

**CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES**

DATE: February 3, 2021

HISTORY: November 6, 1999

SUBJECT: Civil Disturbance

POLICY NUMBER: 99-080

I. PURPOSE

It is the purpose of this policy to establish guidelines to effectively deal with crowds engaged in or posing a significant threat of engaging in violence, property damage or breaches of the peace.

II. POLICY

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

III. DEFINITION

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

IV. PROCEDURES

- A. The first officer to arrive on the scene of a civil disturbance should do the following:
1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent.
 2. Notify the communications center of the nature and seriousness of the disturbance, particularly the availability of weapons. Request the assistance of a supervisor and any necessary backup and advise as to the present course of action.
 3. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse.
 4. Attempt to identify crowd leaders and any individuals personally engaged in criminal acts.
- B. The ranking officer at the scene shall be the officer in charge (OIC). The OIC or other higher ranking officer assuming command at the scene should take the following steps.
1. Assess the immediate situation for seriousness and its potential for escalation. If the disturbance is minor in nature and adequate resources are available, efforts should be made to disperse the crowd.
 2. Establish the number of personnel and equipment necessary to contain and disperse the disturbance and relay this information to the communications center.

3. Where necessary, ensure that appropriate notification is made to outside agencies to include the fire department, rescue squads, state and local law enforcement agencies, departmental administration, and the county jail.
 4. Establish a temporary command post based on proximity to the scene, availability of communications, available space, and security from crowd participants.
 5. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area.
 6. Ensure that, to the degree possible, innocent civilians are evacuated from the immediate area of the disturbance.
 7. Ensure that surveillance points are established to identify agitators, leaders and individuals committing crimes and to document and report on events as they happen. Photographic and videotape evidence of criminal acts and perpetrators shall be generated whenever possible.
- C. Command Options. When adequate personnel and resources are in place, the OIC shall establish communications with leaders of the disturbance and discuss actions necessary to disperse the crowd. Should the crowd fail to disperse in the prescribed manner, the OIC should be prepared to implement one of the following options.
1. Containment and dialogue. The objective of containment and dialogue measures is merely to disperse the crowd. In so doing, the OIC should:
 - a. Establish contact with crowd leaders to assess their intentions and motivation and develop a trust relationship.
 - b. Communicate to the participants that their assembly is in violation of the law and will not be tolerated, that the department wishes to resolve the incident peacefully and that acts of violence will be dealt with swiftly and decisively.
 2. Physical arrest. When appropriate, the OIC will order the arrest of crowd leaders, agitators or others engaged in unlawful conduct and will:
 - a. Ensure the appropriate use of tactical formations and availability of protective equipment for officers engaged in arrest procedures.
 - b. Ensure the availability of transportation for arrestees.
 - c. Ensure that a backup team of officers is readily available, should assistance be required.
 3. Nonlethal force. When physical arrest of identified leaders and agitators fails to disperse the crowd, the OIC may use nonlethal force to accomplish these ends. In so doing, the OIC shall ensure that:
 - a. A clear path of escape is available for those who wish to flee the area.
 - b. The use of tear gas, smoke or other nonlethal devices is coordinated and controlled.
 - c. Canine teams are restricted from all enforcement actions.
 4. Use of deadly force. The use of deadly force in the control and dispersion of civil disturbances as in other circumstances is governed by this department's use of force policy. Specifically:
 - a. Law enforcement officers are permitted to use deadly force to protect themselves or others from what is reasonably believed to be an immediate threat of death or serious bodily injury.
 - b. Particular caution should be taken when using firearms during civil disturbances. The arbitrary use of return fire in crowds is prohibited.

- c. Where sniper fire is encountered or hostages taken, this department's policy on hostage and barricaded subjects shall be followed.
- D. Mass Arrest. During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely, and legally, the OIC should ensure that:
 - 1. An arrest team is designated to process all prisoners for purposes of transportation.
 - 2. An adequate number of vehicles are made available to remove the prisoners to the detention area.
 - 3. An adequate secure area is designated in the field for holding prisoners after initial booking and while awaiting transportation.
 - 4. All arrested individuals are searched, photographed, and properly identified prior to transportation to the jail for formal booking.
 - 5. All injured prisoners are provided medical attention prior to being booked.
 - 6. All arrested juveniles are handled in accordance with this department's procedures for the arrest, transportation, and detention of juveniles.
 - 7. All evidence and weapons taken from arrestees are processed in accordance with this department's policy on the preservation and custody of evidence.
- E. Deactivation. When the disturbance has been brought under control, the OIC shall ensure that the following measures are taken:
 - 1. All law enforcement officers engaged in the incident shall be accounted for and an assessment made of personal injuries.
 - 2. All necessary personnel shall be debriefed as required.
 - 3. Witnesses, suspects and others shall be interviewed or interrogated.
 - 4. All written reports shall be completed as soon as possible following the incident to include a comprehensive documentation of the basis for and the department's response to the incident.

V. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict