



Center for Domestic Preparedness

Field Force Operations



FEMA



The U.S. Department of Homeland Security is responsible for enhancing the capabilities of jurisdictions to prevent, deter, respond to, and recover from all-hazards incidents. A part of this mission is to increase these jurisdictional abilities by providing training opportunities.

The Center for Domestic Preparedness (CDP), a federal training facility located in Anniston, Alabama, is dedicated to the mission of training and preparing America's emergency responders by offering programs that are nationally recognized for providing progressive training that enhances the capability of the emergency response community.

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Field Force Operations PER-200

Student Guide

Administrative 1 Course Introduction and Overview

Number: Admin 1

Title: Course Introduction and Overview

1. Course Purpose. To provide students the knowledge and skills required to manage and control crowds and demonstrations.

2. Course Overview

- a. Pre-course Written Diagnostic Examination: Immediately following a verbal course introduction, we will administer a written examination. The results from this examination will assist us in determining existing knowledge and allow us to better facilitate the class' specific learning needs.
- b. Module 1: Overview of Civil Actions reviews civil disorder and crowd management at recent protester events.
- c. Module 2: Mass Arrest provides a description of the tactics used for mass arrest and the guidelines for issuing a dispersal order and arrest-processing.
- d. Module 3: Team Tactics provides a description of the mobile field force formations and commands used for crowd control.
- e. Experiential Learning Activity 1: Basic Riot Control Squad Formations gives students an opportunity to practice basic riot control squad formations and movement tactics.
- f. Module 4: Legal Considerations focuses on the legal considerations extrication teams must contemplate when dealing with crowd control. The importance of conducting and documenting training is also covered.
- g. Module 5: Protester Tactics provides a description of the protester groups and known tactics used for crowd control.
- h. Module 6: Crowd Dynamics provides a description of the crowd dynamics and leading theories of crowd psychology.
- i. Experiential Learning Activity 2: Advanced Riot Control Squad Formations provides students an opportunity to practice advanced riot control formations and movement tactics.
- j. Module 7: Riot Control Equipment provides a description of the latest riot control equipment, lethal munitions, and riot control agents.
- k. Module 8: Riot Control Agents and Less Lethal Munitions provides a description of the latest riot control agents and less lethal munitions.
- l. Exam 2: Final Written Examination. This test is conducted to measure students' comprehension of the cognitive material presented during the course.
- m. Experiential Learning Activity 3: Arrest Operations provides students an opportunity to practice arrest procedures.

- n. Experiential Learning Activity 4: Capstone Event engages students in operations, which allows them to practice riot control formations and arrest protesters in accordance with the processes taught during the course.
- o. Admin 2: End-of-Course Evaluations and Graduation recognizes students' efforts/achievements in completing the course. Allows students to provide feedback using Level 1 course evaluation forms.

3. Course Graduation Criteria. To successfully complete the course, you must accomplish each of the following:

- a. Achieve a 70% or higher on the Final Written Examination; and
- b. Complete and submit an end-of-course evaluation. This evaluation is provided, and you are encouraged to provide your assessment, comments, and remarks as we proceed through the course. The evaluation will be collected on the final day of class.

4. Facilities Orientation and Key Policies and Procedures

- a. Classroom(s)
- b. Training Area(s)
- c. Restrooms
- d. Dining Facility
- e. Breaks and Timely Return to Class Considerations
- f. Smoking and Smokeless Tobacco Area(s)
- g. Smoking Policy
- h. Cell Phone Policy and Courtesy Considerations
- i. Evening Lecture Series
- j. Meet-and-Greet Evening

5. Tablet and Student Materials. Course materials are provided using a tablet computer.

- a. **Operation.** Are there questions about operating the tablet or using the student materials?
- b. **E-mailing Student Materials.** At the conclusion of the class, you may e-mail your student materials from your tablets along with your notes.
- c. **Downloading Student Materials.** Using your FEMA student identification (SID) number, you may log into CTAS at <https://cdp.dhs.gov/ctas/LogIn/tabid/74/Default.aspx?returnurl=%2fctas%2f> and download current student materials.

6. CDP Information. If you would like additional information about the CDP or our courses, consult the following material online:

a. Web. Check us out on the web at <http://cdp.dhs.gov/>

b. Facebook®. Follow us on Facebook® at <https://www.facebook.com/CDPFEMA>

c. Twitter®. Join us on Twitter® at <https://twitter.com/CDPfema>

7. Staff Introductions

8. Student Introductions

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Center for Domestic Preparedness Tobacco, Smokeless Tobacco and Electronic Cigarette Use (2013). Directive Number 066-7-01.

Field Force Operations PER-200

Student Guide

Module 1 Overview of Civil Actions

Number: Module 1

Title: Overview of Civil Actions

Purpose: To provide students with a brief synopsis of civil actions through current protest examples.

Learning Objectives

a. Terminal Learning Objective. Given a protester scenario, identify consideration of a protest situation in accordance with analysis of crowd control best practices. (LE-0010)

b. Enabling Learning Objectives

- (1) Given a written examination, identify types of crowd situations in accordance with analysis of recent protests. (LE-0010a)
- (2) Given a written examination, identify a range of response strategies in accordance with crowd management guidelines. (LE-0010h)
- (3) Given a written examination, identify key crowd management principles in accordance with best practices. (LE-0010i)

1. Crowd Situations. Crowds typically involve peaceful participants legally exercising their First Amendment right to free speech regarding a cause. Lawful activities can include speeches, marches, celebratory events, demonstrations, rallies, picketing, public assemblies, and protests. By gathering, demonstrators draw attention to themselves and their causes. At illegal gatherings, however, protesters disrupt the peace—fueled often with the intent to make protester removal by law enforcement difficult or dangerous.

a. Defining Civil Actions

- (1) Unlawful Acts within Lawful Activities. Although crowds tend to be categorized as either lawful or unlawful, they are often a blend of both, and the individuals involved can engage in various behaviors. In some cases, a small group of unruly protesters can stand out from the peaceful majority—often comprised of onlookers who just want to be there along with innocent bystanders accidentally caught in the melee. The goal for law enforcement should be to protect lawful activity while identifying and isolating unlawful behavior.
- (2) Terminology. Law enforcement uses a variety of terms to refer to civil actions, including civil disorder, civil disturbance, or civil disobedience. Although civil disorder can be prosecuted under federal law (18 U.S.C § 232, 2012), law enforcement officers make arrests based on their state and jurisdictional laws. The following general definitions are merged concepts compiled from state statutes and legal resources, including Black's Law Dictionary.
 - (a) Protest. An organized, public demonstration of disapproval about a situation, such as social injustice, a change in laws, a government policy, or an institutional action.

- (b) Civil Disorder. Any public disturbance involving numerous people who commit violent acts that cause immediate danger or injury to people or property.
- (c) Civil Disturbance. Group acts of violence and disorder prejudicial to public law and order.
- (d) Civil Disobedience. The refusal to obey civil laws in an effort to change governmental policy or legislation; characterized by using passive resistance of other nonviolent means.
- (e) Unlawful Assembly. A meeting of numerous people who intend either to commit a violent crime or to carry out some act, lawful or unlawful, that will constitute a breach of the peace.
- (f) Riot. An unlawful disturbance of the peace by an assembly of numerous people acting with a common purpose in a violent or tumultuous manner that threatens or terrorizes the public.

2. Crowd Management, Intervention, and Control. A public assembly or gathering, whether for lawful or unlawful purposes, could require a law enforcement response. In *Crowd Management, Intervention, and Control*, The California Commission on Peace Officer Standards and Training (2012) recommends using a tiered level of intervention and response strategies, as a situation escalates, from crowd management to crowd intervention to crowd control.

- a. Crowd Management.** At the lowest level of response, law enforcement responds to all forms of public assemblies, including to strategies and tactics employed before, during, and after a gathering to maintain the event's lawful activities.
- b. Crowd Intervention.** In the middle of response, law enforcement responds to pre-planned or spontaneous activities to isolate unlawful behavior that impacts public safety while allowing the event, activity, or occurrence to continue.
- c. Crowd Control.** At the highest level of response, law enforcement responds to pre-planned or spontaneous activities that have become unlawful or violent and may require arrests and dispersal of the crowd.
- d. Crowd Management, Intervention, and Control Strategies.** The California Commission on Peace Officer Standards and Training (2012) recommends the following strategies when dealing with crowds and civil disorder.
 - (1) Meet with event organizers to gain their cooperation and voluntary compliance.
 - (2) Determine the history and risk of the group.
 - (3) Check permit limitations.
 - (4) Develop an incident action plan that identifies and assigns resources.
 - (5) Monitor and assess crowd behavior.

- (6) Separate opposing factions.
- (7) Provide direction and expectations at roll call.
- (8) Isolate, arrest, and remove individual law violators as quickly as possible. Identify and track others using cameras, observation posts, or shadow teams.
- (9) Videotape the action of officers and law violators.
- (10) Use amplified sound to communicate intent or to gain compliance.
- (11) Use low-profile tactics. Don't become the focus of the demonstration.
- (12) Escalate and de-escalate as behavior changes.
- (13) Request needed resources.
- (14) Put control forces in place.
- (15) Consider a traffic plan.
- (16) Disperse unlawful crowds. Arrest individuals who fail to disperse.
- (17) Move media to protected area.
- (18) If approved, deploy less lethal munitions to defend officers or to disperse crowd.

e. Role of Frontline Responders. Although the role of frontline officers is to execute management's orders on the ground, officers can benefit from understanding the ramifications of management's decisions on protest situations. Procedures set by management affect how officers are trained to respond to various crowd situations. Input from field officers can shape a police department's crowd management principles. Rules of engagement should be written into an operational plan to give frontline officers guidance on how to respond.

f. Common Crowd Management Pitfalls. Certain types of events have common crowd management pitfalls regardless of the response tier.

- (1) Political events. Large-scale events present police with the dual challenge to manage large crowds of peaceful participants or demonstrators and, often, smaller groups of violent or aggressive protesters.
- (2) Sporting events. Officers must manage sporting fans either at venue sites or in their hometowns, far from the venue for many national sporting games. When fans exit a venue, law enforcement can encounter dozens, even hundreds, of fans in surrounding restaurants and bars who aim to be part of the celebration. Despite a game's outcome, sports fans on both the winning and losing teams often flow out of an arena to celebrate or riot in the streets. Fans at nearby entertainment centers or bars who want to be near the event also flood the streets, complicating crowd management principles. Law enforcement should consider clearing the streets prior to

the end of a game and ask restaurants and bars in the affected area to close early or stop selling alcohol at a certain time (Police Executive Research Forum, 2011, p. 15).

3. Key Crowd Management Principles. Failures in crowd management, in both planned and unplanned protests, occur for a variety of reasons; including police overreaction, underreaction, improper use of force including less lethal munitions, anarchist infiltration, undesignated escape routes, and a general lack of pre-event planning and training. Successes in crowd management often occur through professional skills exhibited before and during a protest by law enforcement officers. Law enforcement executives have found the following success with the following key crowd management principles. Although not all the principles are appropriate in every protest situation, the more that can be incorporated often allows for greater cooperation with the public.

- a. Safeguard the public's fundamental rights to free speech and peaceful assembly at a protest (Masterson, 2012, p. 1).
- b. Treat everyone with respect regardless of race, gender, national origin, political beliefs, religious practices, sexual orientation, or economic status (Masterson, 2012, p. 1-2).
- c. Know the community and type of crowd being managed (Police Executive Research Forum, 2011, p. 15).
- d. Explain law enforcement's role to the crowd and outline expectations for behavior (Police Executive Research Forum, 2011, p. 10).
- e. Avoid donning police hard gear as a first step. Also avoid the appearance of militarization of law enforcement.
- f. Avoid increased crowd tensions through aggressive law enforcement appearance or behavior if unnecessary (2012, POST, p. 51).
- g. Coordinate with demonstration organizers prior to an event to reinforce law enforcement's role as facilitators rather than confronters (Masterson, 2012, p. 1-2).
- h. Isolate, arrest, and remove law violators from a crowd as quickly as possible (POST, 2012, p. 51).
- i. Separate opposing factions and establish escape routes so protesters can safely exit the area (POST, 2012 p. 51).
- j. Only use force that is reasonable and necessary, including less-lethal weapons (McDonagh, 2011, p. 5).
- k. Exercise discretion in regard to arrests—deciding ahead of time which behaviors will or will not be accepted (Police Executive Research Forum, 2011, p. 10).
- l. Mutual-aid agencies should receive proper training prior to deployment to the field (Police Executive Research Forum, 2011, p. 34).

Notes.

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ANNEX A

CROWD MANAGEMENT PRINCIPLES THROUGH CASE STUDIES

1. Safeguard the public's fundamental rights to free speech and peacefully assembly at a protest—2008 Republican National Convention in St. Paul (and Minneapolis), Minnesota. During the 2008 Republican National Convention, approximately 10,000 people voiced their political beliefs. Several groups were represented; including Poor People's Economic Human Rights Campaign, Veterans for Peace, Iraq Veterans against the War, Military Families Speak Out, Teamsters, Code Pink, and the American Indian Movement. The police took the stand of being there to protect people's First Amendment rights, which resulted in limited arrests. There were only 12 arrests on the first day when a small group of protesters vandalized public buildings and a police car. On the third, there were about 100 arrests when officers found chunks of concrete, caches of vodka, and other possible projectiles, indicating trouble could ensue that night. On the last day of the convention, the police worked with organizers to begin a sanctioned march; but due to delays, the court-approved protest permit time expired and the police were forced to disperse the crowd. About 800 arrests resulted from the protesters refusal to disperse. The lesson learned was by working with various protest groups and recognizing their First Amendment rights, the confrontations between the police and the protesters were greatly reduced from similar events held in the past.
2. Treat everyone with respect regardless of race, gender, national origin, political beliefs, religious practices, sexual orientation, or economic status—Proposition 8 Protests, 2008. In 2008, the citizens of California voted on Proposition 8, which banned same-sex marriages. There were several protests and demonstration throughout the state. Police department throughout California received praise for their handling of the situations and limiting arrests to only those individuals causing destruction, thus allowing the gay community to voice their opposition. The lesson learned was by treating the protesters with respect, regardless of their sexual orientation or political beliefs, a great deal of violence and destruction was avoided. Furthermore, the news headlines focused on the issue and not police activities.
3. Know the community and type of crowd being managed—2012 Occupy Disability Caucus at the Annual American Disabilities Act Celebration at Gracie Mansion in New York City. On August 8, 2012, a group of protesters led a demonstration at Gracie Mansion to voice their anger at Mayor Michael Bloomberg's failure to take action to upgrade the New York City's taxi fleet accessible to people in wheelchair. The major complaint was the Access-a-Ride service did not provide reliable service and would not respond unless a person made a reservation at 24 hours in advance. Furthermore, the subway was not really accessible to people in chairs. The police were able to deal with the supporters who were not in wheelchairs, but they had great difficulty in transporting those in chairs. The police were forced to commandeer Access-a-Ride's vehicle in order to transport those in chairs. The lesson learned was failure to know the type of crowd, the police were unprepared to deal with protesters in chairs, which created difficulty in processing them and negative publicity for the police even though they treated the protesters with courtesy and respect.
4. Explain law enforcement's role to the crowd and outline expectations for behavior—1992 acquittal of police officers in the Rodney King incident in Los Angeles. In March of 1991, a resident videotaped the suspected excessive force four police officers used during the arrest of the motorist Rodney King. The four police officers were indicted on assault charges and later acquitted. After the verdict was released, there were three days of rioting resulting in almost 60 deaths, including the beating of the white truck driver Reginald Denny by four

black rioters. Los Angeles sustained \$1 billion in damages to the city including more than 1,000 buildings lost to fire. There were about 10,000 arrests and 2,300 injuries over the three days. The lesson learned was a failure to interact early with protesters to set crowd behavior expectations cost the Los Angeles the opportunity to limit the damage from riotous crowds.

5. Avoid donning police hard gear as a first step and the militarization of police officers—2014 Ferguson, Missouri. The shooting death of Michael Brown, an unarmed teenager, led to violent riots throughout the town of Ferguson. Although police officers were forced to don riot gear and use many military style tactics to restore order, the media condemned them for their use of force and the use of military gear. This started a nation-wide debate on the use of excess military gear by police departments. The lesson learned was the use of force, especially the militarization of police officers, attracted national attention, much of it negative, regardless of the circumstances.
6. Avoid increased crowd tensions through unnecessary aggressive law enforcement appearance or behavior—2014 University of Arizona Elite Eight Riot in Tucson. On March 29, 2014, University of Arizona loss to University of Wisconsin and students leaving bars and restaurants vented their frustration. The Tucson Police Department had stationed about 70 officers in full riot gear on University Boulevard 20 minutes before the game's end. As students came into the street, police officers on motorcycles ordered people to vacate the area. Students were already upset about the loss, and this fueled them in more riotous behavior, including throwing of beer bottles and fireworks at the police. The police were forced to use greater force including the use of less-lethal munitions on the crowd. The lesson learned was the over reaction by the police aggravated the situation causing greater unlawful behavior.
7. Coordinate with demonstration organizers prior to an event to reinforce law enforcement's role as facilitators rather than confronters—2011 Occupy Boston. For more than two months in the fall of 2011, Occupy Boston protesters set up in Dewey Square in the financial district, and later expanding into the Rose Fitzgerald Kennedy Greenway. The Boston Police worked with the protesters and many did voluntarily decamp when they were asked to leave. Once the mayor gave a midnight deadline for protesters to clear Dewey Square, the city waited three days before moving in. At this time, the Boston Police dismantled the occupation of Dewey Square, but arrests were limited to about only 40 for nonviolent civil disobedience. The lesson learned was by showing uncommon restraint and protecting the rights of the protesters, the Boston Police Department won praise for their actions.
8. Isolate, arrest, and remove law violators from a crowd as quickly as possible—2014 University of Kentucky and University of Connecticut Final Four Sports Riots. On April 7, 2014, Students at University of Kentucky and University of Connecticut became destructive after University of Kentucky's loss to the University of Connecticut. Police officers dressed in riot gear, made their presence known around the campuses to contain the vandalism, which included burning couches, hurling liquor bottles and smashing street furniture. Because police took action at both locations whenever students committed unlawful acts, damage to property and arrest were limited. The lesson learned was by arresting and removing violators from a crowd, property damage and personal injuries were greatly reduced when compared to prior incidents at both campuses.
9. Separate opposing factions and establish escape routes to protesters can safely exit the area—2003 Free Trade of the Americas (FTAA) Conference in Miami, Florida. During the conference, law enforcement expected protests from those against the FTAA who believed

bigger nations benefitted the most. They were unprepared for pro- and anti-Castro demonstrators, who were staged side by side, to start volatile protests. Furthermore, the police failed to research bus routes prior to the event, which resulted in the closing of the bus routes, and failed to establish escape routes, which trapped people in the area. The lesson learned was the need to separate opposing factions and to establish escape routes for protesters to safely leave the area.

10. Only use force that is reasonable and necessary, including less-lethal weapons—2004 Boston Red Sox American League Championship Series. After the Boston Red Sox defeated the New York Yankees in Game 7 of the American League Championship, Red Sox fans spilled into Boston Streets to celebrate. Thousands of rowdy Red Sox fans gathered outside of Fenway Park. Boston police officers shot pepper balls at specific individuals within the crowd. However, one less-lethal projectile hit an unintended target—Red Sox fan Victoria Snelgrove was struck in the eye by a projectile fired from a FN303. Twelve hours after being shot, the 21-year-old fan, who was an Emerson student, died. Due to a lack of designated access routes, crowds kept ambulances from reaching injured fans trapped in the crowds. The lesson learned was to limit the use of force to only what is reasonable and necessary. Furthermore, all officers using any less-lethal weapons need to be trained and certified prior to using the weapons on the street.
11. Exercise discretion in regard to arrests—deciding ahead of time which behaviors will or will not be accepted—Annual Mardi Gras in New Orleans, Louisiana. The New Orleans Police Department deploys all of its 1,500 officers, along with some state troopers, to police the family-oriented Mardi Gras parades and the more adult-oriented French Quarter crowds. They block traffic in the French Quarter to avoid pedestrian-vehicle conflicts. Officers are assigned to walking beats and use bicycles, scooters, horse, and Segways. Emergency medical service personnel are deployed on bicycles and golf carts to easily navigate through the crowds. Even though the police are prepared for the worse by actively staging riot gear nearby, they do not deploy it unless necessary. Instead, the police interact with the crowds and avoid a heavy-handed approach allowing participants to enjoy themselves. The police do not enforce minor infractions as long as the person is not infringing on the good times of others. Arrests are a last resort and done when necessary or when a serious criminal offense occurs. The lesson learned is by limiting police action and specifying when an arrest should be made, the police are better able to focus on crowd control and the prevention of problems. Also, the meet-and-greet, or the friendly demeanor of the police help reduce tensions.
12. Mutual-aid agencies should receive proper training prior to deployment to the field—1999 World Trade Organization (WTO) Conference in Seattle. The Seattle Police Department had established working relationships with several of the protest groups prior to the WTO Conference. However, larger crowds than anticipated arrived and several anarchist groups infiltrated the protests and smashed windows and vandalized corporate property. Soon, the protests grew out of control causing about \$2 million in damage and \$17 million in lost revenue. A mutual aid “all call” in the State of Washington went out—bringing in many officers at the last minute who did not receive proper training on the Seattle Police Department’s approach to crowd management. All of the publicized excessive use-of-force cases involved non-Seattle Police Department officers. The lesson learned was mutual aid agreements need to include training together for events so agencies know what is expected and how to work together. A second lesson was construction-type equipment and dumpsters need to be removed prior to major events. (Protesters lit trash dumpsters on fire, used them as giant shields by protesters, were pushed into police lines.)

Field Force Operations PER-200

Student Guide

Module 2 Mass Arrest

Number: Module 2

Title: Mass Arrest

Purpose: To provide students with a best practice organization of a mass arrest team and tactics for mass arrest operations.

Learning Objective(s)

a. Terminal Learning Objective. Given riot control equipment, position yourself within a mass arrest team to apprehend, search, and detain a subject in accordance with *Mobile Field Force Formations and Commands*. (LE-0140)

b. Enabling Learning Objectives

- (1) Given a written examination, identify the guidelines an arrest team must follow when conducting a mass arrest in accordance with best practices. (LE-0140a)
- (2) Given a written examination, identify roles of arrest team members in accordance with best practices. (LE-0140b)
- (3) Given a written examination, identify the types of carries used to remove individuals during a mass arrest in accordance with best practices. (LE-0140c)
- (4) Given a written examination, identify arrest-processing procedures in accordance with best practices. (LE-0140d)

1. Arrest Teams. There will be situations where large numbers of individuals must be arrested. These situations can be peaceful demonstrations, sports celebrations, or other events. Under normal police operations, one or two officers make an arrest and complete the booking process which can be time consuming. However, during a civil disturbance, having law enforcement officers leave the scene to process an arrestee can have an adverse effect on operations. Mass arrest procedures decrease the impact on operations by using predetermined arrest teams and transportation officers to complete the booking process.



Figure 1. Police officers providing support to an arrest team

- 2. When to make a Mass Arrest.** What constitutes a mass arrest differs from jurisdiction to jurisdiction and situation to situation. There is no set number of arrestees that necessitates mass arrest procedures. A general rule is when the number of arrest may impact the Mobile Field Force (MFF) operations; mass arrest procedures should be used. Understanding the legal requirements that affect mass arrest is essential. Departments must establish written guidelines and periodically review legal decisions regarding arrests in civil disorder situation.
- 3. Arrest Authorization.** The person who will approve a mass arrest must be designated and identified beforehand. This person must have a complete understanding of the situation. The decision to implement mass arrest procedures is normally made by a member of the command staff or the arrest team supervisor.

a. Arrest team responsibilities

- (1) Making the arrests
- (2) Restraining and searching arrestees
- (3) Conducting field processing and booking
- (4) Moving arrestees to transportation



Figure 2. Police officers making an arrest

b. Arrest Team Members.

- (1) There is a pre-determined number of officers for each arrest team, usually three or four
- (2) One officer is designated as the arresting officer and the others help with securing and carrying the arrestee.
- (3) The arrest team is responsible only for arresting the individual. Other functions such as extrication and scene security are handled by other police officers.

c. Pre-arrest Considerations. Before making a mass arrest, the incident commander should follow their department's guidelines. Here are some suggested guidelines compiled from various law enforcement agencies.

- (1) Ensure there are enough law enforcement officers at the scene.
- (2) Ensure arrest teams are available.
- (3) Consider the number of protesters and the safety of the officers.
- (4) Consider the severity of the violations. Arrests may escalate or aggravate the protest situation.
- (5) Consider the affect mass arrests will have on operations.
- (6) Consider the protesters' demeanor.
- (7) Consider if it is possible to remove only a small group of protesters to remove the problem.
- (8) Ensure transportation is available for arrestees. Depending on the number of arrestees, different forms of transportation are needed. For example, for a relatively large number of arrestees, buses may be used for transporting them to the booking facility.
- (9) Ensure mass arrest or booking facilities are available. Hint: it is easier to close down a facility than to set one up. It's better to have three facilities and only need one than to need three and have only one.

d. Arrest Process Guidelines. Once the person authorized to approve mass arrest has determined mass arrest procedures will be implemented, the arrest team is directed to make it. The commander or supervising team leader directs the arrest team to the violators who committed unlawful acts. The commander or team leader will ensure the arresting officer knows why the individual is being arrested. When possible, the individual is restrained with flex cuffs immediately. If the person must be moved, the individual is restrained as soon as possible.

- (1) Remain professional—don't allow protesters make you lose your cool.
- (2) Don't engage in dialogue—do not discuss the issues or get into a debate with protesters who will use any statement against you or in an effort to make you lose control.
- (3) Maintain control of the situation.
- (4) Keep it orderly—follow standard operating procedures for your department.
 - (a) Use of force guidelines do not change because it is a civil disturbance.
 - (b) Normal procedures, such as restraining and searching arrestees, do not change because it is a civil disturbance.

- (c) The need for logging of personal property and contraband do not change because it is a civil disturbance. The process must address the securing of personal property and the securing of contraband that will be used as evidence in later proceedings.
- (5) Regardless of race, creed, ethnicity, sex, age, social status, etc.; everyone is treated the same. Exceptions will be made for juveniles and special needs individuals; but the exceptions are limited to the procedures followed in accordance to legal precedents. Once a decision has been made to make an arrest, all those present at an unlawful assembly are arrested.
- (6) There may be a need for separating arrestees. Law enforcement officers should follow departmental and local jurisdictional guidelines for separating arrestees. Some considerations are separating men from women, juveniles from adults, adversarial protesters or gang members, and those with special needs.
- (7) Protesters often support each other if they are arrested. They may demand to be placed in an area or cells with their support team. Separating the support teams may decrease some protesters' motivation to be uncooperative.
- (8) Ensure mass arrest facilities are available.
- (9) Ensure the specific time, date, location, nature of the offense, and the suspects' identities are recorded.
 - (a) While many protesters will not carry identification, the taking of photographs with the arresting officer will help establish the individual's identity at a later time.
 - (b) The courts have upheld the need to establish a person's identity before releasing the individual (*Tatum v. City and County of San Francisco*, 2006; *Hiibel v. Sixth Judicial District Court Humboldt County*, 2004).
 - (c) Remember that a law enforcement officer is arresting a person for committing a specific unlawful act. There must be probable cause the individual being arrested committed the unlawful act. The officer must be able to testify that the individual arrested committed the unlawful act. A conviction cannot be obtained if the individual is not properly identified as the one committing the offense. Failure to provide due process leaves the officer and the department susceptible to civil litigation.
 - (d) Control numbers and wristbands will help in the identification and tracking of arrestees. The key here is to use a standard system that everyone is familiar with.
- (10) Ensure arrest affidavits are filled out. Often for mass arrest situations, these documents are modified to decrease processing time so that the arresting officer can be put back in service more quickly.

4. Types of Carries

- a. **Arrest Teams.** Arrest teams are normally three law enforcement officers per team, although more officers can be assigned if the situation calls for it. The number of arrest teams varies from event to event, depending on the number of protesters, their anticipated behavior, and the history of the group conducting the protest. Here are the suggested assignments for a three-person arrest team. One officer is responsible for processing the arrestee through the booking process. The other officers help secure and carry/transport the arrestee.
- b. **Talk First.** Often, especially during passive-resistant protests, the individual will comply with requests from police officers. Officers should ask if the suspect is willing to cooperate and walk with them. It does not hurt to ask before using physical force to remove the individual. A second consideration is to ask about medical issues and any physical limitations individuals may have.
- c. **Two-officer Carry.**
 - (1) Two officers, one on each side of the arrestee, facing the opposite direction of the individual. This will place one officer's left side against the left side of the arrestee, and the other officer's right side against the arrestee's right side.
 - (2) The arrestee is lifted and forced to walk backward as the officers walk forward and move the arrestee to a more secure location.



Face Opposite Direction



Lock Arms



Lift Arrestee



Walk Arrestee Backward

Figure 3. Two-officer carry

d. Four-officer Carry.

- (1) Typically used for noncompliant arrestees.
- (2) The first two officers assume the same position as the two-officer carry.
- (3) The arrestee's legs are crossed.
- (4) Two other officers face the arrestee and place themselves on opposite sides of the arrestee, next the arrestee's legs. These officers wrap their arms around the arrestee's legs to secure them.
- (5) The officer who is processing this particular arrest assumes the role as the lead officer.
- (6) Upon command, all four officers lift the arrestee at the same time and move the individual to a more secure location.



Face Opposite Direction



Cross Legs



Lift Arrestee



Move Arrestee

Figure 4. Four-officer carry

e. Three-officer Carry.

- (1) Typically used for noncompliant arrestees, an injured person who has to be rapidly removed and has not sustained a spinal injury, an invalid person, and/or the elderly.
- (2) The first two officers assume the same position as the two-officer carry.
- (3) The arrestee's legs are crossed.
- (4) The third officer faces the arrestee and wraps his or her arms around the arrestee's legs to secure them.
- (5) The officer who is processing this particular arrest assumes the role as the lead officer.
- (6) Upon command, all three officers lift the arrestee at the same time and move the individual to a more secure location.



Figure 5. Three-officer carry

5. The Arrest Processing Procedure. Arrest procedures are determined by state and local jurisdictions and departmental guidelines. The following is compilation of procedures, which can provide guidance for establishing or modifying as needed mass arrest procedures for your department.

- a. Arrest Teams.** Establish arrest teams so that the mobile field force is not depleted when officers must process arrestees. It is recommended that each member of the arrest team be limited to a predetermined number of arrests. Once that number is reached, another officer becomes the arresting officer.
- b. Extrication Teams.** When protesters are locked in protester devices, such as sleeping dragons, the protesters must be placed under arrest before extrication from the device can begin. The arrest team must be ready to take the individual into custody as soon as the extrication team removes the person from the device. The extrication team is not part of the arrest team.

Restrain and Search Arrestees

Maintain Control and Security

Separate Arrestees

Figure 6. Arrest processing

- c. Standard Process.** Establish a standardized process for mass arrest situations.
- (1) Restrain and search all arrestees
 - (2) Maintain control and security over personal property and contraband
 - (3) Separate arrestees when possible
- d. Number of Arrests.** There should be a pre-determined number of arrests a single law enforcement officer can make during the civil disturbance. This is determined by departmental policies. An easy way to keep track of this is to issue each member of the arrest team a limited number of flex-cuffs. Once the cuffs are used, that officer makes no more arrests. If more arrests are required, officers on the arrest team change positions with officers in the mobile field force.
- e. Special Needs.** Be prepared for special needs arrestees such as physically or mentally handicapped people, juveniles, foreign nationals, media, and people on probation for other crimes.
- f. Arrest Kits.** Prepare prepackaged arrest kits containing arrest affidavits, pens, makers, camera, film, flex cuffs, flex cuffs cutters, zip-lock bags, evidence tags, tape, anything else the department might need.
- g. Identification.** Arrestees should not be released until positive identification of the arrestee is made.
- h. Photographs.** Two photos of each and every arrestee with a case number displayed in the photograph, one goes with the arrestee for booking and one stays with the arresting officer. This makes it easier for accountability purposes. A camera with instant printing ability, such as a Polaroid, is recommended. Also, the use of control numbers or wristbands can assist with identification and tracking of arrestees.
- i. Arrest Must Be Valid.** Make sure the arresting officer knows exactly why the arrestee is being taken into custody. Arrest affidavits must contain identification of the arrestee and the probable cause used for the arrest. There must be probable cause that the individual committed an unlawful act before he or she can be arrested. Mere presence at the scene is not grounds for an arrest (*Barham v. Ramsey*, 2006; *People v. Feltch*, 1971).
- j. Restrain Arrestees.** All arrestees need to be restrained according to departmental policy and local jurisdictions as soon as possible. When possible, the arrestee is restrained before moving the individual from the demonstration site. When this is not possible, it is done as soon as the arrest team and the arrestee are at a safe location.
- k. Provide Security.** The arrest team focuses on the individual being taken into custody. It is up to other members of the MFF to watch the crowd and provide security for the arrest team.

6. Logistical Issues. Conducting mass arrests can be a labor-intensive operation. In addition to the arrest teams, certain other materials are essential for the success of the mass arrest procedure, including availability of transportation, appropriate staffing at detention facilities, property officers, evidence technicians, equipment replacement, and necessary support from the MFF. It is important to consider how 100 or 200 arrests will impact local detention facilities.

7. Verbal Dispersal Orders. Dispersal orders are determined by state and local jurisdictions and departmental guidelines. The goal of a dispersal order is to give those involved in an unlawful assembly an opportunity to peacefully leave. The following is compilation of procedures used by various law enforcement agencies in the United States.

a. Before Giving the Order.

- (1) Declare the assembly unlawful.
- (2) Ensure officers are in place to support or direct the crowd's movement.
- (3) The incident commander makes sure there are two or more officers at the rear of the crowd to ensure the dispersal order is audible. (Never send an officer into a crowd alone. It is recommended at two officers go the rear of the crowd, but if the crowd is hostile, more can be sent.)

b. While Giving the Order.

- (1) When possible, give the dispersal order from multiple locations.
- (2) When possible, give dispersal orders in English and in other languages that are appropriate for the audience.
- (3) Specify egress or escape routes.
- (4) Repeat the dispersal order before any action is taken.
- (5) Record the times, dates, and locations of the dispersal order

c. Sample Dispersal Order. All dispersal orders must conform to the legal elements of local and state statutes, and therefore they vary according to local jurisdictions. Below is an example of a dispersal order taken from the Mobile Field Force Formations and Commands Field Guide.

My name is _____. I am _____ (title) with the _____ (department). You are occupying these premises unlawfully and without permission in violation of _____ (state or local statute). I am ordering you to leave the premises (give directions). If you do not leave, you will be arrested.

Notes.

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FIGURES LISTING

- Figure 1 - Center for Domestic Preparedness.
- Figure 2 – Courtesy of the Safariland Group.
- Figure 3 - Center for Domestic Preparedness.
- Figure 4 - Center for Domestic Preparedness.
- Figure 5 - Center for Domestic Preparedness.
- Figure 6 - Center for Domestic Preparedness.

Field Force Operations PER-200

Student Guide

Module 3 Team Tactics

Number: Module 3

Title: Team Tactics

Purpose: To provide students with a best practice organization of a mobile field force and descriptions of basic formations for crowd control.

Learning Objectives

a. Terminal Learning Objectives. Given a scenario, execute a position in crowd control squad formations in accordance with *Mobile Field Force Formations and Commands*. (LE-0030).

b. Enabling Learning Objectives

- (1) Given a written examination, identify roles of mobile field force team members in accordance with best practices. (LE-0130a)
- (2) Given a written examination, identify verbal and hand-and-arm-commands used to communicate in accordance with *Mobile Field Force Formations and Commands*. (LE-0130b)
- (3) Given a written examination, identify riot control squad formations in accordance with *Mobile Field Force Formations and Commands*. (LE-0130c)
- (4) Given a written examination, identify baton holding positions in accordance with best practices. (LE-0130d)

1. Team Tactics. The most effective way to respond to civil actions, restore order, and arrest large groups of people is through the coordination of a cadre of well-trained, disciplined team of officers. A variety of tactical responses utilized to move crowds, rescue victims, and isolate problem areas can be accomplished through the use of mobile field forces. Appropriately trained teams, such as the MFF units, can greatly affect the outcome of a civil disturbance event.

a. Advantages of Team Tactics. The very concept of team tactics implies supervised and controlled conduct within a group of officers.

- (1) Working as a team builds confidence and reinforces correct reaction.
- (2) The presence of organization intimidates the opposition.
- (3) Team tactics can also counteract militaristic tactics used by some protesters.
- (4) Team tactics can also be used to prevent the escalation of events.
- (5) Team tactics allow officers to target specific individuals or groups.
- (6) Using a team approach demands a higher level of training for all police ranks. This training enables the quick restoration of order and provides protection of citizens'

property and constitutional rights. Law enforcement officers should also be aware that protesters study team tactics.

b. The Miami Model MFF

- (1) The current concept of MFF was developed in Miami, FL, and has since been adopted and refined by law enforcement agencies throughout the country. A MFF is normally deployed using marked patrol cars. Other variations include a combination of police cars, motorcycles, mountain bikes, or other mobile options and/or on foot.
- (2) A MFF is a well-trained, disciplined, organized demonstration of police force that emphasizes unity of command and can be rapidly deployed in civil disorder situations. The most important aspect of a MFF is discipline. The emphasis should be on group action, rather than individual action.
- (3) Characteristics of the MFF. Tactics used by an MFF provide rapid response and deployment capabilities. Unity of command has proven to be a key in successful crowd management. Four components to successful MFF deployment are as follows:
 - (a) Planning
 - 1) Prior to responding to any large-scale event, an agency must plan its actions and the use of resources.
 - 2) Planning is perhaps one of the most valuable key elements to ensure a successful outcome when faced with the challenges of riot control.
 - (b) Discipline. All members must understand and fulfill their roles and responsibilities as part of a team.
 - (c) Training. Everyone, from commanders to officers serving on the front lines, must be trained in the concept of team tactics and the MFF unit.
 - (d) Leadership
 - 1) Strong leadership must be provided from field supervisors to commanders. This on-the-ground leadership lends itself to more timely and accurate decisions, as well as flexibility in responding to the situation.
 - 2) The emphasis should be on group, rather than individual action. A well-organized squad can disperse a crowd by conveying a sense of competency and authority. Mounted and dismounted tactics have a valuable psychological effect on hostile crowds (Momboisse, 1967).
- (4) MFF Composition and Positions. The composition of an MFF reflects the individual agency's needs. The composition may vary somewhat from the model but will reflect the department's command and control structure. All MFF units consist of the following positions:
 - (a) MFF Commander and Staff

- 1) The MFF commander is typically a lieutenant or captain, depending on the size of the MFF.
 - 2) Accompanying the commander in his/her vehicle is a sergeant, designated as the executive officer.
 - 3) A platoon leader may designate an aide to serve as a recorder or scribe.
 - 4) Two officers are assigned as support staff. One officer may function as a grenadier for deploying riot control agents (RCA) or less lethal munitions (LLM). Another officer is assigned as driver and may provide vehicle security in hostile areas.
- (5) MFF Size. The size of an MFF unit can be adjusted to meet the needs of individual departments, available resources, different situations, and commanders. This course uses a standard of eight officers for one squad.
- (6) MFF Squad. The basic element of an MFF is the squad which is led by a sergeant and consists of the following:
- (a) The basic squad consists of one squad leader and seven officers. One of the seven officers serves as the point person or base element for MFF formations. A different officer may serve as a grenadier if needed. The grenadier deploys riot control agents and less lethal munitions after an authorized authority such as the on-scene commander of incident commander determines there is a need for the deployment of such force.
 - (b) The MFF squad uses two fully marked vehicles.
 - (c) Three officers accompany the squad leader, with the remaining squad members traveling in a second car.
 - (d) Of these officers, one may be designated as a grenadier. The squad leader makes assignments within the squad based on size, abilities, and experience.
- (7) Platoon MFF
- (a) Composed of one platoon leader
 - (b) Four squad leaders
 - (c) 28 enforcement officers in 10 fully marked units

2. Assembling Squads by Commands. All MFF units are directed by verbal commands, hand-and-arm signals, and physical contact. Officers must know commands and react immediately when they are given.

- a. Verbal Commands.** When commands are given by the platoon leader, they are echoed by all MFF members to ensure the directions were understood.

- (1) Commands must be given in a direct and forceful military manner to show protesters that the MFF is a well-disciplined and well-trained unit.
- (2) It may be difficult to hear verbal commands, so they must be combined with hand and arm signals.
 - (a) Preparatory Commands. These commands alert the MFF members that the “command of execution” will be forthcoming. It is followed by a short pause before the command of execution is given.
 - (b) Commands of Execution. Upon giving the command of execution, the MFF members will immediately conduct the movement directed in the preparatory command

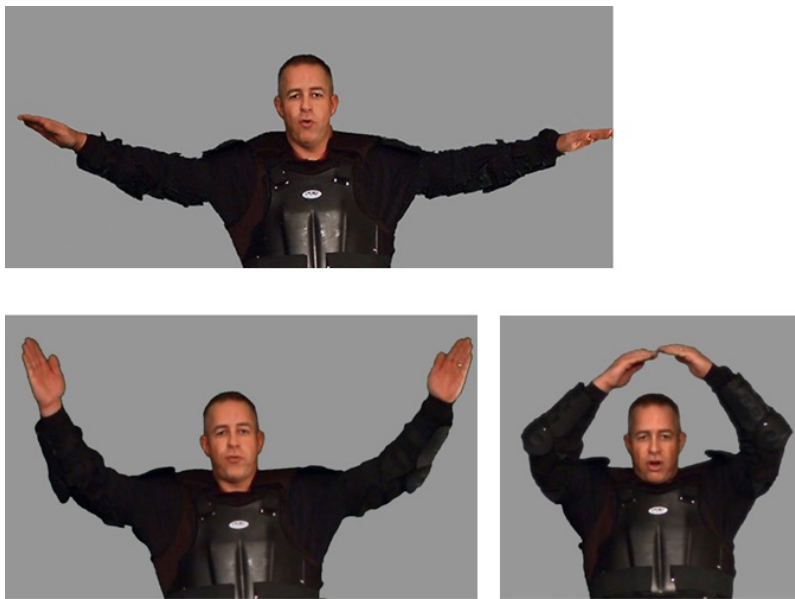


Figure 1. Hand-and-arm signals

- b. Hand-and-arm Signals.** Hand-and-arm signals are used in conjunction with verbal commands and must be given in a manner that is visible to the MFF.
 - (1) It will be difficult to see and hear during a civil disorder, and the misinterpretation could lead to confusion.
 - (2) During a civil action/disorder, noise can prohibit responders from hearing verbal commands.
 - (3) Hand signals are used with both preparatory commands and commands of execution.
- c. Physical Contact.** When verbal commands cannot be heard and hand signals cannot be seen, or when for security reasons, neither should be given, then physical contact commands must be used.

TRANSITION. Using commands to assemble squads are important for a polished team during civil disturbances. Movements and spacing within the team are also important factors for presenting that polished image.

- 3. Formation Movements.** After dismounting, a squad moves in a command formation. The squad leader leads the column with the grenadier being the last in line. The squad members are one arm's length apart; this is commonly referred to as "dress and cover."



Figure 2. Platoon in double-column formation

- a. Double-column.** If several squads are moving together, they move in a double column. The squad leader is at the head of the squad when it is in column. The point person is directly behind the squad leader. All other members are lined up behind the point person. If there is a grenadier, this person is the last one in line. The first squad is on the left and the second squad is on the right. If there are additional squads, odd-numbered squads are behind squad one and even-numbered squads are behind squad two.
- b. Commands.** The verbal command for column formation is post and the hand-and-arm signal is one arm extended and raised high above one's head in a fist for forming a single column. If a double column is to be formed, then both arms are raised high above one's head in a fist.
- c. Squad Leaders.** On the command of post, squad leaders take their positions and raise one arm in the air to signal their squad to fall in behind them. When the squad is formed, the squad leader drops his or her arm to signal the squad is formed and ready.
- d. Spacing.** Depending on the number of officers, the area to be covered, the number of protesters, and the threat the protesters present. Spacing will be considered either tight or tactical.

- (1) Tight spacing. Tight formations require a larger number of officers, but are very effective in presenting an intimidating show of force. They are also much more difficult for protesters to breach. In tight spacing, the officers are almost shoulder-to-shoulder. There is just enough room between officers for them to move without interfering with those next to them.
- (2) Tactical spacing. Tactical spacing allows fewer officers to cover a larger area and is the default spacing when deployed. It is used to cover a space between two stationary objects such as a street from one building to another building. It can be used with all MFF formations.
 - (a) The width of the space can vary from one to several feet. There will be a point at which the space is too big for officers to hold the position without compromising their safety.
 - (b) The squad leader will determine the size of the gap and move officers accordingly. The weak spot of the formation will be the space between the officers.
 - (c) Agencies must identify how officers are to respond to attempts to breach the gaps. There are many options available: baton strikes, squads in close support, arrest teams, etc.
 - (d) Officers must be trained in the tactics to maintain the integrity of the line when using tactical spacing. These tactics are based on their agencies' policies and the assigned mission.

e. Turning Movements

- (1) When columns move, they may have to turn. Keeping the concepts and commands simple is important in having the squads maintain a well-disciplined bearing.
- (2) "Column Right" and "Column Left" work well as turning commands for making 90-degree movements.
- (3) The most difficult turning movement is reversing direction when the column is moving forward. The common "About Face" or "To the Rear, March" are functional, but it reverses the order of the squad. The grenadier would be in front and the squad leader in the rear.

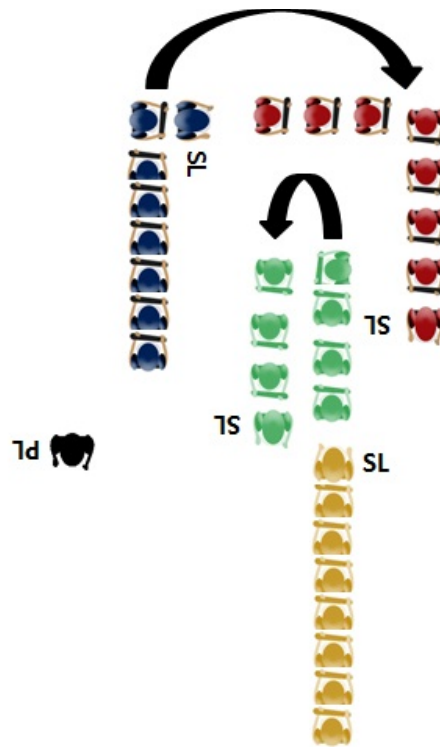


Figure 3. Platoon in counter column formation

(4) An easy movement for reversing the column is “Counter Column.” It appears confusing, but the concept is simple.

(a) Squad one and three turn to the right, turn 180 degrees, and move to the opposite side of squads two and four.

1) Squads two and four turn a sharp 180 degrees.

2) Preparatory command—Counter columns

3) Command of execution—March

(5) Marching Speeds. Squads can be moved in columns and formations at three speeds: a half step, march, and double-time. There are several turning movements, including column right, column left, about face, and counter columns. There are no hand signals for column movement commands.

(a) Forward at a half step

1) A slow march. Officers step forward with their left foot, then bring the right forward even with the left.

2) The right foot does not move in front of the left as with a normal step. In addition to the half step, officers yell, “Move Back,” and do a baton push from port arms; at a half step, this is very intimidating.

- a) The sight of this formation alone is very effective at moving a crowd—teamwork and discipline are crucial.
- b) The officers in all squads must step, yell, and baton push at the same time.

3) Preparatory Command—Forward at a half step

4) Command of Execution—March

5) Hand Signal. One arm in front at an approximately 90 degree angle, and tapping it halfway between the elbow and the wrist with the other hand.

(b) March

1) A march is a regular interval walk. Squad members do not yell or execute a baton push.

2) Squads maintain line formation and present a well-trained, well-disciplined front.

3) This requires that all squad members stay abreast and carry batons at port arms.

4) Preparatory Command—Forward

5) Command of Execution—March

6) There is no hand signal for march.

(c) Double-time

1) Double-time is used when the squad needs to move quickly.

2) It is a slow run with all squad members staying together.

3) Double-time is normally used when the squads are moving as a column not in a line or wedge formation.

4) Preparatory Command—Double-time

5) Command of Execution—March

6) Hand Signal. One arm is held perpendicular to the ground at shoulder level with a closed fist. It is moved up and down several times.

4. Formations

a. Line

- (1) The squad leader and grenadier, if there is one, are behind the squad members who are lined up abreast of each other, facing the crowd. The point people for squads one and two are in the middle. Squad one forms to the left of the point people and squad two forms to the right.

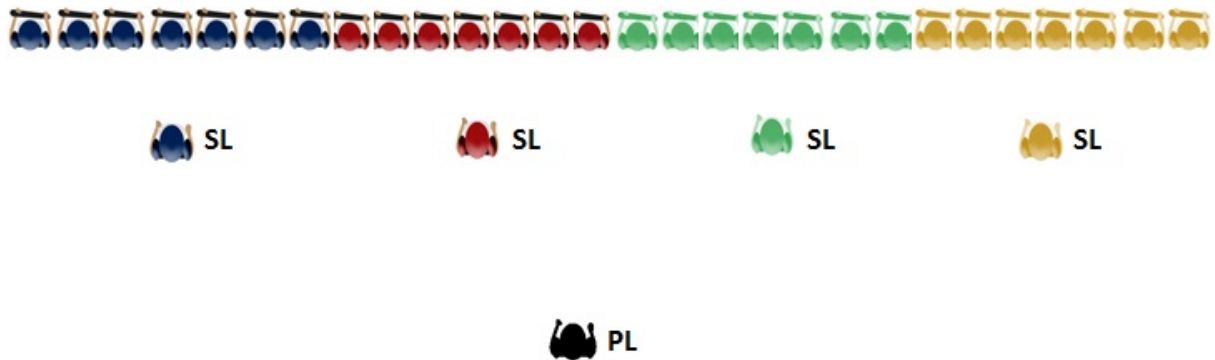


Figure 4. Platoon in line formation

(2) Commands

(a) Verbal commands

- 1) Preparatory command—Line formation
- 2) Command of execution—Move

- (b) Hand-and-arm signal—arms extended and held parallel to the ground, fingers extended.

b. Emergency Line

- (1) This formation is used when there is a need for an immediate reaction from the MFF, usually to prevent protesters from rushing beyond police positions. The squad leader and grenadier, if there is one, are behind the squad members who are lined up shoulder-to-shoulder, abreast of each other, facing the crowd.

(2) Commands

(a) Verbal commands

- 1) Preparatory command—there is none
- 2) Command of execution—Emergency line

- (b) Hand-and-arm signal—holding a baton parallel to the ground, high above one's head.

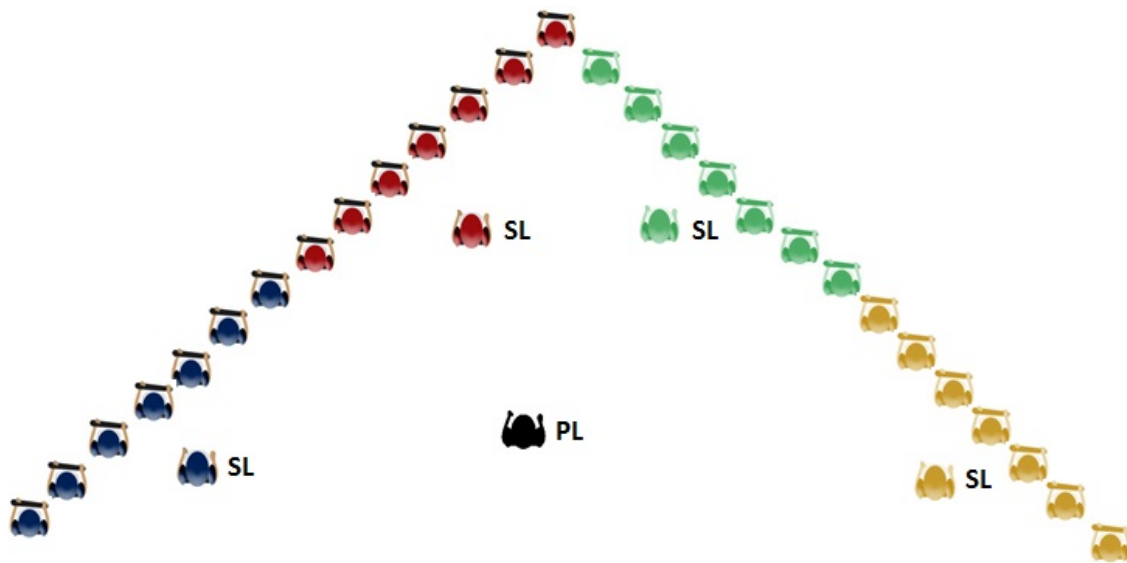


Figure 5. Platoon in wedge formation

c. Wedge. The point person for the first squad takes up a position at the point of the wedge. Each person from the first squad takes a position one step to the left and one step behind the officer in front of them. The point person from the second squad takes up a position one step to the right and one step behind the point person of the first squad point person. Each person from the second squad takes a position one step to the right and one step behind the officer in front of them.

(1) Commands

(a) Verbal commands

- 1) Preparatory command—Wedge formation
- 2) Command of execution—Move

(b) Hand-and-arm signal—arms extended and held in a “V” position above the shoulders, fingers extended.

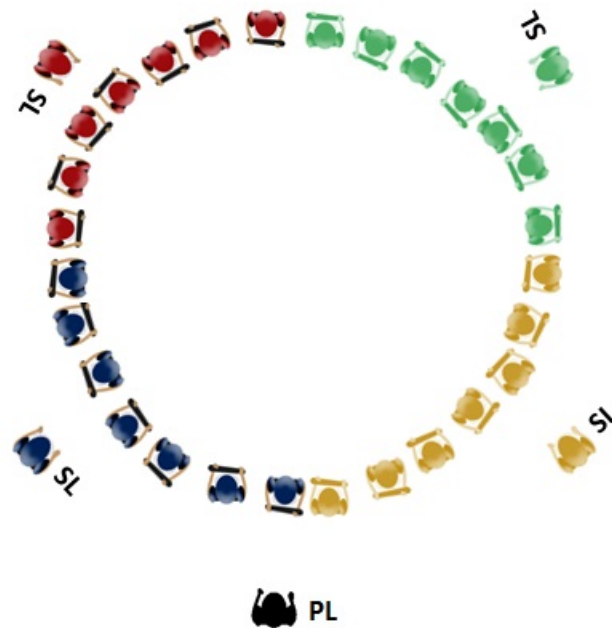


Figure 6. Platoon in encirclement formation

d. Encirclement. When four squads are used, the point persons for the first and second squads go to the farthest point of the individual or group of individuals being encircled. The first and third squads cover the left half of the formation and the second and fourth squads cover the right half. The point person for the first squad faces the group, the second person of the first squad faces out, the third person faces in, the fourth person faces out, etc. The first squad covers the left half of the circle. Meanwhile, the point person of the second squad meets up with the point person of the first squad and faces out, the second person of the second squad faces in, the third person faces out, the fourth person faces in, etc. This way, the squads can monitor both the group being encircled and the crowd outside.

(1) Commands

(a) Verbal commands

- 1) Preparatory command—Encirclement
- 2) Command of execution—Move

(b) Hand-and-arm signal—arms extended and held in a circular position above the shoulders, fingers apart.



Figure 7. Platoon in lateral support formation

e. Lateral Support

(1) Move from column to a lateral support formation. Because the ends of the line are weak spots and leave the MFF open to being flanked, a lateral support formation can provide protection for the flanks of the MFF. The first and second squads form a line or wedge formation. The platoon commander then designates which squads will perform lateral support of which side. Upon command of execution, the point person takes up a position directly behind the person on the farthest end of the formation. The rest of squad forms up directly behind the point person, creating a line down the side of the formation. The squad members face and move forward, but maintain awareness and react to any threats coming from the sides. When the formation stops, the squads forming the lateral support face outward if there is a threat from that direction.

(2) Commands

(a) Verbal commands

- 1) Preparatory command—Right (left or right and left) lateral support.
- 2) Command of execution—Move.

(b) Hand-and-arm signal—the appropriate arm(s) are held out to the side, bent at a 90° angle so that the fingers are up. The arms move back and forth toward the head in a waving motion.



Figure 8. First stage of separation movement

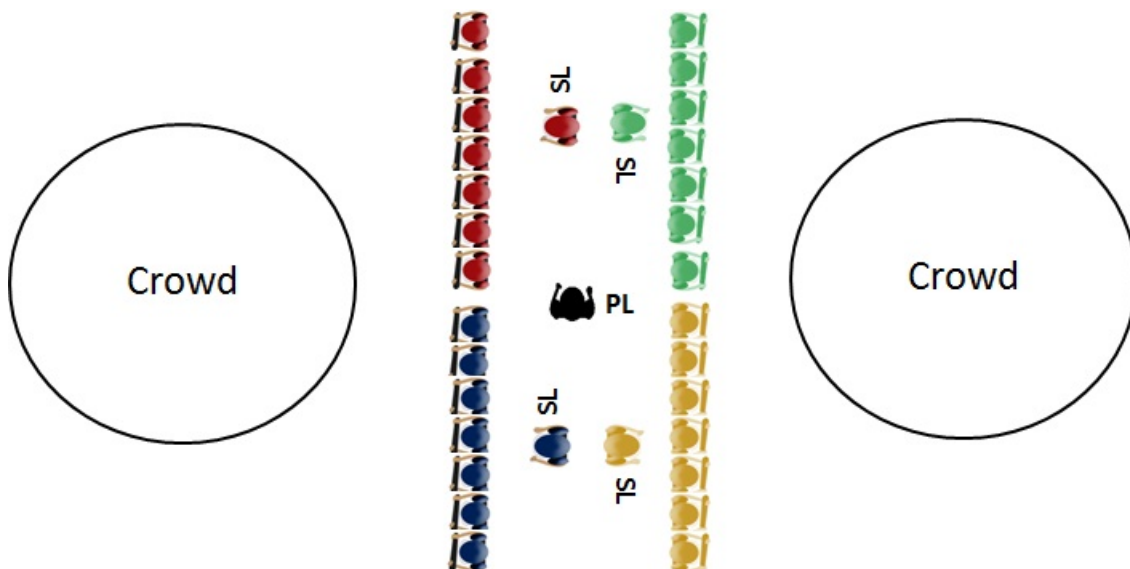


Figure 9. Platoon in separation formation

f. Separation

- (1) Move from column to a separation formation. The goal is to separate two protester groups. The MFF commander designates the location the squads are to move to. The squad leaders are at the head of their squads. On the preparatory command, the first squad leader moves to a position between the first and second squad point persons. At the same time, the second squad leader moves to a position between the last two members of the first and second squads. The squad leaders for squads three and four take up similar positions with their squads. Also, squads three and four move up to a position directly behind squads one and two. There is no space between the squads. On the command of execution, the platoon double-times to the designated

positions. The squads remain in the column formation. Once in position, squads one and three perform a left face, and squads two and four perform a right face. The squad leaders automatically fall behind their squads to monitor them. The squads automatically move forward five paces at the half step while performing a port arms push. The squad leaders and grenadiers are between the two ranks of officers. The squads remain in position until further instructions are given.

(2) Commands

(a) Verbal command

1) Preparatory command—Separation.

2) Command of execution—Move.

(b) Hand-and-arm signal—arms held straight out to the side with approximately a 90° bend at the elbows. The fingers are extended. The arms are moved forward until the elbows touch and then back out to the sides. This movement is repeated a minimum of three times.



Figure 10. First phase of line formation close support movement



Figure 11. Platoon in line formation close support

g. Line Formation Close Support

- (1) Move from column to line formation close support. The platoon leader issues the command. On the preparatory command, the squad leader steps out so the entire squad will see the signal. On the command of execution, the point person in the first and second squads will immediately move to the location designated by the platoon leader. Officers in the first squad will take their positions to the left and abreast of the point person in the first squad. Officers in the second squad will take their positions to the right and abreast of the point person in the second squad. Squad three members move behind squad one, filling the gaps between those in the front rank. Squad four members move behind squad two, filling the gaps between those in the front rank. The second rank should be two to three feet behind the first rank. The squad leaders and grenadiers are positioned behind both skirmish lines.

(2) Commands

(a) Verbal commands

- 1) Preparatory command—Line formation close support.
- 2) Command of execution—Move.

- (b) Hand-and-arm signal—arms extended and held parallel to the ground, with clenched fists.



Figure 12. First phase of wedge formation close support movement

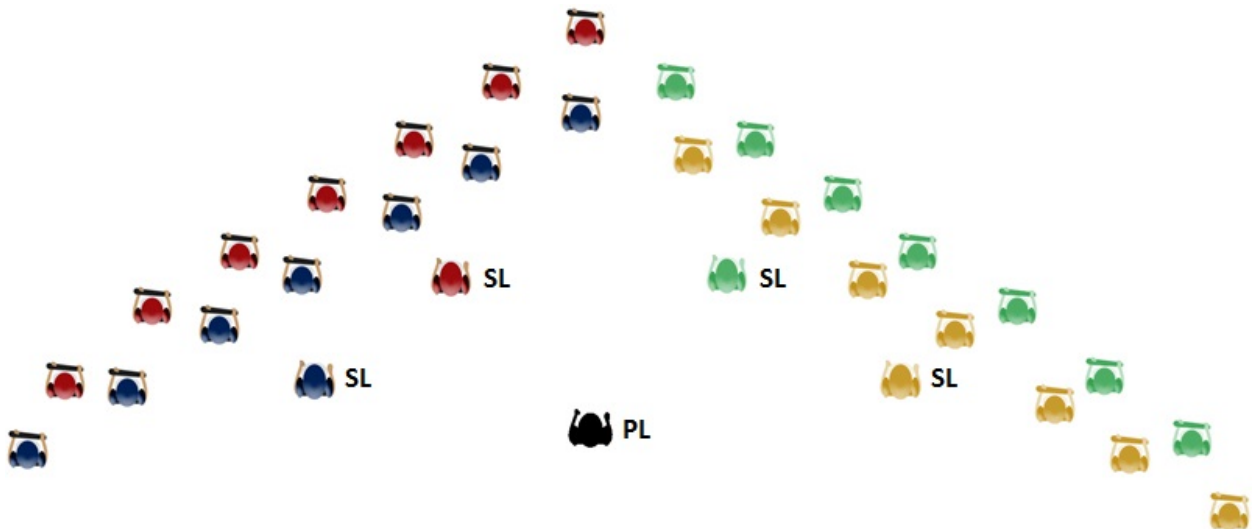


Figure 13. Platoon in wedge formation close support

h. Wedge Formation Close Support

- (1) Move from column to wedge formation close support. The platoon leader issues the command. On the preparatory command, the squad leader steps out so the entire squad will see the signal. On the command of execution, the point person in the first and second squads will immediately move to the location designated by the platoon leader. Officers in the first squad will take their positions, two steps behind and two steps to the left of each other, starting with the point person of the squad. The point person of the second squad takes up a position two steps to the right and two steps

behind the point person of the first squad. Officers of the second squad will take their positions, two steps behind and two steps to the right of each other, starting with the point person of the squad. Squad three deploys in the same manner behind squad one, filling in the gaps. Squad four deploys in the same manner behind squad two, filling in the gaps. The second rank should be two to three feet behind the first rank. The squad leaders and grenadiers are positioned behind the wedge.

(2) Commands

(a) Verbal commands

1) Preparatory command—Wedge formation close support

2) Command of execution—Move

(b) Hand-and-arm signal—arms extended and held in a “V” position above the shoulders, with clenched fists.

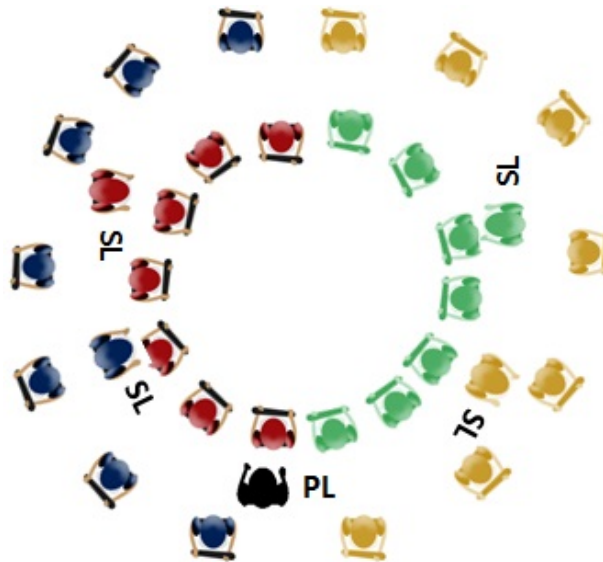


Figure 14. Platoon in encirclement close support formation

i. Encirclement Close Support

(1) Move from column to encirclement close support. On the command of execution, squads one and two immediately go to the farthest point of the individual or group of individuals being encircled. The first squad covers the left half of the formation and the second squad covers the right half. All squad members face inward toward the protest group. At the same time, squads three and four form an outer circle surrounding squads one and two. There is a five-foot space between the two circles. All members of squads three and four face outward providing security from the rest of the crowd. The squad leaders and grenadiers are in the area between the two circles.

(2) Commands

(a) Verbal commands

- 1) Preparatory command—Encirclement close support
 - 2) Command of execution—Move
- (b) Hand-and-arm signal—arms extended and held in a circular position above the shoulders with fists clenched.



Figure 15. First phase of crossbow line formation movement

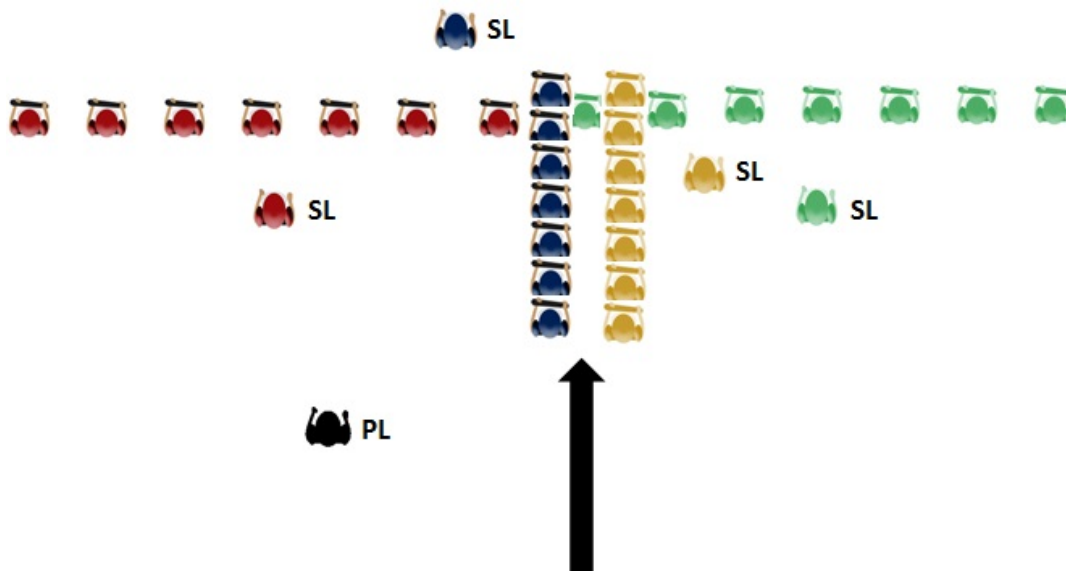


Figure 16. Second phase of crossbow line formation movement

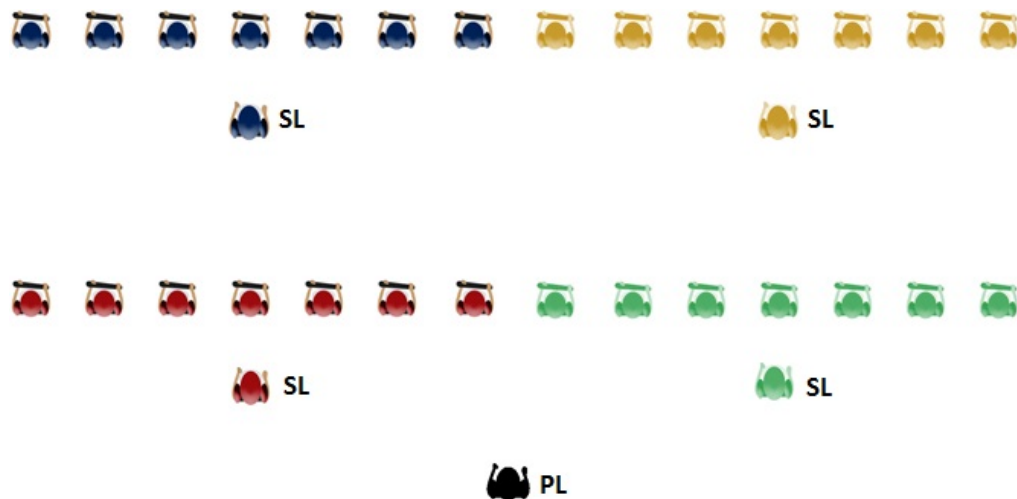


Figure 17. Final phase of crossbow line formation

j. Crossbow Line Formation

- (1) Move from column to crossbow line formation. The first and second squads are in a skirmish line. Squads three and four, in column formation, run through the skirmish line, yelling as they move. Squad three goes through the skirmish line just to the left of the designated point person and squad four goes through the skirmish line just to the right of the designated point person. The two squads go off the hips (to the left and right) of a single individual designated in the line formation. Squads three and four form a skirmish line no more than 15 yards in front of squads one and two.
- (2) Commands
 - (a) Verbal commands
 - 1) Preparatory command—Crossbow line formation (when the preparatory command is given, all squad members echo the preparatory command).
 - 2) Command of execution—Move.
 - (b) Hand-and-arm signal—two parts: the arms are raised above the head and are crossed at the wrists (crossbow); then the arms are extended straight out to the side (line).

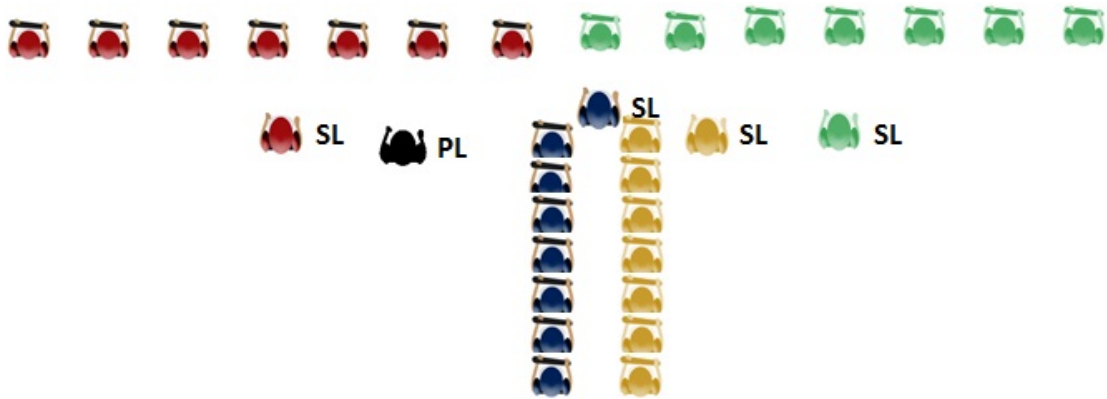


Figure 18. First phase of crossbow arrest formation movement

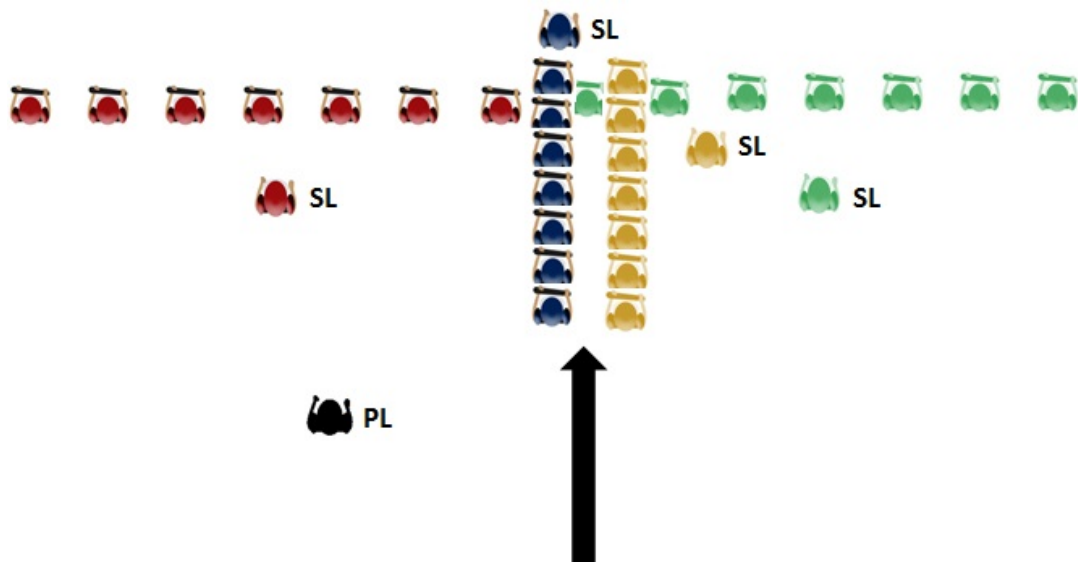


Figure 19. Second phase of crossbow arrest formation movement

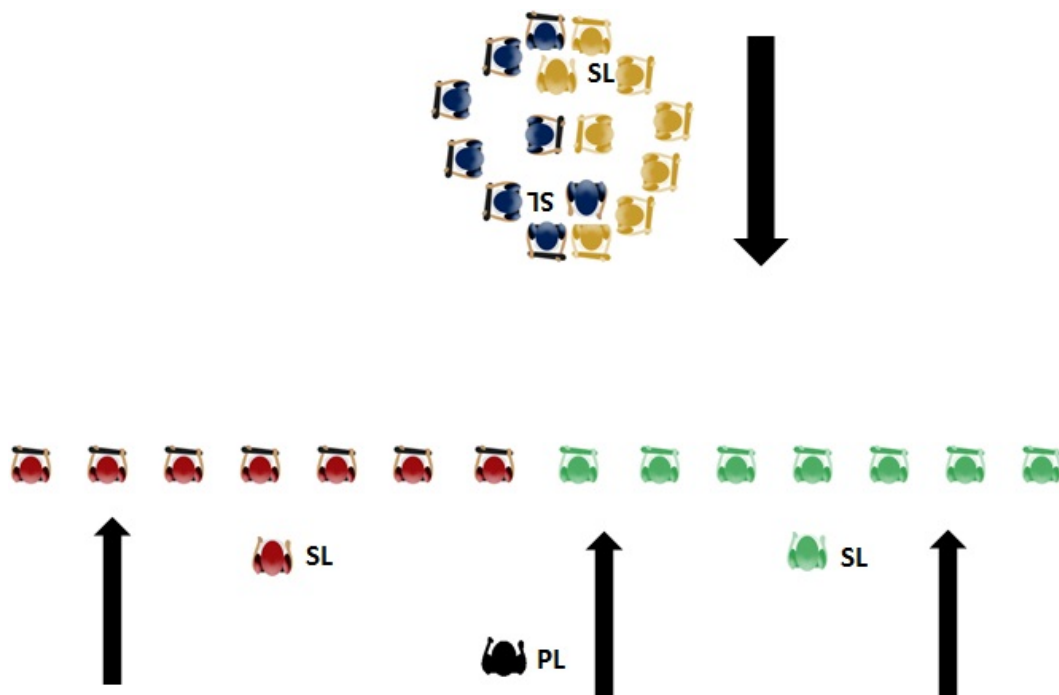


Figure 20. Final phase of crossbow arrest formation

k. Crossbow Arrest

(1) Move from column to a crossbow arrest formation. The first and second squads are in a skirmish line. The platoon commander designates three or four officers as the arrest team and the other officers as security for the arrest team. Squads three and four, in column formation, run through the skirmish line. They go through silently and do not yell when moving through the line. Squad three goes through the skirmish line just to the left of the designated point person and squad four goes through the skirmish line just to the right of the designated point person. The arrest team takes custody of the individual being arrested. The security team forms a circle around the arrest team, facing out, to protect the arrest team. The squad leaders are inside the circle, one at each end. The security team members are shoulder to shoulder. The squad leaders will give the command to move back, and the entire force, the arrest team and the security team, will move back towards the line at a half step. Because the crowd is hostile, the squad leaders must keep the teams together and yell out any commands as loud as possible. If the targets to be arrested run, the teams are not to pursue. They should immediately go into a circle formation and start moving back towards the line. The teams should limit their movement to less than 15 yards into the crowd.

(2) Commands

(a) Verbal command

1) Preparatory command—Crossbow arrest. When the first hand signal (crossbow) is given, all squad members move their left foot forward to indicate the signal is understood and they are ready to move.

2) Command of execution—move.

(b) Hand-and-arm signal—two parts: The arms are raised above the head and crossed at the wrists (crossbow); then one hand grips the wrist of the other hand (arrest).



Figure 21. First phase of crossbow rescue formation movement

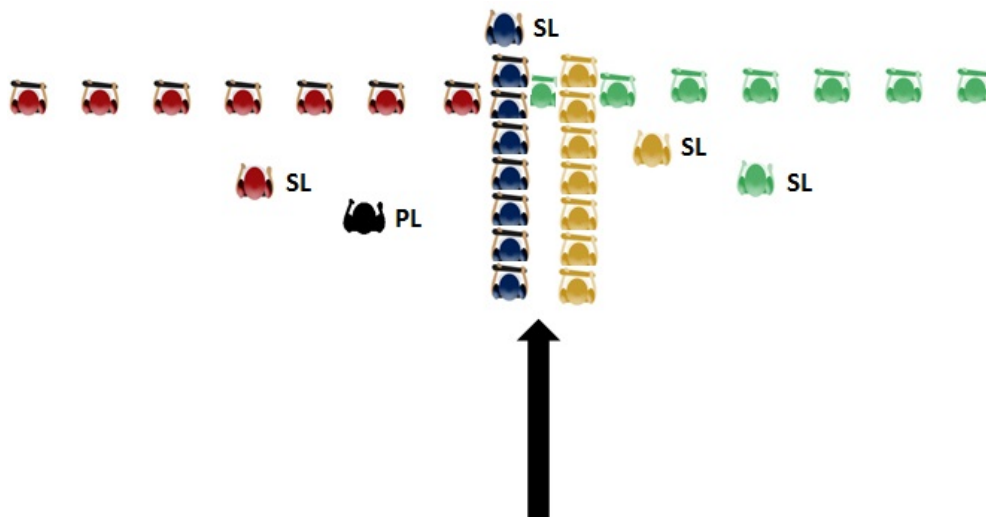


Figure 22. Second phase of crossbow rescue formation movement

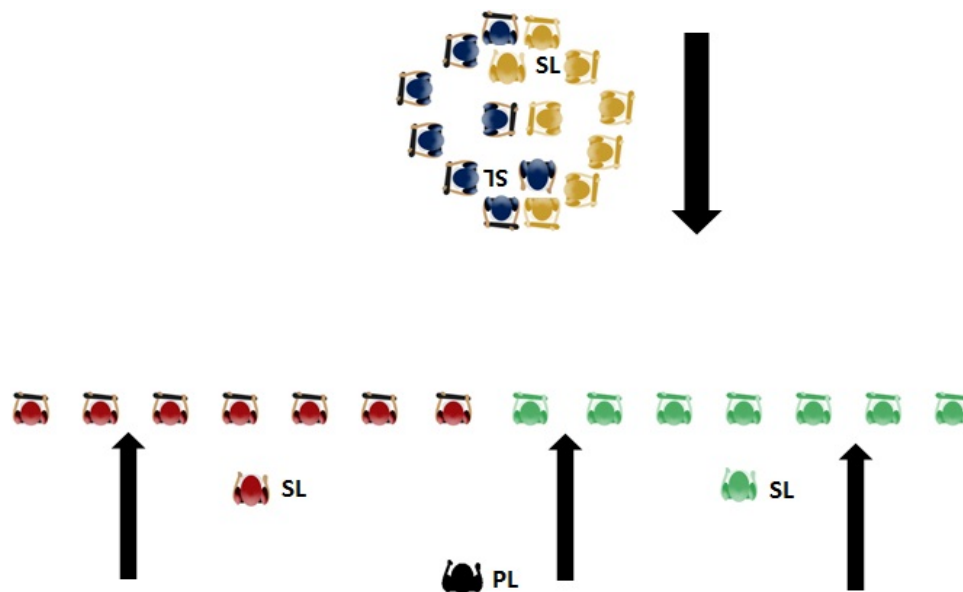


Figure 23. Final phase of crossbow rescue formation

I. Crossbow Rescue

(1) Move from column to a crossbow rescue formation. The crossbow rescue is conducted in a similar manner as the crossbow arrest. The differences are someone needs assistance, the distance into the crowd is not limited, and the squads yell as they move through the line. The first and second squads are in a skirmish line. Squads three and four are the rescue team. Squads three and four, in column formation, run through the skirmish line, yelling as they move. Squad three goes through the skirmish line just to the left of the designated point person and squad four goes through the skirmish line just to the right of the designated point person. The rescue team members rescue the individual and the remaining members form a circle surrounding the person(s) being rescued with the squad leaders inside the circle. The team members are shoulder to shoulder. The squad leaders will give the commands to move back towards the line at a half step. Because the crowd is hostile, the squad leaders must keep the team together and yell out any commands as loud as possible.

(2) Commands

(a) Verbal command

1) Preparatory command—crossbow rescue (when the preparatory command is given, all squad members move their left foot forward to indicate the command is understood and they are ready to move).

2) Command of execution—move.

(b) Hand-and-arm signal—two parts: The arms are raised above the head and are crossed at the wrists (crossbow); then one hand is cupped over the top of the other hand (rescue).

5. Air-purifying Respirator

a. Donning Air-purifying Respirator. There are several ways of donning an air-purifying respirator (APR) commonly known as a gas mask. It is important to have an air-tight seal when using APRs. Failure for not getting an air-tight seal can result from cracks in the rubber part of the APR, hair or dirt between the skin of the face and the surface of the APR, or improper filters in the APR. To maintain consistency in the course, the ABC (above, bottom, center) donning method is used. The donning steps are as follows:

- (1) Drop to one knee, placing the baton behind the downed knee.
- (2) Remove helmet and place it on the ground in front of you, face shield forward.
- (3) Remove the mask from the carrying case.
- (4) Place chin in chin cup.
- (5) Pull the mask up and place straps over your head.
- (6) Pull face straps taut using the ABC method.
 - (a) Above straps first
 - (c) Bottom straps second
 - (d) Center straps last
- (7) Clear and conduct pressure test to ensure a tight seal.
- (8) Replace and buckle helmet.
- (9) Close carrier.
- (10) Resume standing position.

b. Doffing Air-purifying Respirator

- (1) Drop to one knee, placing the baton behind the downed knee.
- (2) Remove helmet and place it on the ground in front of you, face shield forward.
- (3) Quickly pull off the mask by lifting the chin cup up.
- (4) Replace and buckle the helmet on your head.
- (5) Loosen mask straps.
- (6) Prepare straps for donning.
- (7) Replace the mask in the carrying case.

- (8) Close the carrying case.
- (9) Resume standing position.
- (10) Commands for doffing gas masks.

- (a) Verbal commands

- 1) Preparatory command—prepare for all clear
 - 2) Command of execution—move

- (b) Hand-and-arm signal—tapping the facepiece of the mask

c. Odd/Even Gas Mask Deployment. This gas mask deployment is used when the officers are in a line or wedge formation. It is used when there is time for gas mask deployment, not for an emergency situation. When the command of execution is given, half of the force (e.g., those with odd numbers) fall behind the officers to their left, drop to one knee, and quickly don their gas masks. After donning their masks, the odd-numbered officers take their place back in line, tapping the shoulder of their counterparts and changing positions. The even-numbered officers drop behind the odd-numbered officers, don their masks, and take their place back in line. The squad leaders and grenadiers alternate donning their masks.

- (1) Verbal commands

- (a) Preparatory command—prepare to mask with odd/even deployment
 - (b) Command of execution—move

- (2) Hand-and-arm signal—pulling on chin, then waving one finger.

d. Line Relief Masking. This gas mask deployment is used when the officers are in a close support formation. This is not for an emergency situation. When the command of execution is given, the rear rank officers drop behind the officers in front and don their masks, then return to their original position. Then the rear rank officers move between the officers in the front rank and assume the front rank position. The front rank officers, now in the rear, drop down and don their masks. The squad leaders and grenadiers alternate donning their masks.

- (1) Verbal commands

- (a) Preparatory command—prepare to mask in line relief deployment
 - (b) Command of execution—move

- (2) Hand-and-arm signal—pulling on chin then moving hands together and apart, intertwining the fingers.

e. Emergency Donning. This command is given when protesters use chemicals or gas. When the command is given, all officers don their gas masks at the same time. Because

protesters may still be a threat, officers should maintain visual contact with the protesters throughout the process.

(1) Verbal command—mask, mask, mask. The preparatory command and the command of the execution are the same.

(2) Hand-and-arm signal—both hands tapping the tops of the shoulders.

Position	Description
Order Arms	▪ On belt in baton ring
Port Arms	▪ Right hand on handle (overhand) and left hand on long portion (underhand)
Port Arms Push	▪ Move baton straight out from port arms position ▪ Keep baton at 45° angle ▪ Push baton
On-guard	▪ Left foot forward and long portion of baton rotated down ▪ Left hand extended out and elbow bent ▪ Right hand at side
Raking	▪ Used to move protester behind police lines

Figure 24. Baton Positions

6. Baton Positions

- a. Order Arms.** The baton is carried in a standard manner on the officer's belt with a baton ring on the opposite side of the officer's weapon.
- b. Port Arms Position.** The port arms position is the most commonly used holding position for the baton. It can be used when squads are in any formation and when marching at any speed. Port arms puts the officer in a ready position and thus able to react. From this position, officers can conduct a variety of offensive and defensive maneuvers. The port arms position adds to the impact of an officer's physical presence by deterring the protesters' actions. It demonstrates a well-disciplined team in which all members are trained, work together, and are ready to react. It is important for all officers to use the same port arms position. The right hand is to be positioned on the handle of the baton; an overhand grip is used. The left hand will be on the long portion; an underhand grip is used. It is done this way regardless of the officer's strong or weak hand. When the baton is brought to port arms, the left hand is positioned directly in front of the left shoulder, keeping the elbow close to the side. The right hand is positioned in front of the right hip, keeping it at belt level. The right elbow is kept close to the side. The baton should be at an approximately 45-degree angle to the belt. This is referred to as "right hand-right hip, left hand-left shoulder."
- c. Port Arms Push.** The port arms push is used to move a person who is too close to an officer when an officer intends to move. It can be used from a standing or moving position and is very effective when used with the verbal command "move back." The officer moves the baton straight out from the port arms position and pushes the baton against the person; it is a controlled push, not a sharp strike. Officers must be careful to keep the hands in the correct position when conducting a port arms push. It is very easy for the

right hand to move up, putting the baton in a position more parallel with the ground. When this occurs, the baton comes up, and when it is pushed forward, it can slide up into the protester's throat. How hard an officer needs to push will vary with the situation. The key is to use only reasonable and necessary force.

- d. **On-guard Position.** The on-guard position can be used with all the formations, much like port arms. It has a much more aggressive appearance to the protesters and is used when the threat level is increasing. From this position, officers can conduct a variety of offensive and defensive maneuvers. Normally, officers move from a port arms position to the on-guard position. The correct hand position is thus easy to visualize: the right hand will be on the handle portion and the left hand on the long portion. There are two differences between the port arms and on-guard positions. First, the officer will move the left foot slightly forward. Second, the long portion of the baton is rotated down until it is pointing forward. The left hand will be extended out, the elbow bent. The right hand will be at belt level on each officer's side.
- e. **Raking.** This technique is used to place an individual behind the MFF line so that the individual can be arrested. This technique is used when the MFF is in a tight formation, usually one line or in a wedge. It is important that an arrest team is ready to take control of the individual being raked in before the technique is used. The squad leader will designate two officers on the line to rake in the individual. One officer steps slightly to the right of the individual while the other officer steps slightly to the left of the individual. The two officers place their batons behind the individual and "rakes" the person behind the line. The arrest team immediately takes control of the individual.

Notes.

REFERENCES

- Momboisse, R.M. (1967) *Riots, revolts, and insurrections*. Springfield, IL: Charles C. Thomas.
- U.S. Department of Homeland Security. (2013). *Mobile field force formations and commands*. Federal Emergency Management Agency, Center for Domestic Preparedness. Anniston, AL.

FIGURES LISTING

- Figure 1 - Center for Domestic Preparedness.
- Figure 2 - Center for Domestic Preparedness.
- Figure 3 - Center for Domestic Preparedness.
- Figure 4 - Center for Domestic Preparedness.
- Figure 5 - Center for Domestic Preparedness.
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Figure 24 - Center for Domestic Preparedness.

Field Force Operations PER-200

Student Guide

Module 4 Legal Considerations

Number: Module 4

Title: Legal Considerations

Purpose: To provide students with an explanation of the legal precedence and considerations on formulating and implementing an extrication plan.

Learning Objectives

a. Terminal Learning Objective. Given a protester scenario, identify considerations of a protest situation in accordance with analysis of crowd control best practices. (LE-0010)

b. Enabling Learning Objective.

- (1) Given a written examination, identify legal limitations on crowd control operations in accordance with crowd control best practices. (LE-0010e)
- (2) Given a written examination, identify constitutional guidelines in accordance with current case law. (LE-0010u)
- (3) Given a written examination, identify use of force limitations in accordance with current case law. (LE-0010v)

Instructor Note. Case law is not discussed during this module. Information on relevant cases and federal law can be found in the attached Annex A. Instructors can use these cases to illustrate and support important lecture points.

1. First Amendment

a. The First Amendment to the U.S. Constitution

- (1) Although peaceable assembly is protected by the U.S. Constitution, reasonable limitations on time, place, and manner of speech are upheld by the courts as seen in the cases of *Bay Area Peace Navy v. U.S.* (1990); *Frisby v. Schultz* (1988); *Schenck v. Prochoice Network* (1997); *Walker v. City of Birmingham* (1967); *Hill v. Colorado* (2000); *United States v. Scott* (1999); *Cox v. New Hampshire* (1941); *Heffon v. International Society for Krishna Consciousness* (1981); *Snyder v. Phelps* (2011); *Tobey v. Jones* (2013); and *Ward v. Rock Against Racism* (1989). Key issues include:
 - (a) The First Amendment protects the right to peaceably assembly and freedom of speech.
 - (b) The courts have set time, place, and manner of speech restrictions on both the right to assemble and freedom of speech.
 - (c) A common form of time, place, and manner of speech restrictions take the form of local parade permits.

- (d) Restrictions are justified as long as the restrictions are without reference to the content of regulated speech.
 - (e) Restrictions must be narrowly tailored to serve a significant government interest.
 - (f) Restrictions must leave open ample alternative channels for communication of the information.
- (2) Freedom of Access to Clinic Entrance (FACE) Act of 1994—Title 18, U.S.C. § 248—prohibits the use of physical force, threat of physical force, or physical obstruction to intentionally injure, intimidate, interfere with, or attempt to do so to any person who obtaining reproductive health services, or trying to exercise their right to religious freedom at a place of worship. It also prohibits the intentional damage or destruction of a reproductive health care facility or place of worship.
- (3) Buffer zones (often an issue with abortion clinic), are valid as long as they allow for alternative channels for communication of the information. In *McCullen v. Coakley* (2014), The Supreme Court Ruled that the Massachusetts statue that imposed a 35-foot-fixed buffer zone; to include sidewalks, driveways, and roadways; violated the First Amendment. While the state had a valid concern to maintain public safety on the streets and sidewalks, the state could not close these off from protesters because the sidewalks and streets have always been a traditional public forum for speakers.

2. Photographing the Police

- a. **First Amendment protects photographing police activity in public.** In the cases of *Garcia v. Montgomery County, Maryland* (2013) and *Sharp v. Baltimore City Police Department* (2012), The Supreme Court ruled that members of the public and the media are entitled to protection under the First Amendment and they can photograph and video tape police activity conducted in public provided the action does not interfere with legitimate law enforcement operations. Furthermore, discretionary charges cannot be used to restrict protected speech activity, such as filming the police when they are making arrests.
- b. **Fourth Amendment protects against seizure or a search without a warrant or probable cause.** In the cases of *Sharp v. Baltimore City Police Department* (2012) and *Riley v. California* (2014), The Supreme Court ruled the police cannot seize cameras or cell phones unless they have a warrant or probable cause. Furthermore, the police cannot search through the photographs without a warrant or probable cause.
- c. **Fourteenth Amendment prohibits the destruction of property without due process.** In the case of *Sharp v. Baltimore City Police Department* (2012), an officer seized Sharp's cell phone and deleted several recordings from the cell phone, including the two of his friend's arrest and at least 20 personal videos of sentimental value. The Supreme Court stated that such material could not be destroyed without due process.

3. Fourth Amendment

- a. **The Fourth Amendment to the U.S. Constitution.** The Fourth Amendment provides the basis on when and where a person can be arrested or searched. The key issues of the Fourth Amendment are people, their homes, and their belongings cannot be seized or

searched unless there is probable cause, exigent circumstances, or a warrant has been issued. During a civil disorder event, the rules for search and seizure do not change.

b. Seizure. All arrests and seizures are based on probable cause that an unlawful act was committed. Planning with local prosecutors and city officials prior to an event is recommended. This helps identify possible violations that could occur, many may not be readily recognized as being applicable unless researched and discussed (e.g., the wearing of a mask while committing a crime may be a separate violation itself).

c. Search. The rules for searching a person do not change during a civil disorder event. A person can be searched if the individual is under arrest, a warrant is secured, or one of the court-recognized exigent circumstances occurs.

4. Use-of-Force Policies. Use-of-forces policies do not change from standard operating procedures during civil disorder. However, be aware that use-of-force policies do vary from jurisdiction to jurisdiction.

(1) In *Graham v. Connor* (1989), the Supreme Court established these guidelines for determining if the use of force was objectively reasonable.

(a) The severity of the crime

(b) Whether the suspect posed an immediate threat to the officers or others

(c) Whether the suspect actively resisted arrest or attempted to evade by flight

(2) *Forrester v. City of San Diego* 1994. Protesters staged antiabortion demonstrations at private medical buildings through the use of passive resistance by remaining seated, refusing to move, and refusing to bear weight. After warnings, the police used pain compliance techniques using Orcutt Police Nonchakus instead of dragging and carrying protesters in order to prevent back and other injuries to the police and arrestees. The courts ruled in this case the use of pain compliance techniques was not excessive force. The courts also stated the police are not required to use the least amount of force possible, but to use reasonable force. Also there was a specific government interest in removing the protesters as quickly as possible.

