR THE DISTRICT OF COLUMBIA

U.S. Attorney

References

- California Commission on Peace Officer Standards and Training. 2003. "Crowd Management and Civil Disobedience Guidelines." March 15.
- CNN.com. 1999. "24- hour Seattle Curfew Near WTO Site." Rusty Dornin. Available at: <http://www.cnn.com/1999/US/12/02/wto.03/>.
- CNN.com. 2003. "Police, Protesters Clash Near Miami Trade Talks." Available at: <http://www.cnn.com/2003/US/South/11/20/miami.protests/>.
- New York Civil Liberties Union. 2004. "NYCLU Supports Council Hearing On Police Practices During The RNC." Available at: http://www.nyclu.org/rnc_police_hearing_pr_091404.html.
- The New York Times*. 2004. "Judge Keeps City on Notice Over Convention Protest Arrests." Available at: <http://www.nytimes.com/2004/09/10/nyregion/10detain.html?ex=1252468800&en=288572afb358a3ba&ei=5090&partner=rssuserland>.
- Perry, Debi and Guy Kerr. 2002. "G-8 Summit: After-Action Report." Calgary Police Service.
- Richardson, Stewart. 2002. "Senior Command Course 2002—Managing Operations: International Students' Handbook." Centrex (Central Police Training and Development Authority), 57.
- Seattle Police Department. 2000. "Seattle Police Department After-Action Report: World Trade Organization Ministerial Conference, November 29–December 3, 1999." Seattle, Washington. April 4.
- Seattle Police Department. 2001. "Seattle Police Department After Action Report: Mardi Gras 2001." August 1.
- Seattle Post-Intelligencer*. 2001. "Mardi Gras task force says more events need city supervision, permits." Available at: <http://seattlepi.nwsourc.com/specials/mardigras/>.
- Stern, Donald; Raymond Downs; Robert P. Gittens; Janice W. Howe; Steve Ijames; Patrick J. King; and Christopher E. Stone. 2005. "Report of the Commission Investigating The Death of Victoria Snelgrove." Boston, Massachusetts. May 25. Available at: <http://www.parc.info/>.
- Temple, Ralph. 2003. American Civil Liberties Union of the National Capital Area. "The Policing of Demonstrations in the Nation's Capital: A Misconception Of The Mission And A Failure Of Leadership." Available at: <http://www.aclu-nca.org/pdf/PoliceDemoReport.pdf>.
- Timoney, John F. 2004. "F.T.A.A. 2003 After-Action Report." Miami Police Department. January 30.

About the Authors/Contributors

Tony Narr

Tony Narr is PERF's Director of Management Education. He administers the Senior Management Institute for Police and is responsible for other management services programs, research and special projects. He has headed a variety of major PERF projects, including Police Response to the Homeless; the Development of Model Polices and an Investigative Protocol for Domestic Elder Abuse; the Americans with Disabilities Act project; and The PERF Report—Violent Crime and Murder Reduction in Kingston, Jamaica. Since 1986, when he was selected as PERF's first Management Services Fellow, Mr. Narr has participated in over 100 PERF management studies of law enforcement agencies.

Prior to joining PERF's full-time staff in 1992, Mr. Narr served as a Captain with the Prince George's County, Maryland, Police Department. He was the department's accreditation manager, responsible for national accreditation in 1991. He also has served as an accreditation assessor for the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). Prior to this role, he served as commander of the department's personnel division; sector commander (overseeing patrol and investigative functions); executive officer; assistant to the chief of police; and crime prevention coordinator. Prior to entering police service, Mr. Narr spent five years as a member of the

Prince George's County Fire Department. He holds an undergraduate degree from the University of Maryland in technology and management and a master's degree from Central Michigan University in personnel administration.

Jessica Toliver

Jessica Ingenito Toliver joined PERF as a Research Associate in April 2005. Ms. Toliver's work focuses on criminal justice and homeland security research, analysis and technical assistance. Prior to joining PERF, she served as a policy analyst in the Homeland Security & Technology Division at the National Governors Association. There, she developed, executed and publicized the Anniversary Survey project; managed homeland security grant programs; and organized policy academies to provide technical assistance to state teams.

