

MISSOULA POLICE DEPARTMENT POLICY MANUAL



Subject: CIVIL DISTURBANCES		
Effective Date: 6/8/2017	Original Date: 11/26/2001	Next Review: 6/8/2019
Chapter 10	Policy # 10.10	Distribution:
References: <i>Special Teams Policy; Special Teams Rosters; Use of Force policies;</i>		

I. Purpose

The purpose of this policy is to establish guidelines to effectively deal with crowds engaged in a civil disturbance. A civil disturbance is defined as an unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property or other unlawful acts.

II. Policy

The manner in which law enforcement officers deal with unruly crowds and illegal gatherings has direct bearing on their ability to control and defuse the incident to contain property damage and to prevent injury or loss of life. Officers confronting civil disturbances and those called upon to assist in these incidents should follow the procedures of containment, evacuation, communication, use of force, and command and control as enumerated in this policy.

III. Definition

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

IV. Procedures

- A. The first officer to arrive on the scene of a civil disturbance should do the following:
1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent.
 2. Notify the communications center of the nature and seriousness of the disturbance, particularly the availability of weapons.
 3. Request the assistance of a supervisor and any necessary backup while continuing to advise the communications center as to the present course of action.
 4. Initiate audio/video recording of the civil disturbance if possible and take steps to ensure that the incident is recorded throughout the response.
 5. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse.

6. Attempt to identify crowd leaders and any individuals personally engaged in criminal acts.
- B. The Shift Commander at the scene shall be the officer in charge (OIC). The OIC or other higher-ranking officer assuming command at the scene should take the following steps:
1. Assess the immediate situation for seriousness and its potential for escalation. If the disturbance is minor in nature and adequate resources are available, efforts may be made to resolve the situations.
 2. Establish the number of personnel and equipment necessary to contain and disperse the disturbance and relay this information to the communications center. If necessary, OIC may request the department SWAT/Civil Disturbance Unit. This shall be done in accordance with the Missoula Police Department's *Special Teams Deployment policy, (#14.10)*.
 3. Where necessary, ensure that appropriate notification is made to outside agencies to include the fire department, state and local law enforcement agencies, departmental officials, public information officer, the agencies' legal advisor and the local detention center.
 4. Establish a temporary command post based on proximity to the scene, availability of communications, available space and security from crowd participants.
 5. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area.
 6. Ensure that observation is centered to identify agitators, leaders and individuals committing crimes, and to document and report on events as they happen. Photographic and videotape evidence of criminal acts and perpetrators should be generated whenever possible.
- C. **Command Options:** When adequate personnel and resources are in place, the OIC should attempt to establish communications with leaders of the disturbance and discuss actions necessary to disperse the crowd. Should the crowd fail to disperse in a prescribed manner, the OIC should be prepared to implement an appropriate tactical response such as:
1. ***Containment and dialogue.*** The objective of containment and dialogue measures is merely to disperse the crowd. In so doing, the OIC should:
 - a. Establish contact with crowd leaders to assess their intentions and motivation and develop a trust relationship; and
 - b. Communicate to the participants that their assembly is in violation of the law and will not be tolerated, that the department wishes to resolve the incident peacefully and that acts of violence will be dealt with swiftly and decisively.
 2. ***Physical arrest.*** When appropriate, the OIC may order the arrest of crowd leaders, agitators or others engaged in unlawful conduct and will:

- a. Ensure the appropriate use of tactical formations and availability of protective equipment for officers engaged in arrest procedures,
 - b. Ensure the availability of transportation for arrestees, and
 - c. Ensure that a backup team of officers is readily available, should assistance be required.
3. ***Less Than-lethal force.*** When physical presence, verbal commands and/or arrests fail to disperse the crowd, the OIC may use non-lethal force to accomplish these ends. In so doing, the OIC shall ensure such force is done in accordance with the Missoula Police Department's **Use of Force Policy, (#7.10 thru #7.40).** Additional considerations include:
- a. That a clear path of escape is available for those who wish to flee the area.
 - b. The use of chemical agents or less-lethal devices must be coordinated and controlled.
 - c. Some forms of civil disobedience require the use of chemical agents to manage. The Missoula Police Department has two (2) types of chemical agents available, CS and OC. Both chemical agents have delivery and discharge systems that have advantages and disadvantages to their use and practicality. CS agents pose some significant decontamination issues. The tactics and use of OC and/or CS agent in crowd control management will be evaluated on a case-by-case basis, depending on facts and circumstances available to the officers. The on scene Commander will authorize and direct crowd control tactics and the use of chemical agents.
4. ***Use of lethal force.*** The use of lethal force in the control and dispersement of civil disturbances, as in other circumstances, is governed by this department's use-of-force policy.
- D. **Mass Arrest:** During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely and legally, the OIC should ensure that:
1. An arrest team is designated to process all prisoners using the mass arrest cards for purposes of identification and transportation;
 2. An adequate number of vehicles are made available to remove the prisoners to the detention center;
 3. All injured prisoners or involved persons contaminated with chemical agents are provided adequate medical attention.
 4. All arrested juveniles are handled in accordance with this department's procedures for the arrest, transportation and detention of juveniles; and
 5. All evidence and weapons taken from arrestees are processed in accordance with this department's policy on the preservation and custody of evidence.

- E. **Deactivation:** When order has been restored, the OIC shall ensure that the following measures are taken.
1. All law enforcement officers engaged in the incident shall be accounted for and an assessment made of personal injuries. All equipment shall be collected and accounted for.
 2. All necessary personnel shall be debriefed as required.
 3. Witnesses, suspects, and others shall be interviewed or interrogated.
 4. All written reports shall be completed as soon as possible following the incident to include a comprehensive documentation of the basis for and the department's response to the incident.