(3) *Derole v. Rutherford*. On September 9, 1996, Richard Derole became upset after being diagnosed with Hepatitis C and consumed alcohol and medication, which led to him becoming suicidal and began behaving erratically. His wife called 911 asking for help to deal with her distressed husband. The police responded and evacuated the family from the house. For more than half an hour, the police cordoned off the area and observed Derole behaving erratically. When Derole walked at a steady gait toward Officer Rutherford, Rutherford fired a less-lethal beanbag round at Derole hitting him in the face and causing him to lose an eye. Derole was unarmed at the time, had not attacked anyone, and had not been given a warning to stop. The courts ruled shooting violated Derole's right to be free from unreasonable seizure. The courts also said less than deadly force that may lead to serious injury may be used only when a strong governmental interest warrants its use, and in such circumstances should be preceded by a warning.

- (4) *Headwaters Forest Defense v. County of Humboldt et al.* (9th Cir. 2002). On three separate occasions, protesters used “black bears” (a kind of sleeping dragon) to link themselves together to prevent their removal from a protest site. On all three occasions, members of the Humboldt County Sheriff’s Office and members of the Eureka Police Department used oleoresin capsicum (also known as “OC” or “pepper spray”) on the protesters to get them to release themselves from the devices, mainly because they were inside offices and the use of extrication tools would create a fire hazard. In all three occasions, some protesters did not release themselves and the police were forced to carry them out and use an electric grinder to extricate them. The courts ruled that use of OC against passive protesters was unreasonable and the police officers were liable for civil rights violations.
- (5) *UC Davis Pepper Spray Case*. In November of 2011, during an Occupy demonstration on the UC Davis College Campus, campus police officer sprayed seated students with pepper spray. The incident was captured on video and soon posted to YouTube, gaining nationwide attention. Both officers involved in the incident were released from the campus police department, and the University of California settled out of court.
- (6) *Crowell v. Kirkpatrick* (2010). Several protesters gathered on a recently cleared lot to protest the development of the property by a gas company. They were ordered to leave and most of them did. However, two protesters chained themselves to a barrel filled with dirt and other materials. After several warnings, the police used tasers to force the two protesters to release themselves from the barrel. The lower courts and the appellate courts ruled the use of force was not excessive because of repeated warnings, given time to comply, and the police had no other means to extract the individuals from the barrel, which weighed more than 300 pounds.
- (7) *Ting v. United States* (1997). Ronald Ting was shot and permanently injured during a drug raid on his apartment. During the arrest, he broke free from an agent’s grasp and lunged toward an area of the room that had not yet been searched. The issues were use of force and whether fellow law enforcement agents could be held accountable for not intervening to prevent another officer from using excessive force. While the courts upheld the judgment in favor of the police officers, it was noted that a police officer could be held liable for failure to protect an arrestee from a fellow police officer’s use of excessive force.
- (8) *Tennessee v. Garner* (1987). A Tennessee statute provided if after a police officer gave notice of intent to arrest a criminal suspect, and if the suspect flees or forcibly resists, the officer may use all necessary means to make the arrest. Acting under authority a Memphis police officer shot and killed a teenager fleeing from a suspected burglary of home. The “Fleeing Felon Rule” was ruled unconstitutional because it violated the Fourth Amendment’s reasonable requirement in cases where the suspect poses no significant threat of death or serious physical injury to officers or others.

5. Fourteenth Amendment.

a. Section One of the Fourteenth Amendment states:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the

privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The application of due process during a civil disorder must be followed. Individuals arrested during a civil disorder event are afforded due process, which may be difficult during a mass arrest situation unless policies are developed and responders are trained in a standardized process. Furthermore, all individuals regardless of race, creed, religion, ethnicity, social status, etc. are treated the same.

- b. It is imperative that local and state protocols and procedures, which deal with the issue of due process for protesters, be followed (or policies formulated). The application of due process during a civil disorder does not change. Individuals arrested during a civil disorder event must be afforded due process protection. This may be difficult to do during a mass arrest situation, unless policies are developed and responders are trained in a standardized process.

6. Eighth Amendment

- a. **The Eighth Amendment.** This amendment guarantees “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” This amendment deals with issues arising when an individual is in a custodial facility, not when an arrest is being made.
- b. **Excessive force during an arrest.** Some protesters will scream, cry, and otherwise attempt to unnerve responders as they proceed with their jobs. Protesters will tell responders that their efforts are cruel and unusual punishment. Protesters, at times, may accuse responders of torture and violating their rights. When a responder uses force, it can draw a crowd of protesters, which will attempt to intimidate and distract by yelling that the tactics are cruel and unusual punishment. Do not let uninformed threats affect response. The application of force used in the field will be judged under the Graham standard, not the Eighth Amendment.

7. Failure to Train

- a. **Civil Action for Deprivation of Rights Act of 1871.** This is found under 42 USC § 1983 and covers individuals’ civil rights when dealing with officials acting within the scope of their official duties. It states:

Every person who, under the color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

b. Relevant Court Cases

- (1) In *City of Canton v. Harris* (1989) and *Brown v. Bryan* (2000), the issue of failure to train government officials for situations they would reasonably be expected to encounter. The issue is one of “deliberate indifference” of the government agency for failure to train its employees for situations reasonably expected to occur.
- (2) In *Monell v. New York City Dept. of Social Services* (1978), the courts ruled that official and unofficial policies which violate a person's civil rights can leave the agency open to civil suit.

Notes.

REFERENCES

- Bay Area Peace Navy v. U.S., 914 F. 2d 1224, 1227 (9th Cir.1990).
- Brown v. Bryan, 98 U.S. 40877 (2000).
- California Commission on Peace Officer Standards and Training. (2012). *POST guidelines: Crowd management, intervention, and control*. Retrieved from <http://lib.post.ca.gov/Publications/CrowdMgtGuidleines.pdf>
- City of Canton v. Harris 489 U.S. 378(1989).
- Cox v. New Hampshire, 312 U.S. 569 (1941).
- Crowell v. Kirkpatrick, 6676 F. Supp. 2d 391 (U.S. Dist. 2009), aff'd, 09-4100cv (2nd Cir. 2010).
- Forrester v. City of San Diego, 25 F.3d 804, (9th Cir. 1994).
- Freedom of Access to Clinic Entrances (FACE) Act of 1994, 18 U.S.C. § 248.
- Frisby v. Schultz, 487 U.S. 474, 108 (1988).
- Garcia v. Montgomery County, Maryland (2013).
- Graham v. Connor, 490 U.S. 386, 396, 109 (1989).
- Grant, H.B. & Terry, K.J. (2005). *Law enforcement in the 21st century* (3rd ed.). Boston, MA: Pearson.
- Headwaters Forrest Defense v. County of Humboldt et al., 276 F.3d 1125 (9th Cir. 2002).
- Heffron v. International Society for Krishna Consciousness, 452 U.S. 640 (1981).
- Hiibel v. Sixth Judicial District Humboldt County, 542 U.S. 177 (2004).
- Hill v. Colorado, 530 U.S. 703, 120 (2000).
- McCullen v. Coakley, 573 U.S. ____ (2014).
- Monell v. New York City Dept. of Social Services, 436 U.S. 658 (1978).
- Riley v. California, 573 U.S. ____ (2014).
- Schenck v. Prochoice Network, 519 U.S. 357 (1997).
- Sharp v Baltimore City Police Department, 134 S. Ct. 2473 (2014).
- Tatum v. City and County of San Francisco, 441 F. 3d 1090, 1094-95 (9th Cir. 2006).
- Ting v. United States, 108 F. 3d 339 (9th Cir. 1997).

Tobey v. Jones, 706 F. 3d 379 (4th Cir. 2013).

U.S. CONST. amend. I.

U.S. CONST. amend. IV.

United States v. Scott, 187 F.3d 282 (2nd Cir. 1999).

Walker v. City of Birmingham, 388 U.S. 307 (1967).

Ward v. Rock Against Racism, 491 U.S. 781 (1989).

ANNEX A COURT CASES AND STATUES

1. **Bay Area Peace Navy v. U.S., 914 F.2d 1224, 1227 (9th Cir. 1990).** The Navy and the City of San Francisco hold an annual event called “Fleet Week,” which includes a parade of naval ships and an air show by the Blue Angels (the Navy’s flying aerobatic team) in San Francisco Bay. The Peace Navy, a non-profit organization for peace, stages anti-war and anti-military demonstrations by parading a fleet of small private boats in front of the reviewing stand on the pier. In the 1980s, the Coast Guard expanded the 25-yard safety/security zone around the pier to 75 yards. The legal issue was whether the government had the rights to expand this safety/security zone since there was not reasonable time, place, or manner restriction for expansion of the zone. The courts ruled in favor for the Bay Area Peace Navy. All restrictions must be narrowly tailored to serve a significant government interest.
2. **Brown v. Bryan, 98 U.S. 40877 (2000).** A reserve law enforcement officer, who had no experience in law enforcement or training, became involved in a vehicle pursuit. The officer used force to remove the plaintiff from the car, at which time the plaintiff suffered extensive knee injuries. The sheriff’s office was held liable for the injuries because of the lack of training for the officer.
3. **City of Canton v. Harris (1989).** This case dealt with the issue of failure to train. Police officers arrested Harris and brought her to the station where she was incoherent. While the police asked if she needed medical assistance, none was provided. The courts ruled the city had an obligation to train its employees on how to handle situations they were reasonably expected to encounter.
4. **Cox v. New Hampshire, 312 U.S. 569 (1941).** Sixty-eight Jehovah’s Witnesses were held a “public meeting” in the street. The city stated no parades could take place without a permit. The legal issue was freedom of worship and freedom of assembly. The courts ruled against the Jehovah’s Witnesses, supporting the idea the state had the right to impose reasonable time, place, and manner restrictions on speeches in public places to ensure public safety.
5. **Crowell v. Kirkpatrick, 6676 F. Supp. 2d 391 (U.S. Dist. 2009), aff’d, 09-4100cv (2nd Cir. 2010).** Several protesters gathered on a recently cleared lot to protest the development of the property by a gas company. They were ordered to leave and most of them did. However, two protesters chained themselves to a barrel filled with dirt and other materials. After several warnings, the police used tasers to force the two protesters to release themselves from the barrel. The lower courts and the appellate courts ruled the use of force was not excessive because of repeated warnings, given time to comply, and the police had no other means to extract the individuals from the barrel, which weighed more than 300 pounds.
6. **Forrester v. City of San Diego (1994).** A group of anti-abortionists converged on a medical building blocking entrances, filling stairwells and corridors, and preventing the staff and patients from entering the building. The demonstrators passively resisted by simply refusing to move or bear weight when they were stood up by police officers. Police officers used nunchuks and applied pressure as a form of pain compliance to remove the protesters. The courts ruled the police were justified in using the pain compliance techniques and ruled that they were not unconstitutional because of the exigent circumstances of the protesters occupying a medical facility and the pain compliance techniques could be immediately

ceased when the protesters complied with police orders. Furthermore, the police were not required to use the less amount force, but reasonable force.

7. **Freedom of Access to Clinic Entrances (FACE) Act of 1994, 18 U.S.C. § 248.** The 1994 Freedom of Access to Clinic Entrances (FACE) Act states whoever (1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services; (2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; (3) or intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship is subject to criminal penalties under this law and subject to civil remedies.
8. **Frisby v. Schultz, 487 U.S. 474, 108 (1988).** Anti-abortionists often staged protests in their small hometown, which passed an ordinance preventing protests outside of residential homes. The legal issue was whether this ordinance violated the First Amendment right to freedom of assembly. The courts said no; the ordinance did not violate the First Amendment because it was narrowly tailored to serve a government interest, mainly keeping the peace in residential areas.
9. **Garcia v. Montgomery County, Maryland (2013).** Mannie Garcia witnessed police officers making an arrest and became concerned they were using excessive force. Because Garcia was a journalist, he took out his camera and began filming the incident from at least 30 feet away. Although Garcia did not interfere with the arrest, an officer noticed him and placed Garcia under arrest. The officer took Garcia's camera, the battery and video card. While the camera and battery were returned, the video card was not. Garcia sued for violations of his Fourth and Fourteenth Amendment rights when his property was seized without a warrant or probable cause. The courts ruled in favor of Garcia.
10. **Graham v. Connor, 490 U.S. 386, 396, 109 (1989).** Graham was a diabetic who ran into a drug store to get some orange juice to offset an insulin reaction. Upon entering the store and seeing a long line, Graham rushed out and asked his friend to take him someplace else. Connor, a police officer, became suspicious when Graham rushed out of the drug store. Connor followed Graham, made an investigative stop and ordered the pair to wait while he found out what happened in the store. Backup officers arrived and handcuffed Graham, even though Graham tried to explain his condition. During the encounter, Graham sustained several injuries. The legal issue was whether the police used excessive force and violated Graham's rights under the Fourteenth Amendment. The courts said no and established the following conditions for determining if excessive force is used. The first is the severity of the crime. The second is whether the suspect posed an immediate threat to police officers or others. The last is whether the suspect actively resisted arrest or attempted to flee.
11. **Headwaters Forest Defense v. County of Humboldt et al., 276 F.3d 1125 (9th Cir. 2002).** On three separate occasions, protesters used "black bears" to link themselves together to prevent their removal from a protest site. On all three occasions, members of the Humboldt County Sheriff's Office and members of the Eureka Police Department used oleoresin capsicum (also known as "OC" or "pepper spray") on the protesters in order to get them to

leave the area. While some did leave, on all three occasions, some did not and OC was used after the protesters were warned. In all three occasions, the protesters did not release themselves and the police were forced to carry them out and use an electric grinder to extricate them. The legal issues were whether the use of OC was excessive and whether the officers were entitled to qualified immunity. The courts ruled that use of OC against passive protesters was unreasonable and the police officers were liable for civil rights violations. The bottom line is that riot control agents, especially chemicals, cannot be used against passive protesters.

12. *Heffron v. International Society for Krishna Consciousness*, 452 U.S. 640 (1981).

Members of the Krishna Consciousness objected being restricted to a booth for distributing their literature and soliciting donations at a state fair. The legal issue was whether the restriction to a booth violated their First Amendment rights. The courts said no. The First Amendment does not allow for unlimited time, place, or manner access for freedom of speech or assembly.

13. *Hiibel v. Sixth Judicial District Humboldt County*, 542 U.S. 177 (2004). A law enforcement officer responded to a call reporting a man assaulting a woman beside a red truck. Upon arrival at the scene, the officer found the defendant standing outside a parked truck with a woman inside the truck. Also, the man appeared intoxicated. The officer asked for the defendant's identification 11 times and was refused each time. The officer arrested the defendant for failing to identify himself. The defendant sued and the courts ruled the officer's actions were valid because he was conducting a reasonable investigation based on the circumstances.

14. *Hill v. Colorado*, 530 U.S. 703, 120 (2000). Hill and several others challenged the state's restrictions of anyone within 100 feet of a health care facility to knowingly approach within eight feet of another person, without that person's consent, to pass leaflets or handbills or display any signs or engage in oral protest, education, or counseling. The issue was whether the state's legal restriction violated protesters' First Amendment rights. The courts said no and that the state's restrictions were constitutionally valid.

15. *McCullen v. Coakley*, 573 U.S. ____ (2014). Antiabortionist filed suit claiming Massachusetts' 35-foot-fixed buffer zone violated the First Amendment because it limited free speech too broadly. Antiabortionists were not allowed to enter the buffer zone, which often included the sidewalks surrounding abortion clinics. The Supreme Court ruled in favor of the antiabortionists stating the Massachusetts' law was too broad and not narrowly tailored to serve a government interests.

16. *Monell v. New York City Dept. of Social Services*, 436 U.S. 658 (1978). The Department had, as a matter of official policy, compelled pregnant employees to take unpaid leaves of absence before such leaves were required for medical reasons. The New York District Court found that the petitioners' constitutional rights had been violated. The issue is official and unofficial policy can leave department subject to civil liability.

17. *Riley v. California*, 573 U.S. ____ (2014). Riley was stopped for a traffic violation which eventually led to his arrest on weapons charges. An officer searching Riley seized a cell phone from Riley's pocket. When accessing the information on the phone, the officer noticed a repeated use of a term associated with a street gang. At the police station two hours later, a detective specializing in gangs further examined the phone's contents. Based in part on photographs and videos on the phone, Riley was charged with a shooting that had occurred

a few weeks earlier. Riley moved to suppress all evidence the police had obtained from his cell phone. The trial court denied the motion, and Riley was convicted. The California Court of Appeals affirmed the decision. The Supreme Court reverse the decision stating the police are generally not allowed to search digital information on a cell phone seized from an individual who has been arrested unless the police have a warrant.

- 18. Schenck v. Pro-choice Network, 510 U.S. 357 (1997).** This was a civil case where a group of abortion clinics sought an injunction restricting anti-abortionists from blocking and harassing people coming to the clinic. Paul Schenck challenged the injunctions in federal court. The legal issues focused on fixed-buffer zones and floating-buffer zones. The courts said the fixed buffer zones around the clinics were constitutional; but the floating buffer zones around individuals were not because it was difficult to enforce and restricted free speech.
- 19. Sharp v Baltimore City Police Department, 134 S. Ct. 2473 (2014).** The police seized, searched and deleted the contents of Sharp's cell phone after he recorded police officers forcibly arresting his friend. The police demanded the phone to search for evidence, at which time they deleted all of the video files on the phone, including several personal files, before returning the phone to Sharp. The courts ruled the police's actions were a violation of the Fourth and Fourteenth Amendment.
- 20. Tatum v. City and County of San Francisco, 441 F.3d 1090, 1094-95 (9th Cir. 2006).** San Francisco Police Officer Leslie Smith was waiting for a tow truck to remove a stolen vehicle when he observed Glenn Fullard kicking the side door of the Tenderloin Police Station. Officer Smith approached Fullard and pulled him away. Fullard began to walk away, so Officer Smith walked back across the street to continue to wait for the tow truck. Fullard returned and started kicking the door again. Officer Smith suspected Fullard was under the influence of a controlled substance. Officer Smith asked to see Fullard's identification; but Fullard refused to comply. Officer Smith then placed Fullard under arrest. Fullard resisted and Officer Smith was required to use force. After subduing Fullard, he was on the ground when he developed difficulty breathing. Officer Smith called for an ambulance, which arrived a few minutes later and pronounced Fullard dead at the scene. An autopsy determined that Fullard died of cocaine toxicity. Fullard's mother sued the police department for wrongful death and excessive damages, claiming he had been wrongfully arrested. The courts disagreed and supported that the police officers had a valid reason for arresting Fullard because he failed to comply with the officers' request to identify himself.
- 21. Ting v. United States, 108 F. 3d 339 (9th Cir. 1997).** Ronald Ting was shot and permanently injured during a drug raid on his apartment. During the arrest, he broke free from an agent's grasp and lunged toward an area of the room that had not yet been searched. The issues were use of force, and most interestingly, whether fellow law enforcement agents could be held accountable for not intervening to prevent another officer from using excessive force. While the courts upheld the judgment in favor of the police officers, it was noted that a police officer could be held liable for failure to protect an arrestee from a fellow police officer's use of excessive force.
- 22. Tobey v. Jones, 706 F. 3d 379 (4th Cir. 2013).** Tobey, an airline ticketed passenger, was asked to go through enhanced screening at an airport. He took off his trousers and shirt (he was wearing gym shorts) to display the Fourth Amendment which he had written on his chest. He was arrested. He later sued the Transportation Security Administration for

violating his First Amendment rights. The courts ruled in favor of Tobey because he had not resisted arrest and had complied with all requests made of him.

23. United States v. Scott, 187 F3d 282 (2nd Cir. 1999). Stanley G. Scott had repeatedly violated the Freedom to Access to Clinic Entrances Act (FACE) of 1994. Furthermore, his “holy war” included physical confrontations with clients, volunteers, and staff members by blocking their paths with a sign or standing in their way. He had been slapped, hit, and maced by women in response to his attempts to persuade them not to have abortions. Several injunctions were issued against Scott, which he repeatedly violated. The courts then held him in contempt and expanded the injunction. The legal issue was whether the expanded injunction was a violation of his First Amendment rights. The courts stated the expanded injunction was not a violation of Scott’s rights, especially since his conduct was abusive, harassing, continuously violated court orders, and there were real safety concerns about his actions.

24. Walker v. City of Birmingham, 388 U.S. 307 (1967). In April of 1963, a group of protestors planned a parade and protest of segregation laws of Alabama on Good Friday and Easter Sunday of that year. The city issued an injunction stating all mass street parades required a permit. The protestors believed the injunction to be unconstitutional and continued with the march. The legal issue was not the constitutionality of the injunction, but the fact the protestors did not try to dissolve the motion in court. The courts said whether the injunction was constitutionally valid or not was an issue to be resolved in a court and not by public action. Even if the injunction was constitutionally invalid, it should have been obeyed until it could have been dissolved through legal means.

25. Ward v. Rock Against Racism, 491 U.S. 781 (1989). Rock Against Racism provided its own sound system for its concerts in New York City’s Central Park. The city received numerous complaints about excessive noise, and the city made several requests for the concert sponsors to lower the noise. The city forced compliance and the concert sponsors sued stating the restriction on the noise volume was a violation of their First Amendment rights. The legal issue was whether the city’s sound-amplification guidelines were valid as reasonable regulation of the place and manner of protected speech. The courts ruled in favor of the city stating that the guidelines were narrowly tailored to serve significant government interests in protecting citizens from unwelcomed and excessive noise, even in a public forum such as a park.

ANNEX B THE CONSTITUTION OF THE UNITED STATES

Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I. - The Legislative Branch

Section 1 - The Legislature

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2 - The House

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. *(Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.)* **(The previous sentence in parentheses was modified by the 14th**

Amendment, section 2.) The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five and Georgia three. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies. The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3 - The Senate

The Senate of the United States shall be composed of two Senators from each State, *(chosen by the Legislature thereof,)* **(The preceding words in parentheses superseded by 17th Amendment, section 1.)** for six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; *(and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.)* **(The preceding words in parentheses were superseded by the 17th Amendment, section 2.)** No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a

Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen. The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided. The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4 - Elections, Meetings

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Place of Chusing Senators. The Congress shall assemble at least once in every Year, and such Meeting shall *(be on the first Monday in December,)* **(The preceding words in parentheses were superseded by the 20th Amendment, section 2.)** unless they shall by Law appoint a different Day.

Section 5 - Membership, Rules, Journals, Adjournment

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide. Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two-thirds, expel a Member. Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal. Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6 - Compensation

(The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States.) **(The preceding words in parentheses were modified by the 27th Amendment.)** They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place. No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7 - Revenue Bills, Legislative Process, Presidential Veto

All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law. Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8 - Powers of Congress

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; To borrow money on the credit of the United States; To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; To establish Post Offices and Post Roads; To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; To constitute Tribunals inferior to the Supreme Court; To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations; To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water; To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress; To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9 - Limits on Congress

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person. The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it. No Bill of Attainder or ex post facto Law shall be passed. *(No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.)* **(Section in parentheses clarified by the 16th Amendment.)** No Tax or Duty shall be laid on Articles exported from any State. No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another. No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time. No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.

Section 10 - Powers prohibited of States

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress. No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II. - The Executive Branch

Section 1 - The President

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President chosen for the same Term, be elected, as follows: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector. *(The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not lie an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person*

have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.) (This clause in parentheses was superseded by the 12th Amendment.)

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States. No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States. *(In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.) (This clause in parentheses has been modified by the 20th and 25th Amendments.)* The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them. Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2 - Civilian Power over Military, Cabinet, Pardon Power, Appointments

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment. He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments. The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3 - State of the Union, Convening Congress

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4 - Disqualification

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III. - The Judicial Branch

Section 1 - Judicial powers

The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

Section 2 - Trial by Jury, Original Jurisdiction, Jury Trials

(The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.) **(This section in parentheses is modified by the 11th Amendment.)**

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make. The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3 - Treason

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV. - The States

Section 1 - Each State to Honor all others

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2 - State citizens, Extradition

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. A Person charged in any State with Treason, Felony, or other Crime, who shall

flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime. *(No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, But shall be delivered up on Claim of the Party to whom such Service or Labour may be due.)* **(This clause in parentheses is superseded by the 13th Amendment.)**

Section 3 - New States

New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4 - Republican government

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article. V. - Amendment

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI. - Debts, Supremacy, Oaths

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII. - Ratification

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same. Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and eighty seven and of the Independence of the United States of America the Twelfth.