During a 2003 fellowship in the office of Michigan Governor Jennifer M. Granholm, Ms. Toliver conducted a cost/benefit analysis of the Michigan State Police's DNA forensic labs and issued a report recommending organizational and funding changes to enhance efficiency. She holds a bachelor's degree in political science and journalism from the University of Richmond and a master's degree in public policy from the Gerald R. Ford School of Public Policy at the University of Michigan.

Jerry Murphy

Jerry Murphy is the Director of Homeland Security and Development for PERF. In this capacity, he manages a variety of research, management and technical assistance projects focusing on law enforcement and homeland security. He also oversees the development of new project ideas for PERF.

Previously, Mr. Murphy was Director of the Homeland Security and Technology Division at the National Governors Association, where he provided assistance and resources to governors, their policy advisors and homeland security directors. There, he covered issues such as emergency response to terrorism and natural disasters, bioterrorism, critical infrastructure protection, information technology and information analysis and sharing.

In his 12 years at PERF, Mr. Murphy has held a number of positions, including deputy director of research, senior research associate and research associate. He has authored and co-authored numerous PERF publications. His most recent publication is *Managing a Multijurisdictional Case: Identifying the Lessons Learned from the Sniper Investigation*. Mr. Murphy also spent 12 years with the Baltimore County Police Department as both director of planning and research and assistant to the chief. During his tenure at the department, he also served as executive director of the Baltimore County Police Foundation. Mr. Murphy holds a master's degree in policy sciences, has completed extensive work towards his doctorate in policy sciences and is a graduate of the Federal Executive Institute.

Malcolm McFarland

Malcolm McFarland is a serving police officer with the Police Service of Northern Ireland. With 27 years of service, he is currently the operations

superintendent for the PSNI Urban Region (Belfast and its surrounding suburbs). He is an honors graduate of the University of Ulster in public policy and management. His operational police service covers policing in Belfast, County Antrim and the city of Londonderry. Other service includes command of Tactical Support for Rural Region and co-coordination of joint Police/Army operations.

Mr. McFarland's additional experience involves a period as a police trainer in tactical support skills, Public Order, Search and Security response. During that time, he researched and jointly developed the present PSNI Command and Control system for managing public order and other major incidents. His service as an investigator, and later as a staff officer in the Complaints and Discipline Department, provided valuable insight and experience into the management of quality service delivery and the maintenance of professional policing ethical standards. He is currently trained in disaster and civil emergency management and in management of chemical, biological, radiological and nuclear incidents.

Joshua Ederheimer

Joshua Ederheimer is director of PERF's Center for Force & Accountability (CFA) in Washington, D.C. He joined PERF in January 2004 as a senior associate after a successful career with the Metropolitan Police Department (MPD) of the District of Columbia.

In May 2005, Mr. Ederheimer was tasked by PERF Executive Director Chuck Wexler with developing and leading the CFA. The CFA's primary goal is to be the premiere resource on police use-of-force and accountability issues domestically and internationally. The CFA identifies emerging trends, seeks out cutting-edge strategies, conducts research, provides high-quality technical

assistance to agencies and acts as a central repository for information regarding use-of-force and police accountability issues.

While serving as a member of the MPD, Mr. Ederheimer attained the rank of inspector and was named Director of the Civil Rights and Force Investigations Division. During his tenure, he acquired expertise as a commanding officer in several areas, including internal affairs, use-of-force, equal employment opportunity and civil rights. Mr. Ederheimer reengineered numerous processes, and developed and led several operational units that emerged as national models in such areas as internal and force investigations, consent decree implementation, police accountability, policing in public housing and environmental crimes investigations. He specializes in police leadership, management reform and business process reengineering. He holds a bachelor's degree in justice from American University and a master's degree in management from Johns Hopkins University.

