

Law Enforcement Response to Mass Protests/Demonstrations

Purpose:

Policing agencies must implement practices that enable Ohio's citizens to safely and peacefully exercise their constitutional rights of expression, of assembly, and of freedom of the press while also ensuring public safety and the safety of their officers.

Standard:

Law enforcement agencies that may respond to mass protests/demonstrations must establish a related written policy that addresses the following:

- Knowledge of applicable legal standards
- Deployment of proper use of force, weapons, and tactics
- Effective information-gathering techniques
- Operational planning and preparation
- Procedure for declaration of an unlawful assembly
- Implementation of the National Incident Management System
- Crowd management and control techniques
- Communication plans that include communicating with the media and the public that strongly consider the use of social media
- Mutual aid agreements or memoranda of understanding with other police agencies and first responders; including guidance for requesting and directing responding agencies for mass protests/demonstrations
- Deactivation of deployment protocol and after-action review
- Training of officers, including initial and ongoing training on appropriate response to crowd control and management. Joint training, when feasible, with multiple agencies could improve response and preparation for mass gatherings.
- Guidance and procedures for the detainment, arrest, and processing of large numbers of individuals, including the level of evidence necessary for each individual arrest.

Commentary:

A mass protest or demonstration is an occasion, either organized or spontaneous, where the number of people attending is sufficient enough to strain the planning and response resources of the community, city, or state. They can be motivated by natural disasters or conflict.

When developing a policy, agencies should abide by the philosophy, "build around outcomes we want, not just behaviors we don't want" (Herold, 2020)¹. The intent of any enforcement response is to avoid police actions that unnecessarily cause escalation. Law enforcement agencies should consider the four

¹ Herold, T.D. (September 9, 2020). *Crowd Psychology and Civil Disturbances* [Meeting presentation]. Ohio Collaborative Community-Police Advisory Board, Columbus, OH.

dimensions of the RDFC Interaction Model (Madensen et al., 2012; Sousa & Madensen, 2016; Eck & Madensen, 2017)^{2,3,4} when developing a mass demonstration policy:

1. Reasonable—restricting the fewest freedoms possible
2. Disarming—limiting the use of force, coercion, and intrusiveness
3. Focused—targeting only harmful behaviors and conditions
4. Consistent—deploying predictable and unbiased tactics

Participating in a peaceful demonstration or protest is a constitutional right afforded to all citizens, and as such, law enforcement must protect these rights while maintaining public safety and officer safety. Law enforcement should engage with demonstration leaders to understand the intent of the demonstration and to discuss how they can work together to achieve the demonstrators' desired outcomes while preserving order and preventing conflict. Law enforcement should have open and transparent communication with the public before, during, and after any mass gatherings.

Law enforcement should be careful to ensure their response to mass demonstrations are proportional to the actions and the mood of the crowd. Police should incorporate a tiered response plan that starts at their lowest level of crowd response and allows for prompt escalation only when necessary. When police action is needed, it should be directed toward only those individuals displaying harmful behaviors, such as violence, property destruction, or other serious crimes.

² Madensen, T.D., Heskett, C.L., & Lieberman, J.D. (2012). *Predicting Crowd Behavior: A Response-Reaction Matrix* [Conference presentation]. International Seminar on Environmental Criminology and Crime Analysis (ECCA) 21st International Symposium, Stavern, Norway.

³ Sousa, W.H., & Madensen, T.D. (2016). Citizen acceptance of police interventions: an example of CCTV Surveillance in Las Vegas, Nevada. *Criminal Justice Studies*, 29(1), 40-56.

⁴ Eck, J.E., & Madensen, T.D. (2017). Police and Offender Choices: A Framework. In Bernasco, W., Gelder, J.V., and Effer, H. (Eds.) *The Oxford Handbook of Offender Decision Making*. New York, NY: Oxford University Press.