The Amendments. The following are the Amendments to the Constitution. The first ten Amendments collectively are commonly known as the Bill of Rights.

Amendment 1 - Freedom of Religion, Press, Expression. Ratified 12/15/1791.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment 2 - Right to Bear Arms. Ratified 12/15/1791.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment 3 - Quartering of Soldiers. Ratified 12/15/1791.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment 4 - Search and Seizure. Ratified 12/15/1791.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment 5 - Trial and Punishment, Compensation for Takings. Ratified 12/15/1791.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 6 - Right to Speedy Trial, Confrontation of Witnesses. Ratified 12/15/1791.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment 7 - Trial by Jury in Civil Cases. Ratified 12/15/1791.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Amendment 8 - Cruel and Unusual Punishment. Ratified 12/15/1791.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment 9 - Construction of Constitution. Ratified 12/15/1791.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment 10 - Powers of the States and People. Ratified 12/15/1791.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment 11 - Judicial Limits. Ratified 2/7/1795.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment 12 - Choosing the President, Vice-President. Ratified 6/15/1804.

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; The person having the greatest Number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Amendment 13 - Slavery Abolished. Ratified 12/6/1865.

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
2. Congress shall have power to enforce this article by appropriate legislation.

Amendment 14 - Citizenship Rights. Ratified 7/9/1868.

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or

enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.
3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.
4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.
5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment 15 - Race No Bar to Vote. Ratified 2/3/1870.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment 16 - Status of Income Tax Clarified. Ratified 2/3/1913.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment 17 - Senators Elected by Popular Vote. Ratified 4/8/1913.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided,

That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment 18 - Liquor Abolished. Ratified 1/16/1919. Repealed by Amendment 21, 12/5/1933.

1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.
2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.
3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment 19 - Women's Suffrage. Ratified 8/18/1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Amendment 20 - Presidential, Congressional Terms. Ratified 1/23/1933.

1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.
2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.
3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.
4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.
5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment 21 - Amendment 18 Repealed. Ratified 12/5/1933.

1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.
2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.
3. The article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment 22 - Presidential Term Limits. Ratified 2/27/1951.

1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President, when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.
2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment 23 - Presidential Vote for District of Columbia. Ratified 3/29/1961.

1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct: A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.
2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment 24 - Poll Tax Barred. Ratified 1/23/1964.

1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.
2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment 25 - Presidential Disability and Succession. Ratified 2/10/1967.

1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.
2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.
3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.
4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President. Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty eight hours for that purpose if not in session. If the Congress, within twenty one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty one days after Congress is required to assemble, determines by two thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment 26 - Voting Age Set to 18 Years. Ratified 7/1/1971.

1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.
2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment 27 - Limiting Congressional Pay Increases. Ratified 5/7/1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Field Force Operations PER-200

Student Guide

Module 5 Protester Tactics

Number: Module 5

Title: Protester Tactics

Purpose: To provide students a synopsis of protester tactics, including locking and nonlocking devices, used to emphasize a protest cause or to hamper law enforcement's ability to respond.

Learning Objective(s)

a. Terminal Learning Objectives. Given a protester scenario, identify considerations of a protest situation in accordance with analysis of crowd control best practices. (LE-0010)

b. Enabling Learning Objectives

- (1) Given a written examination, identify the evolution of protester tactics in accordance with analysis of recent protests. (LE-0010j)
- (2) Given a written examination, identify motivators for use of a protester device in accordance with after action reviews of recent protests. (LE-0010b)
- (3) Given a written examination, identify locking protester tactics in accordance with past protest utilization of the device. (LE-0010s)
- (4) Given a written examination, identify nonlocking protester tactics in accordance with past protest utilization of the device. (LE-0010t)
- (5) Given a written examination, identify protester roles in accordance with analysis of recent protests. (LE-0010k)

1. Protester Tactics

a. Tactical Theory. A protester tactic can be anything that impedes normal activity at a public place, often in violation of the law, thereby, creating civil disorder. Tactics range from banners to occupation to locking devices to the marking of law enforcement. Protesters rely on tactics to make their presence known to occupy or block key areas, such as buildings and roadways. Tactics assist protesters during demonstrations by acting as force multipliers, by intimidating responders, and by garnering lasting media attention.

b. Protester Tactics Example. Occupy's Disability Caucus protested at the annual American Disabilities Act celebration at Gracie Mansion in New York City on August 8, 2012. At this event meant to celebrate the potential of those with disabilities, protesters took over the street outside to declare their anger regarding NYC's inaccessible transit services. At the time, then Mayor Michael Bloomberg had voiced opposition to upgrade the NYC taxi fleet to an accessible fleet able to transport people in wheelchairs. While demonstrating, protesters occupied the street, carried banners, and sang solidarity songs by the Raging Grannies. Prior to the protest, some Occupy Disability Caucus members filed suit against the New York City Taxi and Limousine Commission to make the NYC taxi fleet handicapped accessible.



Figure 1. Protesters using evolution tactic

2. Tactic Evolution. A protester tactic can be anything that impedes normal activity at a public place, often in violation of the law. Protesters rely on tactics to make their presence known to occupy key areas, such as buildings and roadways, to block bystanders from entry or exit from public areas, to tax public safety resources, and to create a space for debate. As demonstrations have evolved, so have protests and protester tactics. Spontaneous “sit in” demonstrations of the 1960s peace movement now equate to organized political opposition at every democratic and republican national convention. In recent years, activists have learned how to create and design sophisticated tactics through direct action organization and training entities, such as the Ruckus Society in Berkeley, Calif.

a. Protester Evolution Strategies

- (1) Challenge Use of Force. Protesters are trained to identify removal attempts as evidence of excessive use of force.
- (2) Select Targets to Attack. A small number of protesters attack targets, often involving property destruction, as part of their demonstrations. Protesters have been known to target banks, government buildings, and private businesses like a Gap store (attacked by child labor groups).

b. Law Enforcement Safety Evolution. Despite the fact the majority of protests are performed without incident, responding law enforcement must assess the situation at all times. A protester tactic may not be visible or, if it is visible, it may not be known if it demands safety precautions. Law enforcement should make their personal safety the first priority and not attempt to defeat a protester device unless specifically trained to do so. Understanding protest situations will assist public safety officials in developing response plans and strategies for dealing with a civil action involving protester tactics. (Related: See lecture on weapon-type tactics at end of this module.)

3. Protester Tactic Motivators. Protesters incorporate tactics, commonly categorized as locking and nonlocking devices, for a variety of purposes. Protest tactics can reveal simple

banners or unveil intricate locking devices known as sleeping dragons. No matter which type of protest tactic responders encounter, protesters may yell, scream, or feign injury or harm to distract law enforcement. The following are some of the motivators for protesters to use tactics:

- a. **Force Multipliers.** A small number of protesters can create the atmosphere of being a larger crowd by using a variety of tactics. Protester tactics can act as force multipliers by enabling a smaller number of protesters to block access to a building or to occupy space. This allows additional protesters to conduct other operations that will stretch and, in some cases, severely limit public safety resources.
 - b. **Intimidation.** A protester tactic itself can be intimidating. Although protester tactics can be defeated, they may appear challenging. Combined with the actions and reactions of the protesters (screaming in pain or being uncooperative and/or threatening) defeating a tactic or device can be a source of frustration for responders.
 - c. **Media Attention.** Media attention is paramount to the protesters for making the public aware of their causes, which is something more easily accomplished with the use of protester tactics—the larger the spectacle, the more attention it draws. In the process, they may take an opportunity to demonstrate the “brutality” of public safety officials, especially law enforcement. Protest groups videotape their dramatic demonstrations for online messaging, leading groups to embrace YouTube. Protester groups upload footage onto YouTube to document activist actions and provide news clips meant to expose law enforcement wrongdoings before, during, or after a protest. (Shanahan, et al, 2010, p. 148)
4. **Locking Protester Tactics.** Experienced protesters will use locking devices during a protest to entrench their presence at a protest scene. Find details below regarding the most common protester locking devices, including the sleeping dragon, tripod, and bicycle lock.



Figure 2. Protesters using sleeping dragon

- a. **Sleeping Dragon.** In this common device, protesters lock themselves together or to a fixed object. Protesters place their limbs inside a pipe and latch onto a mounted bolt anchored in the center of the pipe. Several individuals can be locked together to form a human chain or to surround an object or to block access to a building. In most cases, individuals have the ability to release the device. The term sleeping dragon is the “popular name” referring to the protester device that looks similar to Chinese parade dragons.

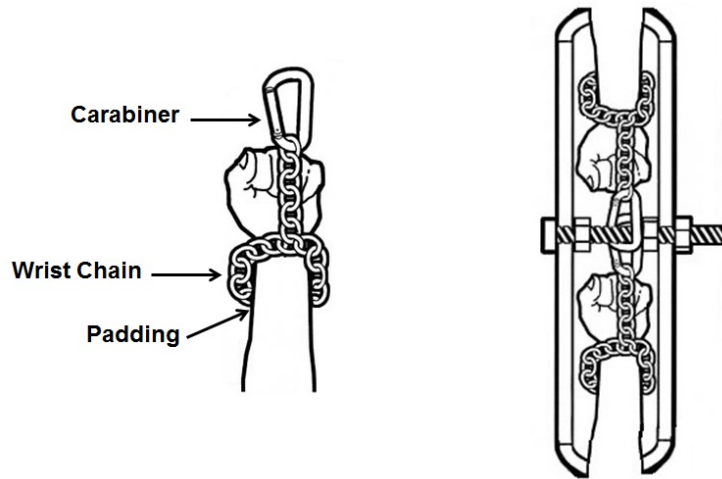


Figure 3. Sleeping dragon characteristics

- (1) **Characteristics.** The sleeping dragon's longtime popularity stems from the fact that this lightweight device is easy for protesters to make, transport, and quickly lock into at the scene of a protest. Materials needed for constructing a PVC sleeping dragon are inexpensive, found in any community, and assembled in a matter of minutes. The sleeping dragon comes with a variety of pipe designs: PVC pipe, metal pipe, angled steel, pipe in a concrete sleeve, pipe in a 5-gallon bucket in concrete, and pipe inside a 55-gallon drum in concrete. Additional variations: The pipe can be wrapped in duct tape, chicken wire, and tar to disguise the pin, making the extrication process more difficult for law enforcement to execute. Responders should assume protesters may booby trap devices by placing nails, screws, or other materials against the walls of the device and concealing them with duct tape. Depending on the design, most devices can be easily defeated by law enforcement if proper power and hand tools are used. It is important, however, that only personnel specifically trained to extricate protesters do so to avoid increasing injury to protesters and responders. Law enforcement not extricating protesters should re-route related protest activities away from the sleeping dragon devices.
- (2) **Sleeping Dragon Protest Example.** Indigenous Action Media constructed sleeping dragons encased in 55-gallon concrete. In August 2011, Indigenous Action Media activists protested the planned development of the San Francisco Peaks by the Arizona Snowbowl ski resort in what was called a civil disobedience roadblock on the mountain. More than 50 law enforcement officials used power tools to break apart the concrete-drum blockade taking place on lands holy to a dozen indigenous peoples.



Figure 4. Protesters using tripod

b. Tripod

- (1) Design. The basic design uses three legs to form a tripod in which a person is suspended from the apex by a seat made of rope or board, or a climbing harness. (For effect, a noose may be attached, giving the appearance that the protester could be hung if extrication is attempted.) The tripod's legs, which can be metal or wood, vary in length from 10 feet to more than 30 feet in some cases and can be tied together using rope, nails, or metal forms. Several variations, such as spiking the legs, add a degree of difficulty to defeating the device, requiring responders to assess the device before beginning extrication and to continually monitor operations. Tripods are used for the same reason as the other devices—to block a building or an area. A common use is to block an entrance or a road (Young, 2014).
- (2) Characteristics. Tripods, which break down easily into their component parts, are simple to conceal, transport, and construct. Protesters like that they can be disguised them as street puppets or signs, or hidden in banners. Tripods can be very intimidating because of the apparent hazard to the individual suspended from the device. If a noose has been added around the protester's neck, responders must proceed with caution until they can determine the validity of the threat. Variations of the tripod: Bipods can be incorporated between two tripods by linking with a rope via the apex of each structure to obstruct a larger area than separate tripods.



Figure 5. Various types of bicycle locks used by protesters

c. Bicycle Locks. One of the oldest types of locking devices is the bicycle lock. The old-style chain lock has evolved into the easy-to-use U-shaped Kryptonite design. Protesters use these inexpensive locks to secure themselves to other people (as in a daisy chain), to fixed objects like a building, or to a vehicle. Demonstrators use the Kryptonite U-shaped bicycle locks to shut down entrances to public places, block sidewalks and roads, or prevent vehicles or objects from being moved. Because the locks are so easy to conceal, transport, and apply, protesters can be locked down in a matter of seconds. Protesters can lock themselves before law enforcement can react and stop them. Three methods exist for defeating a bike lock: cutting the U part of the Kryptonite lock, drilling the locking pin, or finding the key on a nearby support person. Cutting the U part of the lock must be done by responders trained in proper extrication techniques.

(1) Bicycle Lock Protest Example. An environmentalist, with the Cove-Mallard Coalition locked himself with a Kryptonite bike lock to a logging road gate and captured the 1995 incident on video. Logging truck drivers, in this case, opened the gate multiple times with the protester still attached—allowing for a humorous exchange between the two parties (Staff Reports, p. 3A, and Olsen, p. 9A).

(a) Law to Limit Protesters. Shortly before this Idaho incident, the state's lawmakers went so far as to pass a 1994 law that made even talking about a logging-related protest a felony. (Idaho Code 18-2005)

5. Nonlocking Protester Tactics. Nonlocking tactics and devices include occupation, banners, street puppets, Trojan horse, rope suspension, the marking of law enforcement, and monitoring of police communications. Nonlocking tactics can be used to block access to an area or conceal locking devices or weapons. Jurisdictions can pass local ordinances to restrict the materials or dimensions of protest devices if those restrictions are narrowly tailored to serve a specific government interest.

a. Occupation. Occupation is a form of civil disobedience in which an organized group, such as workers employed at a factory, takes possession of an area or workplace.

- (1) Sit-ins. Historically thought of as a sit-down strike, employees would “sit down” at their stations, effectively preventing their employers from replacing them with strikebreakers or moving production to other locations.
- (2) Human chain. Protesters might interlock their arms, legs, and bodies in a human chain to occupy an area. In addition, protesters can use devices like tripods, bipods, monopoles, and lock-ons to assist in occupation.
- (3) Passive resistance. Also referred to as horizontal occupation, passive resistance can describe protesters lying down in public. Passive resistance allows the body to go limp, and protesters providing no assistance in movement during the arrest process. Anti-abortion protesters, especially those associated with Operation Rescue in the mid-1980s and 1990s, employed passive resistance tactics to block entrances to abortion clinics across the country.
- (4) Personal space. Protesters can stand in an emergency responder’s personal space and will not leave while displaying passive resistance. As a form of intimidation, the protester might stare, be verbally abusive, take photographs, or use other tactics to distract responders or make them feel uncomfortable, often eliciting an inappropriate physical or verbal response.
- (5) Blockades. Most protest tactics involve protesters occupying an area with their physical bodies; however, protesters could occupy an area through the use of large vehicles or by dumping a substance, such as manure, sand, rocks, or hazardous waste, at key intersections to limit or prevent access.

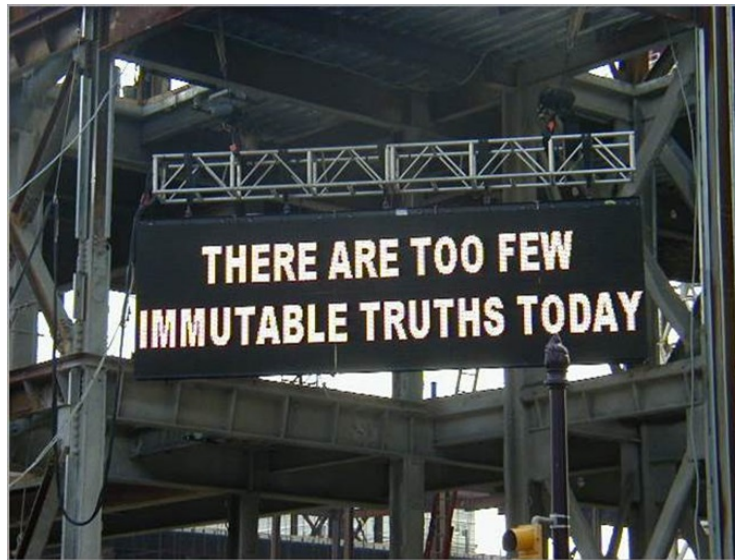


Figure 6. Protesters using banner drops

- b. Banner Drops.** Banners, or signs, are a common protester tool because they visibly reinforce the sentiments of a protester group with clear statements. The installation of banners can be dangerous—as in suspending them from the side of a building—and may be in violation of the law. Banner hanging may be conducted days prior to the actual event to rally support. Climbers hang banners on cranes, multistoried buildings, and bridges.

Depending on their position, banners can block access to an area or be a menace to traffic. Most significantly, banners like street puppets can be utilized to conceal other protester devices, such as legs for a tripod, sleeping dragons, bicycle locks, and wrist rockets. Construction of banners and signs can be made by almost anything—canvas, paper, cloth, PVC pipe, wood, or plastic.



Figure 7. Protesters marching in the street

- c. **Street Marches.** Street marches, also referred to as snake dances, begin at a centralized assembly area and move along a seemingly unplanned path through the streets, blocking traffic, and, possibly, damaging property. Marches often splinter into several different sub-marches, traveling in different directions, to re-group several blocks away. Street marches could also begin from several different locations and move to support each other when law enforcement confronts one or the other.



Figure 8. Protesters with a Trojan Horse

- d. **Street Puppets or Trojan Horse.** Both of these devices are often used in snake dances. Construction of these devices disguises them to appear harmless when they are often used as containers to hide materials. The devices can conceal locking tactics, such as

sleeping dragon equipment, or hide devices used against responders, like wrist rockets, a form of slingshot. Street puppets can be built as the legs of a tripod. The long arms of a puppet can block a street if lowered, and the wheel device carrying the weight of the puppet can allow people with lock boxes or bicycle locks to attach themselves to the puppet. The Trojan horse can be designed as a large box container hiding protesters inside in to gain entrance to the event. The protester device itself can even be used as a weapon to attack a crowd.

- (1) After the improper use of puppets in the 2000 Philadelphia Republican National Convention, Tampa police announced that sticks, strings, and masks would not be allowed at the August 2012 Republican National Convention because puppets could hide weapons and even fecal matter. (Anton, 2012)



Figure 9. Protesters tree sitting

- e. **Tree Sitting.** Used primarily to protest potential tree cuttings, tree sitting involves protesters sitting, usually on a platform, in a tree. The platform may be a basic structure to stand on or an elaborate design to give the protester comfort and security. During their time “sitting,” protesters are provided with food and water by supporters. Tree sitting, considered to be a stalling tactic, has been used by activist for months and or even years at a time, such as a 738-day sit from 1997 to 1999 to prevent logging of a 1,500-year-old coastal redwood in Humboldt County. More recently, Tar Sands Blockade protesters executed a three-month tree sit, ending in December 2012, to protest the entry of the Keystone XL pipeline in an old-growth forest in East Texas (Gallucci, 2012). Also, in early 2013, Amanda “Warbler” Senseman, a 24-year-old farmer from Willits, Calif., sat high up in a pine tree located in the path of the Caltrans’ proposed Willits Bypass along Highway 101; as part of the local Save Our Little Lake Valley effort, she tree sat for more than two months until she was removed by law enforcement on April 2, 2013 (Nomad Films, 2013).



Figure 10. Protesters using rope suspension tactic

f. Rope Suspension. Ropes can be used to attach directly to an object to block access to an area or impede traffic. A real-life example defines the concept: A protest group jumps in front of a logging truck crossing a bridge, forcing it to stop. Before the driver can react, several protesters secure ropes to the truck and suspend themselves over the edge of the bridge. The vehicle cannot move without injuring the protesters. Consequently, traffic comes to a standstill until the protesters can be removed.



Figure 11. Protesters blocking access to roads and equipment

g. Blocking Access to Roads/Equipment. This tactic involves protesters blocking access to roads or equipment meant for land development. Environmental groups often seek to prevent road-building, tree-felling, open-cast mining, and construction through sitting, camping, tree camping, platforms, barricades, trenches, and dams. When protesters employ this tactic, protesters use their vehicles or bodies to stop the use of large mechanical equipment—including diggers, dump trucks, scrapers, drill rigs, and other machinery. Protesters immobilize the machines by standing in front of them, climbing up them, or locking onto them with the intent to stay until removed.



Figure 12. Protesters using intelligence and countermeasures

h. Intelligence and Countermeasures. Prior to an event, protests know to examine law enforcement's personnel and equipment to prepare appropriate countermeasures. Protesters attempt to analyze and photograph, if possible, jail facilities and planned security perimeters. Prior to an event, groups might report a false fire alarm or a suspicious page to monitor the response time and personnel.

- (1) **Monitoring Police Communication.** Law enforcement communications can be monitored by protest organizers.
- (2) **Marking of Law Enforcement.** Protesters seek to identify any undercover law enforcement operating in the area of a protest by "marking" them to distract their police efforts or to expose them to the crowd.

i. Additional Protester Tactics. Beyond the locking and nonlocking tactics detailed above, protesters have numerous additions ways to disrupt a scene.

- (1) **Infiltration.** Protesters seek to gain access to event by gaining employment, volunteering for the event organizer, or by obtaining media passes that gain access. Some protesters will attempt to design fictitious media credentials to gain access to events or special consideration by law enforcement.
- (2) **Noncooperation.** This tactic can take many forms, such as a protester providing the police no verbal information. Some protesters will refuse to give his or her name or give a nickname. Protesters, in general, will not give a fictitious name, as this can lead to further charges. Protesters are instructed not to speak with law enforcement at any time and not to carry identification. If approached by an officer, trained protesters will

ask if they are under arrest, and if not, they will immediately leave. Protesters under arrest are taught to state they want a lawyer and refuse to answer any questions.

- (3) Critical Mass. To outpace law enforcement, protesters often ride bikes through a protest route to elude responders on foot. Protesters aim to literally stay one foot ahead of law enforcement.
- (4) Construction-style Equipment. Protesters can move any onsite equipment, such as Jersey barriers, fencing, and dumpsters to impede traffic. Ironically, barriers put in place by law enforcement can be re-positioned by protesters to hamper response. Also, protesters practice barrel rolling—filling fuel drums or sometimes dumpsters with water or cement to roll into police lines, thereby, slowing response and hindering vehicle movement. (During the 2001 International Money Fund demonstration, demonstrators set fire to dumpsters before forcing them into police lines.) Another tactic is to use newspaper boxes and construction equipment, such as metal rods and wooden poles, as tools of destruction to smash windows or as weapons against the police.
- (5) Executing an Unarrest. An “unarrest” can be used if enough protesters are present when an individual protester is arrested. Protesters surround an arrestee and arresting officer and pull away the arrestee, thereby unarresting him or her.
 - (a) Puppy Pile. During the arrest of a protester, the crowd might take the “unarrest” one step farther by assaulting the responder. To execute a puppy pile, protesters jump on the responders and hold them to the ground, thereby, releasing the arrestee.
- (6) Overwhelming Public Transportation. Protesters can intentionally overwhelm bus and rail systems by mass ridership, which taxes transportation systems beyond their operational capabilities and cause major delays.
- (7) Cluster Group. One group of protesters may use another organization’s members to inflate the number of protesters at a demonstration. At the 1999 World Bank meeting in Seattle, a broad number of groups attended: AFL-CIO, Greenpeace, Free Mumia Abu-Jamal, taxi drivers, antiworld trade, anarchists, Chiapas Indians of Mexico. On a similar note, children and the elderly may be prominently positioned by protesters at a demonstration to gain sympathy and a negative portrayal of police dispersal and arrest action.
- (8) Affinity Group. Self-sufficient support systems consist of approximately five to 20 individuals. Although organizers claim that affinity groups act without direction, intelligence indicates that the actions of affinity groups are often well coordinated. The various individual groups may work together toward common goals but still plan and act independently. One function of these affinity groups is to serve as a source of solidarity for members. They generate familiarity and reduce the risk of infiltration from outside provocateurs like undercover police. These groups often form during nonviolence training sessions.