Mary Jo Harris

Mary Jo Harris is an attorney with the Boston law firm Morgan, Brown & Joy LLP, with a practice concentrating on employment and civil rights litigation and representation of managers in both the public and private sectors. Ms. Harris began her legal career as an assistant corporation counsel for the City of Boston Law Department, where she was a trial attorney practicing in state and federal court. From 1998 to 2005, she was the legal advisor to the Boston Police Department. In this capacity, Ms. Harris was involved in all aspects of police management, including working with internal affairs and anti-corruption investigators reviewing police activity, and advising the police commissioner and command staff on the development and implementation of policies, rules and regulations.

In 2004, Ms. Harris headed the multi-agency legal team assigned to review and advise local, state and federal law enforcement agencies on issues of crowd control and arrest procedures developed for the Democratic National Convention held in Boston that year. She successfully defended against a last-minute, federal suit filed by advocacy groups challenging the methods by which the Boston Police, Federal Bureau of Investigation and Secret Service planned to address demonstrations and protests. Ms. Harris graduated from Kenyon College and received her law degree from Northeastern University. She is a member of the Massachusetts bar, and is admitted to practice before the First Circuit Court of Appeals. She serves on the executive boards of the Boston Inn of Court and the Federal Bar Association.

John Gallagher

John Gallagher is an Assistant United States Attorney in the Eastern District of Pennsylvania. As a presidentially appointed White House Fellow from 2000 to 2001, Mr. Gallagher served on the personal staffs of Attorneys General Janet Reno and John Ashcroft at the Department of Justice. During this assignment, he worked on law enforcement issues of national priority, including police integrity, racial profiling and federal firearms prosecutions. He also worked with the Civil Rights Division on investigations to determine whether particular police agencies engage in "patterns or practices" of unconstitutional misconduct. After leaving Washington, D.C., Mr. Gallagher worked as a federal prosecutor handling civil rights violations in the District of New Mexico.

Mr. Gallagher also has served as legal counsel to Philadelphia Police Commissioner John F. Timoney, and as an assistant chief in the Miami (FL) Police Department under Chief Timoney. He developed and implemented policies and training that were instrumental to Chief Timoney's

reform of the police departments of Philadelphia and Miami and to the resulting historic reductions in crime and police misconduct in these cities.

Mr. Gallagher began his professional career as a police officer in the New York City Police Department, where he was assigned for five years to

a Harlem precinct at the height of the crack epidemic and during the worst period of crime in American history. He earned his undergraduate degree at Long Island University at Southampton and his law degree from New York Law School.

About PERF

The Police Executive Research Forum (PERF) is a national organization of progressive law enforcement chief executives from city, county and state agencies who collectively serve more than half of the country's population. Established in 1976 by ten prominent police chiefs, PERF has evolved into one of the leading police think tanks. With membership from many of the larger police departments in the country and around the globe, PERF has pioneered studies in such fields as community and problem-oriented policing, racially biased policing, multijurisdictional investigations, domestic violence, the police response to people with mental illnesses, homeland security, management concerns, use-of-force and crime-reduction approaches.

PERF's success is built on the active involvement of its members: police chiefs, superintendents, sheriffs and other law enforcement leaders. The organization also has types of membership that allow the organization to benefit from the diverse views of criminal justice researchers, law enforcement of all ranks and others committed to advancing policing services to all communities. As a nonprofit organization, PERF is committed to the application of research in policing and to promoting innovation that will enhance the quality of life in our communities. PERF's objective is to improve the delivery of police

services and the effectiveness of crime control through the exercise of strong national leadership, the public debate of criminal justice issues, the development of a body of research about policing and the provision of vital management services to all police agencies.

In addition to PERF's cutting-edge police and criminal justice research, the organization provides a wide variety of management and technical assistance programs to police agencies throughout the world. The organization also continues to work toward increased professionalism and excellence in the field through its training, leadership and publications programs. For example, PERF sponsors the Senior Management Institute for Police (SMIP), conducts executive searches for communities seeking police chiefs, and publishes some of the leading literature in the law enforcement field that addresses the difficult issues that challenge today's police leaders. PERF publications are used for training, promotion exams and to inform police professionals about innovative approaches to community problems. The hallmark of the program is translating the latest research and thinking about a topic into police practices that can be tailored to the unique needs of a jurisdiction.

