
 <p>DEPARTMENT OF PUBLIC SAFETY</p> <p>UNIVERSITY POLICE</p> <p>University of Colorado Colorado Springs</p>	Policy and Procedure: 300-138	Page Number: 1 of 17
	SUBJECT: Crowd Management	
	SECTION:300 General Patrol Operations	
SUPERSESSION: March 1, 2017	EFFECTIVE DATE: November 1, 2020	
APPROVED: Marc Pino, Police Chief		



I. PURPOSE:

To establish policy and procedures for crowd management by the UCCS Police Department

II. CROSS REFERENCE:

UCCS Campus Policy 400-001 Scheduling and Use of University Facilities & Physical Space
 Policy and Procedure 300-106 Significant Incident Command and Control
 Policy and Procedure 300-107 Campus Exclusions
 Policy and Procedure 400-100 Use of Force
 Policy and Procedure 400-101 Arrest and Detention
 Policy and Procedure 600-101 Basic Police Reports
 Policy and Procedure 600-104 Citations and Associated Paperwork

III. DEFINITIONS:

Crowd Management: Defined as techniques used to manage lawful public assemblies before, during and after the event for the purpose of maintaining their lawful status. This can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.

Crowd Control: Defined as techniques used to address unlawful public assemblies, including a display of formidable numbers of police officers, crowd containment, dispersal tactics and arrest procedures.

First Amendment Activities: Includes all forms of speech and expressive conduct used to convey ideas and/or information, to express grievances or to otherwise communicate with others, and includes both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, holding of banners or signs, use of puppets to convey a message, street theater, and other artistic forms of expression. These activities implicate the freedom of speech, association, assembly and the right to petition the government, as guaranteed by the United States Constitution (First Amendment).

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Demonstration: Used generically in this policy to include a wide range of First Amendment activities which require, or which may require, police traffic control, crowd management, crowd control, crowd dispersal or enforcement actions in a crowd situation. Thus, the term “demonstration” as used within this policy includes, but is not limited to, marches, protests, student walk-outs, assemblies and sit-ins. Such events and activities usually attract a crowd of persons, including participants, onlookers, observers, media and other persons who may disagree with the point of view of the activity.

Crowd Event or Crowd Situation: The policy covers all crowd events or crowd situations, including sporting events, festivals, concerts, celebratory crowds and demonstrations as defined above.

Legal Observers: Legal observers act as legal witnesses to political demonstrations and document the events of public protests, including any incidents of police misconduct or violations of the rights of protesters.

Incident Command System (ICS): ICS consists of a standard management hierarchy and procedures for managing temporary incident(s) of any size. ICS procedures should be pre-established and sanctioned by participating authorities, and personnel should be well-trained prior to an incident.

IV. POLICY:

The UCCS Police Department policy regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, vital facilities and maintain public peace and order and to uphold constitutional rights of free speech and assembly. It is the policy of the UCCS PD to use minimal reliance on the use of physical force and authority needed to address a crowd management or crowd control issue.

V. PROCEDURE:

A. All persons have the right to engage in activities protected by the First Amendment of the United States Constitution and the Colorado Constitution. The government may impose reasonable and narrowly tailored restrictions on the time, place, and manner of conducting these activities. However, any limitations or restrictions placed on demonstrations or other First Amendment activities must be justified by the requirements of maintaining public safety, public health, or safe access/egress from the area, and should restrict no more speech than necessary to further these substantial governmental interests.

B. Planning

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1. The Incident Command System will be used for managing crowds and acts of civil disobedience. In the event of a large-scale protest, unified command will exist for all law enforcement present.
2. Establishing contact and communication with the crowd, event or demonstration planners will be established by UCCS PD. Stakeholder involvement is critical to the overall success of managing crowd events and/or civil disobedience during demonstrations. If there is knowledge that a demonstration or crowd event may happen or will happen, UCCS PD shall proactively and repeatedly attempt to establish and to maintain communication and cooperation with representatives or leaders of the demonstration or crowd event, without regard to whether a use of the space has been scheduled. Incident Commanders assigned to these incidents shall facilitate the involvement of stakeholders when planning for and responding to demonstrations and large crowd events. When communication is established, personnel shall identify representatives or leaders of the event and identify a primary police liaison. The primary police liaison will be requested to have continuous contact with an assigned police representative, preferably the Incident Commander or someone with continuous access to the Incident Commander. A group's failure to respond to UCCS PD attempts to establish communication and cooperation prior to a demonstration shall not mitigate UCCS PD's efforts to establish liaison and positive communication with the group as early as possible at the scene of the demonstration or crowd event.
3. Upon notification, the Incident Commander will develop a written Operations Plan and Incident Action Plan (IAP) in conjunction with the UCCS Emergency Manager. The Incident Commander shall be responsible for the overall coordination of the event, as well as crowd control and management. The Incident Commander will also be responsible for assigning the roles/positions of the event command group based on ICS as necessary. The following factors will be considered and addressed in developing the operations plan for large crowd events, these factors include but are not limited to:
 - What type of event is to occur?
 - Identity of the organizers. What is their past record of conduct (peaceful, violent, cooperative, etc.)?
 - What is the potential for outsiders to visibly and/or physically oppose the planned event?
 - Will the event involve the use or abuse of alcohol or other substances?
 - Where is the event to occur? Consider the size, location, ingress, and egress points.
 - What is the optimal site for a command post as well as staging areas?
 - Has the event space been schedule through UCCS?
 - Have other agencies, and campus departments been notified and included in the planning process (paramedics, fire department, El Paso

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County Sheriff's Office, Colorado Springs Police, Conferencing, Facilities, Housing, Parking)?