Figure 13. Caltrop



Figure 14. Smoke Grenades

- (9) Harassing Weapon-type Tactics. In a small number of illegal protests, demonstrators will employ weapons intended to cause chaos or injury to a targeted group—typically the police. Law enforcement must be constantly on alert for actions, equipment, and individuals preparing to use violent tactics.
- (a) Smoke Grenades. By deploying civilian- or military-grade smoke grenades or even homemade grenades during a confrontation, protesters can conceal their activities. At the same time, the smoke causes the line officers to deploy gas masks, hampering the officers' vision and confusing them. In addition, the public gets the impression that the police are using large amounts of weapons.
 - (b) Caltrop. The caltrop is a simple weapon with spiked heavy gauge metal made of two or more sharp nails arranged so that one nail points upward from the base in the form of a geometric tetrahedron. Caltrops are thrown on the ground or linked together to puncture vehicle tires or to impede horses and police officers.
 - (c) Wrist Rockets. These wrist-mounted slingshots can shoot BBs, marbles, jacks, lug nuts, and other similar items.

- (d) Catapult. This ancient device can throw excessively heavy objects. Protesters have been known to launch items from bowling balls and cinder blocks to stuffed animals from catapults.
- (e) Incendiary Devices. The Molotov Cocktail, uncommonly used in the United States, is a makeshift incendiary device made of a breakable container full of flammable liquid and equipped with a rag wick. Also, protesters might throw a kerosene-soaked rag tied to a rock, a length of chain or another heavy item to increase its distance when thrown.
- (f) Hazardous Substances. Protesters have been known to use large water guns or spray bottles filled with ammonia, bleach, urine, animal or human blood, or other hazardous substances to spray on police personnel. Balloons filled with paint or other toxic materials have been used, too. Protesters often carry cans of spray paint, to spray the protective visors of responders, to restrict their visibility.
- (g) Mirrors. Mirrors can reflect light and impair the vision and visibility of law enforcement and of surveillance and media camera lenses. Protesters seek to repeatedly reflect light into the eyes of frontline personnel to cause irritation and increase fatigue.

6. Roles within an Organized Protest Group. As demonstrations have evolved, so have protester roles regarding today's organized protests. Historically, protesters indicated they follow a leaderless resistance, but organized protest group structure often exists to facilitate large, planned civil disturbances. Activist groups today organize, often creating businesslike plans for their structure. The now-defunct Direct Action Network, which coordinated the direct action portion of several economic-focused protests, helped influence organization amongst protesters. By organizing, protest groups can deliver their message in a more effective manner. Protesters typically do not identify their roles to people outside the organization except for a few protest positions. Roles within organized protest groups include the following.

- a. Spokesperson.** Just as agencies have a public information officer, a protest group will have one or several members acting as spokespeople. A spokesperson ensures that the group is speaking with one voice, and that the message the group is attempting to broadcast is properly slanted to support the action. The spokesperson typically is not the leader of the group, who is often kept offsite at a safe location to prevent identification.
- b. Action Elf.** People in these roles provide support to direct action protesters by monitoring and documenting activities at the protest site, jail, and courthouse. Action elves have specific information on the identity of the people they support but will not provide this to law enforcement.
- c. Short-term Supporter.** These people provide direct on the scene support and resources for those who might be arrested by keeping everyone informed. The short-term supporter might bring food, lead chants or deliver some type of comfort item to those being held. For lockdowns, one support person might exist for every two arrestees. In the process of doing their role, short-term supporters risk arrest but attempt to avoid it.

- d. Long-term Supporter.** These supporters help in the event of long jail sentences or fines. They provide anything an arrestee might need including child care, clipping news articles, writing letters to jails, and raising a bail fund. Long-term support personnel do not need to know specifics of an action and are often friends unconnected with the direct action.
- e. Jail Support.** Jail support is made up of grounded and mobile support personnel. Grounded support personnel, located in a safe location, accept arrestees' collect calls and have pertinent information about each member of the group, such as their real name and their personal contact information. Mobile support personnel follow arrestees offsite, often departing alongside police vehicles containing arrestees, and wait at the jail to communicate messages to the other members of the group.
- f. Police Liaison.** Viewed as critical to direct action, the police liaison speaks with police during the action to convey demands and relay police messages back to the action group. Police liaisons, known to be articulate, calm and able to communicate diplomatically, often stall police action as long as possible under the guise of negotiating a settlement. Police liaisons risk arrest, as police will sometimes think the person speaking for the group is the group's leader, but liaisons truthfully explain they are not the leader and that decisions can only be made by the group as a whole or that they do not know where the leader is located. Again, the real leader will attempt to blend in or will be located offsite.
- g. Media Liaison.** These supporters help facilitate interactions between the group and the media by preparing press releases and making calls to the media to appear at the time of the action. Like the spokesperson, a media liaison knows the issues and sound bites so that they can speak clearly and articulately to reporters. Overall, a variety of the support roles assist the media liaison in onsite delays because the longer the delays, the more press a protest group could receive.
- h. Medical Teams.** These protesters, who are part of the protest and subject to arrest, provide basic onsite medical support such as first aid and cardiopulmonary resuscitation for the protesters. Medical personnel, who often tape red crosses on their clothing as identification, demand access to ill or injured protesters. If they are denied access, they can be confrontational with responders and attempt to draw legal and media attention.
- i. Legal Teams.** Legal personnel, who are part of the protest and subject to arrest, document protester-responder interaction through note-taking and photographs. Often wearing pink or green colored hats and clothing as identifiers, these legal personnel demand access to the scene and attempt to intimidate law enforcement by telling them the tactics they are using are illegal. Many legal teams indicate they are neutral observers there to protect the rights of both protesters and law enforcement.
- j. Tactical Advisor.** The goal of tactical advisors is to function as a field commander, usually in the rear, to document the size and action of the police response. A direct action grid system defines areas within the larger area set by the protesters and assigns a tactical advisor to each grid.
- k. Communications Specialist and Messenger.** These supporters enable cellular phone or radio communication between protesters and a main control center. Communication specialists, who are present at demonstrations, are protected by fellow protesters as much as possible from arrest. To avoid law enforcement listening to protester communications,

messengers might be used instead to deliver communications. Numerous messengers, usually on bicycles, attempt to blend in and avoid detection so that law enforcement officers do not follow them to a main control center.

I. Intelligence Specialist. Also referred to as scouts, intelligence specialists gather information on police deployment procedures—structure, mobility, and assets—and potential targets weeks in advance of the event. General demonstrators also gather intelligence before and during protests by surveillance, public records requests, law enforcement contacts, monitoring of law enforcement communications and operational security assessments.

Notes.

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FIGURES LISTING

Figure 1 - Photo Credit: lumpenstudio.ning.com. Retrieved from <http://politix.topix.com/story/1611-tampa-bans-protest-puppets-ahead-of-republican-national-convention>

Figure 2 - Photo Credit: Dylan Brown of the Independent Record. July 11, 2011. <http://www.mspoa.org/archives/2011/2011-3-1.htm>.

Figure 3 - Photo Credit (Left): "Road Raging – Top Tips for Wrecking Roadbuilding" book. Find book online at <http://www.eco-action.org/rr/ch12.html> . Photo credit (Right): Bold Nebraska. Retrieved from www.boldnebraska.org

Figure 4 - Photo Credit: Pittsburgh City Paper. Retrieved from: <http://www.pghcitypaper.com/pittsburgh/breaking-down-defense-mechanisms/Content?oid=1334966>

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Figure 8 - Photo Credit: Fitzrovia News

Figure 9 - Photo Credit: Tar Sands Blockade. Retrieved from <http://insideclimatenews.org/news/20121216/keystone-xl-tree-protesters-texas-tar-sands-blockade-transcanada-michael-bishop-landowners-lawsuit-dilbit-pipeline> .

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Figure 11 - Photo Credit: Blockade Halts Ski Resort Destruction and Desecration of Holy Mountain. Retrieved from <http://www.indigenousaction.org/blockade-halts-ski-resort-destruction-desecration-of-holy-mountain-video-pics/>

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Field Force Operations PER-200

Student Guide

Module 6 Crowd Dynamics

Number: Module 6

Title: Crowd Dynamics

Purpose: To provide students with a description of crowd dynamics based on leading theories of crowd psychology and recent analysis of protest groups.

Total Time: 1 hour

Learning Objectives

a. Terminal Learning Objectives

- (1) Given a protester scenario, identify considerations of a protest situation in accordance with analysis of crowd control best practices. (LE-0010)

b. Enabling Learning Objectives

- (1) Given a written examination, identify types of protesters in accordance with analysis of recent protests. (LE-0010f)
 - (2) Given a written examination, identify ideologies that incite people to protest in accordance with the Department of Justice. (LE-0010g)
 - (3) Given a written examination, identify the formula to assess crowds in accordance with the group action impact assessment. (LE-0010l)
 - (4) Given a written examination, identify psychological factors of individual protesters in accordance with analysis of recent protests. (LE-0010m)
 - (5) Given a written examination, identify the type of individuals likely to protest in accordance with the FBI. (LE-0010n)
 - (6) Given a written examination, identify the motives of individual protesters in accordance with analysis of recent protests. (LE-0010o)
 - (7) Given a written examination, identify psychological factors of crowds in accordance with *Riots, Revolts, and Insurrections*. (LE-0010p)
 - (8) Given a written examination, identify crowd behaviors and patterns in accordance with *Riots, Revolts, and Insurrections*. (LE-0010q)
 - (9) Given a written examination, identify general law enforcement guidelines to respond to crowd behaviors in accordance with analysis of recent protests. (LE-0010r)
- 1. Formula to Act.** Protesters cause or join protests due to emotion-based factors including a perceived lack of fairness, a strong personal impact, uncertainty about the future, protection of personal rights, and the impact of friends and family on protest participation. A simple formula exists to assess crowds called the group action impact assessment (GAIA). An emotion-based factor plus the ability to organize equals action; view this written out mathematically as (e) Emotion + (o) Organization = (a) Action (Sopow, 2004, p. 5).

a. Violent Protests Not Common. Research has determined that less than 5% of individual protesters indicate they have used violent action, and only 2% indicate they have participated in an illegal or violent protest. Furthermore, another 14% indicate they might get involved in illegal activity under certain circumstances—depending on what that “tipping factor” is or could be. (Sopow, 2004, p. 5)

2. Psychological Factors of Individual Protesters. The majority of protesters are everyday citizens gathering to peacefully demonstrate vs. professional protesters vs. anarchists. (Driscoll, 2013) To better understand the psychology of protesters, behavior theorists research which individuals are more likely to become protesters, the motives of individual protesters, and the behavior of individuals within a crowd. History shows that most individuals seek certain intangible values that, if violated, will cause them to join with others to express their views.

a. Foundation of Behavior Theory. In the 1960s, some theorists concluded that protesters retain a clear sense of personal motivation no matter the collective behavior of a crowd. In *Riots, Revolts, and Insurrections*, Raymond M. Momboisse, however, indicated all crowds have the ability to transform into unruly groups depending on the attributes of the individuals and of the crowds (Momboisse, 1967, p 26-30). Momboisse, whose 1967 book became the foundation of many modern theorists’ research, served on a 1960s federal riot advisory committee.

b. Protesters. Not every protester is the same nor should be viewed the same by law enforcement. By better understanding protesters, law enforcement officers can make better choices on how to respond. A small group of unruly protesters can stand out from the peaceful majority—often comprised of others who just want to be there along with innocent bystanders accidentally caught in the melee.

(1) Everyday citizens. Most protests include everyday citizens gathering through their First Amendment right to peaceably make their voices heard (Driscoll, 2003).

(2) Professional protesters. These people train or are trained in protester tactics often by direct action organizations that promote two universal messages: First, intervention demands responsibility. Second, a smaller harm is acceptable if it prevents a greater harm. One interpretation of this second message is that it is acceptable for protesters to break laws they consider less important like vandalism to prevent a greater harm like environmental damage. Some activism organizations may produce booklets that demonstrate use or construction of devices, including the infamous *Road Raging – Top Tips for Wrecking Roadbuilding* (Road Alert!, 1997).

(3) Anarchists. These people aim to disrupt, often seeking to challenge authority and capitalism at any cost. They are frequently young college students who express themselves through the destruction of property. Anarchists may mix into peaceful protests despite the efforts of the nonviolent protesters to limit destructive activities—leading to fighting sometimes between protesters. One common anarchist technique is the black bloc (violent, destructive activity), demonstrated at the Occupy Seattle protests.

c. Protester Ideologies. Emergency responders should be familiar with some ideologies that can incite people to act. In general, people protest due to perceived unfairness around hot-button issues from politics to the economy to race relations to sporting

rivalries. As exemplified by a protest continuum, the majority of U.S. protesters are peaceful everyday citizens rather than criminals like terrorists; terrorists do not have a place in protests.

- (1) The Department of Justice (DOJ) lists ideologies, which it refers to as threats, rather than name specific groups involved in civil actions (Bjelopera, 2013, p. 10). Several ideologies often engage in legitimate activities like letter-writing campaigns or work stoppages and not criminal activities like sabotage and arson that disrupt civil order (Bjelopera, 2013, p. 42). The below DOJ list provides local law enforcement officers insight into the ideologies and reasons for civil actions (Bjelopera, 2013, p. 10).
 - (a) Animal Rights. The term animal rights extremism covers criminal acts committed in the name of animal rights. Participants often engage in vandalism, theft, property destruction, and arson.
 - (b) Environmental. This threat, often referred to as eco-terrorism, and includes criminal acts committed in the name of the environment. Participants often engage in vandalism, theft, property destruction, and arson.
 - (c) Anarchist. This threat involves those who believe individual autonomy and collective equality are fundamental and necessary for a functional, civilized society. They resist the existing hierarchical structure of society that gives some people authority and control over others. According to anarchists, authority instills power, and power is always used in illegitimate and self-serving ways by those who have it.
 - (d) White Supremacist. The term white supremacist extremism describes people or groups who commit criminal acts in the name of white supremacist ideology. White supremacist ideology purports that the white race ranks above all others, especially Jews and African Americans.
 - (e) Anti-government. Those against the government, such as Sovereign Citizens, believe they are separate or sovereign from the nation even though they physically reside in the United States. Unauthorized militias and sovereign citizens are considered anti-government extremists.
 - 1) Although Sovereign Citizens is not a true protest group by the strictest definition, it is an anti-government group commonly encountered by law enforcement. In 2011, two Sovereign Citizens members, Jerry and Joe Kane, shot and killed two West Memphis, Arkansas, police officers. After a chase, the Kanes were shot in a Wal-Mart parking lot. A 2011 "60 Minutes" feature on the Arkansas incident interviewed the movement's Alfred Adask who said he would argue it is un-American to trust government (Finch, 2012).
 - (f) Black Separatist. A threat or movement to create separate institutions for black people in societies historically dominated by whites, particularly in the United States.
 - (g) Anti-abortion. Anti-abortion extremism involves crime committed in the name of the anti-abortion movement. Their objective is to limit access to abortion services (Bjelopera, 2013, pp. 11-34).

e. Typing of Individual Protesters. Shortly after the 1960s upheaval, the federal government took interest in a public order management system to counter what it termed "mob" sociology (Schweingruber, 2000, p. 377). Based on Mombousse's material, the FBI published a 1967 crowd control manual listing seven types of mob members.

- (1) Impulsive. These short-tempered people are the kind who are always spoiling for a fight and only need a fancied insult or a slight provocation to excite them to violence or incite others to violence.
- (2) Suggestible. People who get into the action early and are easily influenced to follow the lead of the more violent.
- (3) Cautious. Individuals who wait for the cloak of anonymity to give them courage by hiding their identity.
- (4) Yielders. Those who do not join the action until a large number of participants give the impression of universality. In other words, "Everyone is taking part, so why shouldn't I?"
- (5) Supportive. People who do not actively join the mob but who enjoy the show and even shout encouragement.
- (6) Resisters. Persons whose standards of judgment are not swayed by the emotional frenzy of the mob but who maintain level heads. They can disagree with the actions of the majority.
- (7) Psychopathic. Individuals with a pathological personality structure are angry at the world and seek to use a riotous situation as a means of getting even with society (FBI, 1967, p. 21).

f. Motives of Individual Protesters. Crowd participants, who each come with his or her individual intangible values, can be grouped according to their motives.

- (1) Independence. Most people aspire to be independent in their choice of objectives and actions. Individuals may express this search for independence in many ways. Usually, a peaceful approach to achieving independence will be used; but once emotionally motivated and organized, some individuals may resort to drastic means to obtain their objectives.
- (2) Wealth or Security. Society uses wealth as a measure of both individual and social progress. Wealth can add to an individual's sense of security, regardless of his or her particular environment. The aspiration to wealth is sometimes compared to an individual's desire to obtain personal, economic, and social recognition.
- (3) Recognition. People generally seek to communicate ideas, problems, and desires. In return, most people desire to be recognized and treated as contributing members of society.
- (4) Self-esteem. Most people realize that human dignity is a common goal and that people desire respect from and equal treatment by other members of society. As

individuals develop self-esteem, they may collectively assert themselves in the attainment of their objectives and goals.

- (5) Justice. Society aspires to be just. Society's sense of justice expects equality before the law for all members of society, regardless of wealth or position, gender, sexual orientation, race, color, creed, or national origin. Justice is expected in the protection of rights and in punishment for wrongs (Cerrah, 1998, p. 70).

3. Psychological Factors of Crowds. A crowd is comprised of many different individuals with a variety of motivations. A crowd develops into a mob when all or most of the crowd has been instilled with a purpose and intent to carry out this purpose. Once a crowd is established, it can quickly turn into a mob with a specific purpose in mind.

a. Crowd Behaviors. Behavior dynamics of an unruly crowd come from those individuals in the protest. Law enforcement benefits from being familiar with these crowd behaviors, many of these are explained in Raymond Mombousse's *Riots, Revolts, and Insurrections*.

- (1) Homogeneity of Mental State. Members of an unruly group share common attitudes, and opinions, common dissatisfactions, frustrations, and conflicts. When a group is subjected to common frustration, the cohesiveness of the group is increased.
- (2) Contagion. Mob actions and ideas are like a contagious disease. These actions spread rapidly from person to person. For example, the crowd leader arouses a member of a crowd, and soon he or she is influencing the people around him or her. In turn, they influence those around them. Before long, everyone has adopted the leader's ideas and actions. In addition, the mob itself attracts more people who join simply because they are curious to see what is going on or to take advantage of the opportunity to join in acts being committed by the group.
- (3) Suggestion. Suggestion occurs when someone spreads ideas to members of a group who, without conscious realization and without rational thought, accept the ideas to be true. When this dynamic is displayed, the individual regards the ideas of the mob leader to be true because the ideas sound logical or are simply appealing. The members of the group have no real reason for accepting the ideas. Individuals are often influenced by the actions of the group enough to become members without understanding their ideas.
- (4) Imitation. Members of a crowd tend to follow the actions of the people surrounding them. It is, therefore, easy to have a few people enthusiastic about mob ideas and actions and to have other people join simply because they want to follow the group and do what the others are doing.
- (5) Anonymity. Under normal conditions, a person is conscious of his or her actions and knows that any wrongdoing brings punishment. The individual usually acts with a degree of restraint. However, in a mob, an individual tends to lose his or her self-consciousness because he or she feels his or her identity is "lost in the crowd" and that he or she cannot be blamed or punished.
- (6) Sense of Power (Numbers). The more people there are in a crowd, the more people there are, the more a crowd member feels strength and security. Therefore, many

crowd members go along with mob actions because they feel there is strength in numbers.

- (7) Release from Repressed Emotion. The prejudices and unsatisfied desires of an individual, which are normally held in check, are readily released if the opportunity to do so arises. A temporary release of emotions is a powerful incentive for an individual to participate in mob actions.
- (8) Rumor. Since the participants in a mob can act irrationally and emotionally, it is to be expected that the rumors may become firm beliefs. Rumors that lead to unruly situations are generally more negative yet exciting as they spread. These rumors finally become inflammatory accounts of intolerable acts. If these rumors are collected and analyzed, a sensitive index for the state of group hostility can be compiled, thus providing assistance in forestalling possible violence.
- (9) Novelty. When an individual is faced with a new and strange situation, he or she may not act according to his or her usual pattern of behavior. A person exhibiting this type of behavior is welcoming a break in his or her normal routine and reacts enthusiastically to new circumstances (Mombousse, 1967, p. 25-27).

b. Behavior Patterns. Psychologically, it's important for law enforcement to identify an established pattern to a group's behavior, which includes acquisitive, escapist, expressive, and aggressive approaches.

- (1) Aggressive. This type of crowd behavior describes the type of situation that involves a crowd intent on causing some type of destructive action. Crowd Goal: Seeks a target.
- (2) Escapist. In a panic situation, this dynamic is often apparent. At times, the dynamic is caused by police action—such as the use of less-lethal munitions or the presence of arrest teams. At other times, it is caused by uncontrollable occurrences. Individuals displaying the escape pattern are driven by fear and often by emotions caused by this irrational or perceived fear. Events or circumstances at the scene may cause this escapist type of behavior. For example, serious fires, explosions, flooding, or other natural disasters could occur, changing people's behavior from passive to frightened. Crowd Goal: Seeks an exit or means for resolving the crisis.
- (3) Acquisitive. In some mobs, the main purpose of the emotional, irrational behavior is the acquisition of desired objects. What starts as a demonstration sometimes turns into a wild looting spree. Law enforcement responders have seen cases in which incidents that started as a riot suddenly change into a wild and uncontrollable looting spree. Crowd Goal: Seeks some type of economic good.
- (4) Expressive. The behavior of people in highly charged situations is not necessarily associated with any of the foregoing but is simply expressive in nature. People attending lawful gatherings may contain elements of expressive behavior, but this expression can be easily converted into one of the previously described behaviors. The expressive mob may be trying to express either fervor or revelry. The occasion allows the participants to release pent-up emotions and escape from normalcy. Crowd Goal: Does not have one clear external goal (Mombousse, 1967, p. 10).

- (a) **Spontaneous Sporting Event.** Sports fans could be said to take part in expressive-type behaviors following a game, especially for the losing team. After the 2014 University of Arizona Elite Eight in Tucson, sports enthusiasts gathered outside the college-area bars in the streets and refused to clear the area despite police orders to do so. During the clash with law enforcements, students expressed their fervor and released their pent-up emotions.
- (b) **Spontaneous Political Gathering.** With a surge of illegal immigrants coming into the United States in the summer of 2014, citizens reacted suddenly in the throes of the developing situation, releasing their pent-up emotions. On July 1, 2014, approximately 100 angry anti-immigration protesters blocked three buses carrying undocumented immigrants near Los Angeles at the Murrieta Border Patrol Station. Anti-immigration protesters yelled “USA,” “impeach Obama,” and “deport, deport” while facing off with pro-immigration protesters. Due to the unsafe situation, Department of Homeland Security buses were redirected to a San Ysidro border patrol station. (Yan, 2014) As the event unfolded, an increase in federal law enforcement response to control protesters angered the anti-immigrant community (Watson, 2014).