To learn more about PERF visit www.policeforum.org.

About the PERF Center on Force and Accountability

Created in April 2005, the PERF Center on Force and Accountability is designed to be a significant resource for PERF members and others in law enforcement, and to serve as the principal clearinghouse for ideas, strategies, and data that will address problems related to police use-of-force and accountability. Ultimately, the Center provides law enforcement executives with information and strategies that will help them make more informed decisions as they serve their communities.

The PERF Center on Force and Accountability has four primary objectives:

- Identify emerging trends and seek out effective new strategies;
- Conduct groundbreaking research;
- Provide high quality technical assistance to law enforcement agencies;
- Create a central resource for information regarding use-of-force and police accountability issues.

To that end, the CFA is continually developing competencies in several specific areas. For use-of-force, CFA competencies include community outreach and accountability; equipment and weapons; investigations; police canines; policy development; review boards; tactics; technology; training; trends and identification of promising

approaches; statistics, tracking, and analysis; vehicle pursuits; and violence against law enforcement officers. As it relates to police accountability, CFA competencies include community involvement; consent decrees/memoranda of accountability; discipline and conduct review; early intervention systems and processes; equal employment opportunities; internal investigations; law enforcement ethics; misconduct statistics, tracking, and analysis; policy development; technology; training; and trends and identification of promising approaches.

The CFA recently released national guidelines for conducted energy devices that have been embraced by law enforcement agencies throughout the country. Further, the CFA completed two guides on early intervention systems to help agencies better manage their human resources. The CFA also provided technical assistance to municipalities seeking to assess their use-of-force and disciplinary systems within their police departments. The CFA also examined critical use-of-force issues in a 2005 publication entitled *Chief Concerns: Exploring the Challenges of Police Use of Force*. A second book on use-of-force is scheduled for release in 2006.

To learn more about PERF and the Center on Force and Accountability visit www.policeforum.org.

About Motorola

Motorola is a *Fortune* 100 global communications leader that provides seamless mobility products and solutions across broadband, embedded systems and wireless networks. Seamless mobility means you can reach the people, things and information you need in your home, auto, workplace and all spaces in between. Seamless mobility harnesses the power of technology convergence and enables smarter, faster, cost-effective and flexible communication. Motorola had sales of US \$31.3 billion in 2004.

Today, Motorola is comprised of four businesses: Connected Home Solutions, Government & Enterprise Mobility Solutions, Mobile Devices and Networks.

Connected Home Solutions provides a scalable, integrated end-to-end system for the delivery of broadband services that keeps consumers informed, entertained and connected. Its technology enables network operators and retailers to create and execute on new business opportunities by providing innovative products and services to the home.

Government and Enterprise Mobility Solutions is a leading provider of integrated radio communications and information solutions, with more than 65 years of experience in meeting the mission-critical requirements of public safety, government and enterprise customers worldwide.

It also designs, manufactures and sells automotive and industrial electronics systems and telematics systems that enable automated roadside assistance, navigation and advanced safety features for automobiles.

Mobile Devices offers market-changing icons of personal technology—transforming the device formerly known as the cell phone into a universal remote control for life. A leader in multi-mode, multi-band communications products and technologies, Mobile Devices designs, manufactures, sells and services wireless subscriber and server equipment for cellular systems, portable energy storage products and systems, servers and software solutions and related software and accessory products.

Networks delivers proven capabilities in cellular, wireless broadband and wireline access technologies, with recognized leadership in integrating core networks through wireless IP, wireless softswitch and IP multimedia subsystems. The Networks group is advancing seamless mobility with innovative technology solutions, as well as a billion dollar services business with an expanded portfolio delivering support, integration, applications and management.

For more information go to <http://www.motorola.com>.

We are grateful to Motorola for its support of this project.



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