4. Response to Crowd Situations. Any public assembly or gathering, whether for lawful or unlawful purposes, may require a law enforcement response. Just as crowd situations differ, so should law enforcement’s reaction to their actions. By examining why protesters do what they do, law enforcement can be better equipped to predict crowd reactions. The greater the congruency between protesters needs and police philosophies toward demonstrations, the greater will be the trust levels between the groups (Sopow, 2008,). Although the role of frontline officers is to execute management’s orders on the ground, officers should understand that their personal attitude about the protest situation can affect their demeanor when interacting with protesters. Law enforcement should abide by the following general guidelines when encountering unruly crowd behavior.

- a. Know Local Laws.** Before responding, law enforcement officers need to know local laws regarding public assembly and public order.
- b. Standardize Procedures.** Law enforcement must follow its standardized procedures ensuring due process when reading dispersal orders, making the arrest, transporting prisoners, and securing property. In order to prepare for a large planned event, crowd control personnel need more than a year to learn the proper security tactics. For example, law enforcement agencies in St. Paul, MN prepared in detail for the 2008 Republican National Convention, a National Special Security Event (NSSEs).
- c. Prepare for Protester Tactics.** Both locking and non-locking devices might be used in an effort to slow down the process and clog the justice system.
- d. Videotape Events.** During an event, law enforcement agencies need to videotape and document protester actions and their own actions.
- e. Avoid Inaction and Overreaction.** Police inaction and overreaction have contributed to unlawful, riotous behavior in which law enforcement agencies have been held accountable. Historically, departments have faced a catch-22 situation: rapid and aggressive uniformed police action garners allegations of overreacting while a limited police response brings accusations of incompetence (Hubbs, 1997, p. 1).

- f. Reasonable Use of Force.** Only a reasonable amount of force necessary to affect an arrest should always be used, especially since minimum force can have a calming effect on the crowd.
- g. Quickly Apprehend a Subject.** The longer a subject is the focal point of an apprehension, the easier it is to stir a crowd to resort to hostile or violent acts. Crowds often sympathize with a subject and try to help him or her. If not carefully managed, the situation can escalate the crowd toward violence.
- h. Properly Identify Each Individual Arrested.** If arrests are not made based on actions of a crowd, it is the individual who is charged, not the crowd. A conviction cannot be obtained if the individual is not properly identified as committing the offense—specifically the time, date, and location of the offense must be part of the arrest documentation. If the law enforcement responder cannot prove beyond a reasonable doubt that the person committed an act, due process has not occurred.

Notes.

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Field Force Operations PER-200

Student Guide

Module 7 Riot Control Equipment

Number: Module 7

Title: Riot Control Equipment

Purpose: To provide students with a description of riot control equipment used in crowd control.

Learning Objective(s)

a. Terminal Learning Objective. Given riot control equipment, use equipment to control crowd in accordance with accepted law enforcement practices. (LE-0120)

b. Enabling Learning Objective.

- (1) Given a written examination, identify the riot control equipment used for crowd control in accordance with accepted law enforcement practices. (LE-0120a)
- (2) Given a written examination, identify the characteristics of air-purifying respirator in accordance with manufacturer specifications. (LE-0120h)

1. Personal Protective Equipment (PPE). There is a wide variety of protective equipment that is available to protect law enforcement officers from hazards during of a riot control situation. There is personal protective equipment for the eyes, face, head, arms, hands, legs, and extremities. There are respiratory devices, protective shields, and fire-resistant clothing that can be worn. Although there is a lot of equipment available, be cautious of “over dressing” because too much equipment will restrict movement and increase physiological stress. Also, extreme heat or cold will limit the time officers can remain in such equipment. The best practice is to wear only the PPE that is necessary, for the protection of hazards that are present, or are most likely to be present.



Figure 1. Riot Control Helmet

a. Riot Control Helmet. A riot control helmet is a head protector that protects the top and side of the head from projectiles and falling injuries. It is the most common and important piece of PPE for use in protest situations. The main components of a riot control helmet are:

- (1) **Helmet.** There are two basic types of helmets. The first type has a full brim, not less than 1 and $\frac{1}{4}$ inches wide. The second type is brimless with a peak extending forward from the crown. The sizes of helmets are adjustable, and they must be pre-adjusted to fit an individual.
- (2) **Chin strap.** An adjustable strap attached to the helmet. It fits under the chin and thus holds the helmet in place during a fall, when struck on the head by objects, and while performing physical tasks. You must be able to manipulate the chin strap fastener with gloves on.
- (3) **Face shield.** A permanently attached or removable transparent high-impact plastic or other durable material which hangs down from the front of the helmet providing protection from eye and face injuries. They come in various thicknesses.
- (4) **Neck protector.** A guard that is built-in to the back of the helmet or worn around the neck to prevent injury to the neck.
- (5) **Drip guard.** A strip of soft material between the Helmet and face shield to prevent liquids from running down into the eyes.



Figure 2. Protective Shield

b. Protective Shield. A shield is a hand held guard that protects the body from debris. It acts as a barrier between the officers and protesters. The main components of a typical riot control shield are:

- (1) **Shield.** A thin and transparent piece of durable high-impact plastic or other durable material. It comes in various shapes and sizes. A typical riot control shield is typically 2 feet in diameter and 3 feet long.
- (2) **Handles.** A shield has at least one vertical ring or arm secured to the back of it which enables the shield to be carried with one arm. Some shields have two or even three handles.

- (3) Locking mechanism. Some shields have a link on both sides, so they can be joined together. This feature allows a team of officers to lock their shields together to form a protective barrier between responders and protesters.



Figure 3. Knee Pads



Figure 4. Shin Guards

- c. Knee Pad/Shin Guard.** A guard with a hard plastic shell and interior leg brace. It is worn on the shin and/or knee to project the knee, leg, and ankle. Knee pads can also be worn separately.



Figure 5. Shoes/Boots

- d. Shoes/Boots.** Protective footwear including leather and rubber boots and shoes. Steel-toed boots provide protection against blunt force trauma and crushing injuries. Boots with thick soles provide protection against objects, such as caltrops (spikes) penetrating into the foot. It is a best practice to select protective footwear that complies with the Occupational Safety and Health Administration Code of Federal Regulations (C.F.R.) § 1910.136.



Figure 6. Arm Protectors

- e. Forearm Protectors.** A guard typically made of hard plastic and foam. It is worn on the forearm to protect the forearm, elbow, and wrist from blows delivered by blunt objects. The size of a forearm protector is significant consideration because if it is too short, it will not provide adequate protection; and if it is too long, it will inhibit movement.
- f. Elbow Pad.** A guard made of plastic, rubber, or foam. Provides protection for elbow against impact injury during a fall or strike.
- g. Gloves.** A glove made of flexible yet durable material (e.g., leather, vortex) with hard knuckle and finger guards made of plastic, rubber, or foam.



Figure 7. Upper and Lower Body Protector

- h. Upper Body and Shoulder Protector.** Shoulder pads and protective vests are used to protect the upper body and shoulder from projectiles and blunt impacts. They are typically made of durable foam padding encased in black nylon. Most come with adjustable shoulder and waist straps.
- i. Lower Body and Groin Protection.** A lightweight protective outer or undergarment that protects the waist and sensitive groin area. The three methods for protecting the groin are:
 - (1) riot control suits that provide a lower flap covering the area,
 - (2) heavy padding strapped over the groin area, and
 - (3) A good quality athletic cup.



Figure 8. Air-Purifying Respirator

j. **Air-Purifying Respirator (APR).** Also called gas masks, APRs are the most common type of respiratory equipment used by law enforcement officers. Responders utilizing APRs must understand the equipment's usage, maintenance, and components. Law enforcement officers should have APRs assigned to them individually to ensure proper fit testing is performed. It is also important to realize that APRs do not replace oxygen and are not appropriate in any oxygen-deficient atmosphere such as a fire. All APRs must meet standards found in OSHA regulations 29 CFR § 1910.120 and 29 CFR § 1910.134.

(1) Components of an APR. The key for effective use of APRs is the maintenance of negative pressure and an air-tight seal over the individual's face. Failure for not getting an air-tight seal can result from cracks in the rubber part of the APR, hair or dirt between the skin of the face and the surface of the APR, or improper filters in the APR. Each respirator consists of a mask, a filter (canister/cartridge), and a harness. Inhaled air is pulled through the filter, particulate material is trapped, and the gas or vapor contaminant is removed by the chemical components before it can enter the body (HHS, 2005).

(a) Filters used with APRs must be selected based on the specific hazards individuals will encounter. No single filter will work in all situations (HHS, 2005).

(b) Filters are numerically rated based on the protection offered. Efficiency ratings (e.g., 95%, 99%, or 99.97%) depend on how much leakage is acceptable—higher numbers mean less leakage (HHS, 2005).

(c) The letters before the numerical ratings refer to the filter's ability to operate in the presence of oil particles in the environment (HHS, 2005).

1) N—not resistant to oil

2) R—resistant to oil

3) P—oil proof

(d) Filters have shelf lives and can become saturated from contaminant exposure. Agencies must have policies in place for periodic replacement of filters (HHS, 2005).

k. **Fire-Resistant Clothing.** Fire-resistant clothing should be used when dealing with any groups with a history of using Molotov cocktails or when intelligence indicates that cocktails may be used during an upcoming event.

l. **PPE Selection Factors.** The selection factors for PPE include fit, comfort, and flexibility. Also, PPE should be easy to put on and provide proper protection from blunt force trauma.

m. **Gear Bag.** A heavy duty water resistant bag with a shoulder strap is used to carry riot control equipment. For example, a 34 inch by 10 inch nylon bag with exterior cargo type zippered pockets can be used to carry equipment.

Notes.

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FIGURES LISTING

- Figure 1 – Photo courtesy of The Safariland Group.
- Figure 2 - Photo courtesy of The Safariland Group.
- Figure 3 - Photo courtesy of The Safariland Group.
- Figure 4 - Photo courtesy of The Safariland Group.
- Figure 5 – Photo courtesy of Galls Waterproof Duty Boots and Rocky Men's Alpha Force Composite Toe Boots.
- Figure 6 - Photo courtesy of The Safariland Group.
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Field Force Operations PER-200

Student Guide

Module 8 Riot Control Agents and Less Lethal Munitions

Number: Module 8

Title: Riot Control Agents and Less Lethal Munitions

Purpose: To provide students with a description of riot control agents and less lethal munitions used in crowd control.

Learning Objective(s)

a. Terminal Learning Objective. Given riot control equipment, use equipment to control crowd in accordance with accepted law enforcement practices. (LE-0120)

b. Enabling Learning Objectives:

- (1) Given a written examination, identify riot control agents in accordance with *Jane's Chem-Bio Handbook*. (LE-0120b)
- (2) Given a written examination, identify considerations for decontamination of riot control agents in accordance with NFPA 472. (LE-0120c)
- (3) Given a written examination, identify less lethal munitions in accordance with accepted law enforcement practices. (LE-0120d)
- (4) Given a written examination, identify the effects of riot control agents in accordance with *Jane's Chem-Bio Handbook*. (LE-0120e)

1. Less Lethal Weapons. Riot Control Agents (RCAs) and Less Lethal Munitions (LLMs) are used by law enforcement to control crowds and protect life and property. According to law enforcement best practices, RCAs and LLMs are only used after peaceable methods have failed or an escalation of force is justified following the law and individual police department policy. Also, personnel should receive initial training and annual training on RCAs and LLM deployment before they are authorized to carry or use them. These personnel, called grenadiers, should be the only ones to deploy RCAs or LLMs. RCA and LLM are designed to accomplish the following:

- a. Disrupt.** Prevent the targets from completing their intended task or mission.
- b. Disorient.** Cause the targets to become physically lost or lose their sense of direction.
- c. Disable.** Physically disable the targets or cause perpetrators of criminal acts to become physically incapacitated.
- d. Distract.** Cause targets to lose their focus and crowds to lose cohesion.
- e. Disperse.** Cause the crowd or targets to scatter and people involved leave the area.

Type	Description	Dispersal Method	Temporary Effects
CN	White powder similar to granulated sugar or salt	Vapor	- Irritation of nose with nasal secretions - Tearing of eyes - Shortness of breath and coughing
CS	- White powder similar to talcum powder - Smells like apple blossoms	Aerosol	
OC	Powder made from crushed chili peppers	Spray	

Figure 1. Riot Control Agents

2. Riot Control Agents. The most commonly used types of riot control agents are Chloroacetophenone (CN), Orthochlorobenzalidene Malononitrile (CS), and Oleoresin Capsicum (OC). All of these agents produce about the same effects. Within seconds of contact there is burning and irritation of: nose, with nasal secretions; eyes, with a reddening of eyes, tearing; mouth, with salivation; airways, with coughing, possible feeling of shortness of breath; skin, with possible redness. The effects are temporary and they decrease when the crowds disperse from the immediate area and move to clean air. (Alibek, Dashiell, Dwyer, & Patrick, 2005).

a. Chloroacetophenone (CN). A white, crystalline solid resembling granulated sugar or salt; in cloud form, CN has a faint apple blossom odor. It is generally dispersed by a pyrotechnic charge that heats the material to a vapor form. It can also be dispersed by an explosive charge that spreads the material as a cloud of fine particles. It is less effective at temperatures below 30°F. Today, CN is rarely used by law enforcement. It has been replaced by CS and OC. However, some manufacturers of personal protective spray still offer CN in small spray containers.

b. Orthochlorobenzalidene Malononitrile (CS). A white, crystalline solid resembling talcum powder. It more effective, but less toxic, than CN; the lower toxicity is due to the lower concentrations needed to achieve the desired results. It is dispersed as an aerosol generated by heating the crystalline material with a pyrotechnic device or by spraying a solution created by dissolving the CS in a solvent. The canisters for CS are color coded red.

c. Oleoresin Capsaicin (OC). Commonly known as “pepper spray” it is made from crushed capsicum (i.e., chili peppers). When mixed with oil and water, it can be sprayed from a variety of dispensers and dispersed as a powder or aerosol. The canisters for OC are color coded orange.

3. RCA Delivery Systems

a. Compressed Air Weapons. Police compressed air weapons are similar to the weapons produced for the sport of paintball. However, these types of weapons are designed to fire

projectiles loaded with RCA. The following are examples of less lethal compressed air launchers used by law enforcement:



Figure 2. PepperBall™ Launcher with fin stabilized OC rounds

- (1) PepperBall™ Rifle. The PepperBall™ launchers are similar to civilian type Tippmann™ paintball markers. The standard system for the PepperBall™ utilizes a 13 cubic inch bottle, and when charged to 3,000 psi, it can launch up to 130 .68 caliber OC rounds at a high rate of fire. The launchers can accurately strike a target up to about ten yards according to Meslow, Wolf, Henych, and Thompson (2008).



Figure 3. FN 303 Launcher with OC rounds

- (2) FN 303 Less Lethal Launcher. A launcher manufactured by FN Herstal USA. It is a semi-automatic compressed air rifle with a 15-round magazine that fires 18mm, 8.5 g weight fin stabilized OC rounds. Independent tests have found the FN303 to be accurate at over 50 yards (Bertomen, 2005; Meslow & Thompson, 2006). However, it may cause serious injury or death if fired at distances closer than 12 feet, and even beyond 12 feet the torso should be the point of aim to prevent injuries (FN Herstal, 2002).



Figure 4. 37 MM Launcher

- b. 37-Millimeter Launch System.** A 37-millimeter launcher consists of either a single-shot, breech-loading launcher or a multiple shot launcher capable of delivering multiple RCA and LLM rounds to ranges up to 150 yards.



Figure 5. 40 MM Launcher

- c. 40-Millimeter Launch System.** The 40-millimeter launch system is also available in single or multi-shot configurations. The 40-millimeter systems have rifled barrels, increasing the accuracy over 37-millimeter launchers and provide for a longer range.



Figure 6. 37/40 MM Munitions

d. 37/40-Millimeter Munitions. There is a wide variety of rounds for less lethal munitions for the 37-Millimeter and 40-Millimeter Launch Systems. Here are some of the most common.

- (1) Stinger® Round. A munition containing multiple projectiles consisting of either 32 or 60 caliber rubber balls. It is effective up to 20 meters. The Stinger® is manufactured by Defense Technology Corporation.
- (2) Bean Bag Round. A tailed or nontailed round with a 4.8 inch casing containing a silica sand-filled nylon bag or ballistic bag. The 37/40-mm bean bag round is a direct-fire projectile designed for single-target engagement. It is not effective if skip-fired. This round has an effective ranged of approximately 20 to 50 feet.
- (3) Foam Baton Round. A close range munitions cartridge with three or five rubber foam batons.



Figure 7. 37/40 MM RCA Rounds

- (4) Riot Control Rounds. Projectiles containing riot control agents.
- e. 12-Guage Shotgun.** Since most agencies already have one for normal use, the 12-guage shotgun is the most commonly used weapon to fire LLM and it requires a minimal amount of training to employ. There are many types of less lethal munitions for the 12-guage shotguns.



Figure 8. 12-Guage Shotgun Rounds

- (1) 12-Gauge Bean Bag Rounds. A bean bag round is a small bag filled with up to an ounce of birdshot lead and encased in a shotgun shell. The bag is typically made of double weaved cotton, nylon cloth, or ballistic bags. There are several different types of 12-gauge beanbag munitions manufactured for riot control.
- (a) Tail Stabilized Bean Bag Rounds. A bean bag round with a cotton, nylon, or ballistic aerodynamic tail stabilizer. For example, Supersock™ manufactured by Combined Tactical Systems is a drag stabilized round. The tail stabilizes the bag, therefore it has a straighter flight path and it assists maintaining the flight integrity to the target. A tail stabilized round can be accurately direct-fired at a target at ranges of up to 80 feet with a 12-gauge shotgun, up to 60 feet with a 14-inch barrel, and up to 50 feet with a 10 inch barrel (Meslow, Wolf, Henych, and Thompson, 2008). It is generally effective at ranges of up to 30 meters.
 - (b) Nontailed Bean Bag Round. A bean bag round without an aerodynamic tail stabilizer. Since it does not have a tail, a nontailed bean bag round has less velocity than the tail stabilized round, it cannot be fired as accurately, and it only has a range of about 20 to 35 feet.
- (2) 12-Gauge Rubber Rounds. Commonly known as rubber buckshot or stinger® rounds, they are shotgun shells loaded with small rubber balls that are projected when the round is fired. Some shells are loaded with as many as 15 pellets, and others have only one pellet. For example, Defense Technology Corporation manufactures a single, double, and triple stinger® round. Stinger rounds have a range of approximately 21 to 60 feet. A rubber projectile is intended to be direct or skip fired, but it is necessary to keep the trajectory low to avoid striking the subject above the breast line. Mud, snow, and soft grassy terrain will reduce the effectiveness of skip-firing this round.
- (3) Fin-stabilized Rounds. A fin-stabilized round is a shotgun shell loaded with a finned rubber sabot. In most cases, the projectile is a made of solid 130-grain rubber, which produces a controlled and directed incapacitation by blunt trauma and pain. The fin-stabilized round is used by law enforcement for crowd control in noncompliant subjects. The round is generally considered to be a low-to-medium pain compliance round for close range deployment. It is intended for direct-fire deployment. It is most effective between 15 and 35 feet.
- f. Hand Tossed Munitions.** A small canister filled with a pelletized or pulverized RCA designed to disperse after a set amount of time. It can either be thrown by hand or launched from a weapon. There are a variety of pyrotechnic and non-pyrotechnic RCA grenades.



Figure 9. Hand Tossed Munitions

- (1) Pyrotechnic RCA Grenade. A grenade of this type discharges the RCA from a port on the bottom or top of the canister. They usually have a fly off fuse.
 - (2) Non-Pyrotechnic RCA Grenade. A grenade of this type releases gas from a cartridge.
- g. RCA Dispersers.** A chemical disperser unit used for spraying a stream of chemicals. There are many different types of dispersers. For example:



Figure 10. RCA Dispersers

- (1) Handheld Disperser. A small dispenser intended for self-defense or for keeping rioters out of arms reach of law enforcement. Defense Technology Corporation manufactures the MK-46H®. It is a water based dispenser of OC that can deliver 20 one-second bursts up to 25-30 feet (U.S. Department of Justice, 2004).

(2) Medium and Large Disperser. A medium or large sized aerosol disperser intended to provide a small unit with the capability to clear large crowds. For example, the MK-46 OC manufactured by Defense Technology Corporation contains a Nitrogen propellant with OC. It can spray OC up to 15 feet. Large dispersers contain a propellant mixed with either OC or CS. For example, The ProtectoJet™ OC/CS manufactured by ISPRA is a large chemical disperser containing a compressed Carbon Dioxide propellant mixed with either OC or CS. It sprays a high velocity mist up to 30 feet. It can also provide 15 one-second Pepper Spray bursts. Less Lethal Munitions and Weapons. Less lethal munitions are kinetic projectiles; they do not contain an explosive charge. There are many different types of projectiles and weapon systems that law enforcement can use for launching them (U.S. Department of Justice, 2004).

4. RCA Meteorological Factors. The behavior and tactical effectiveness of RCAs in support of law enforcement operations are affected by the wind, temperature, and precipitation. Therefore, meteorological factors are a major consideration when planning for the use of RCAs.

Anniston, AL		Anniston, AL	
Humidity: 50%	Wind: 3 mph	Humidity: 65%	Wind: 25 mph
Rain Chance: 5%	Temp: 85°	Rain Chance: 95%	Temp: 100°
			

Figure 11. RCA Meteorological Factors

- a. Wind.** A steady wind speed of three to five miles per hour is most favorable for the deployment of RCAs. In contrast, wind speeds of more than five miles per hour, and gusts of wind that vary in direction will either blow the agent out of the area before it can affect the crowd, or push the RCA back into police lines. If the wind speed is less than three miles per hour, the RCA will not spread, and the crowd will move out of the target area.
- b. Temperature and Humidity.** Humidity does not have a significant effect on RCAs. However, heavy humidity coupled with high temperatures, can increase the burning and stinging effects on the skin from RCA exposure. Also, the rate of evaporation of liquid RCAs increase with increasing temperatures. In lower temperatures personal may be wearing multi-layered clothing that provides a more effective barrier to skin exposure.
- c. Precipitation.** Rain can have a dramatic effect on RCAs and can seriously impede its use. Although light rains will not seriously degrade the effectiveness of RCAs, heavy rains will wash it out of the air and off surfaces. Therefore, RCA use during a heavy rainstorm is not recommended as an effective means of controlling the crowd.

5. RCA Decontamination Considerations. Although the deployment of RCA is intended to stop a potential threat, it can also contaminate people who are not involved. Therefore, law enforcement should develop local procedures to decontaminate themselves, other first responders, arrestees, and members of the community. Law enforcement should coordinate with Emergency Medical Services (EMS), fire, health clinics, and hospitals on how to deal with RCAs incidents. The following is a summary of the typical resource requirements and decontamination procedures:

a. Resources. Prior to using RCAs, law enforcement can prepare for decontamination by arranging the following resources:

- (1) Decontamination site. A decontamination site with a water source and a method for collecting the runoff should be established upwind of the RCA deployment prior to the event.
- (2) Water. Plain water is sufficient for washing off RCAs. For individuals, spray bottles can be used. For large crowds, showers, or high volume, low pressure water provided through hose lines or a fire department ladder pipe may be needed.
- (3) Other items. Paper towels for drying the victim, a change of clothing, tools to mark existing clothing, and plastic bags to put them in may also be needed.

b. Decontamination Procedures.

- (1) The effects of RCAs are temporary. Moving the victim to fresh air will decrease its effects. If the victim has had immediate contact with the RCA rinse them with water. If necessary, remove the victims clothing and bag it. Then, cover the victim and provide them with another set of clothing. Finally, provide medical treatment for victims with persistent symptoms.
- (2) In addition to decontaminating individuals exposed to RCAs, the scene must also be decontaminated. Often the agent used will be reactivated when untrained personnel attempt to clean up the scene. For example, certain RCAs will be reactivated if a street sweeper comes along before the agent can be rendered inert.

Notes.

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