- Is Mutual Aid from these other agencies or campus departments needed?
- Will off-duty personnel be involved?
- Is it possible and appropriate to coordinate with group organizers and explain the Department's mission, preparation and potential responses? Information considered sensitive or confidential will not be released to group organizers if it will jeopardize the safety or effectiveness of police personnel.
- Develop a preliminary needs assessment that accounts for staffing and equipment. Are off campus resources available?
- Gather and analyze intelligence information about past crowd events that are associated with the topic or group, including review and sharing of information from both internal and external sources.
- Meet in advance with event sponsors and group leaders to exchange information and to present the Department's and University's philosophy and intent. Details of the department plan and preparation shall not be disclosed except when necessary to ensure success of the operation.
- Coordinate with affected departments and police officers to prepare and coordinate the development of an operational plan for a given event that details assignments, traffic and crowd flow, communications, tactics and training.
- Coordinate inspection of protest/event area, prior to event, to locate any pre-positioned equipment staged by demonstrators.
- Ensure that appropriate equipment and supplies are available.
- In the event of large-scale demonstrations an officer will be designated to make a video recording of the entire incident from a safe distance.
- Establish protocols and procedures for the processing of potential arrestees and collection of evidence.
- Contingency planning: Personnel creating an operations plan to address a large crowd event should anticipate a variety of scenarios and devise a police response for each. Such scenarios and responses should be made part of the final plan and communicated to the affected personnel.
- When practical, personnel preparing for a large event with the potential for violence will be re-trained, to include physically practicing various aspects of crowd management and crowd control. Topics may include but are not limited to multiple simultaneous arrest procedures, functioning in a tear gas environment, use of specialty impact munitions, applicable ordinances and statutes, protected speech, etc.
- Personnel shall be briefed on the operations plan and their particular assignments before deployment. Specific instructions covering topics such as applicable laws, community concerns, appropriate enforcement actions, chain of command, tactics, traffic patterns, etc., shall be clearly

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presented to personnel. All personnel shall be given a copy of the operations plan.

4. Public Information and the Media

- The media have a right to cover demonstrations, including the right to record the event on video or in photographs.
- UCCS PD members shall accommodate the media in accordance with Department policy.
- The media shall be permitted to observe and shall be permitted close enough access to the arrestees to record their names. Even after a dispersal order has been given, clearly identified media shall be permitted to carry out their professional duties in any area where arrests are being made, unless their presence would unduly interfere with the enforcement action.
- On request, the Incident Commander or a Supervisor may inform the media with information as to the nature of any criminal charges, the location where arrestees are being taken and whether they will be cited out or booked at a custodial facility.
- The media, Legal Observers, crowd monitors, police liaison and/or organizers shall never be targeted for dispersal or enforcement action because of their status.

5. UCCS PD recognizes that the designated police liaison may change during the course of an event and that leadership of certain groups may not exist. No retaliatory practices or adverse action shall be taken by UCCS PD against a group because it has failed or refused to appoint a police liaison or otherwise establish lines of communication with UCCS PD. UCCS PD will continue to communicate with an identified police liaison even if enforcement actions commence.

6. In general, UCCS PD officers shall work with local law enforcement when policing a crowd event.

C. Planned Events/Demonstrations

1. Decisions about crowd dispersal, general strategies about crowd containment or crowd redirection, multiple simultaneous arrests, planned individual arrests or planned use of force shall be made at the level of the Incident Commander or higher. If such decisions are made by higher ranking off-site UCCS PD officials, it is required that the Incident Commander first be consulted about the state of affairs in the field and about the potential decision. All such decisions shall be documented in writing with regard to time, the identity of the person making the decision and the precise decision and directions given. Such documentation shall be made at the time of the decision or as soon thereafter as possible.

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This shall not preclude actions consistent with orders of the Incident Commander taken by individual commanders, supervisors, and officers to defend themselves or others from imminent danger.

Sufficient resources to make multiple simultaneous arrests should be available at demonstrations where such arrests are a reasonable possibility. However, this must be balanced against the fact that a large and visible police presence may have a chilling effect on the exercise of free speech rights. Where additional resources are needed, they should be deployed, to the greatest extent possible, so they are not readily visible to the crowd. When possible, officers should be at their posts well in advance of arriving participants. Officers will be positioned at a reasonable distance from the crowd to avoid a perception of intimidation.

Officers should be deployed to the best available vantage points to observe and report crowd actions as staffing permits.

Lines of control should be established, especially in events that involve protestors with opposing views. Whenever possible, hostile factions should be separated.

Officers in non-violent crowd situations shall not display or brandish weapons before a dispersal order is given or other enforcement action is being implemented.

UCCS PD officers shall not be sent into an obviously hostile crowd solely for the purpose of communication. UCCS PD officers shall not penetrate a crowd for an individual arrest unless there is an articulable threat to an individual's safety or the decision to move into the crowd is made by a supervisor.

The Incident Commander and supervisors shall make every effort to ensure that the police mission is accomplished as efficiently and unobtrusively as possible, with the highest regard for the human dignity and liberty of all persons, and with minimal reliance on the use of physical force and authority. The use of force shall be restricted to circumstances authorized by law and to the degree reasonably necessary in light of the circumstances confronting members. This does not preclude police officers from taking appropriate action to direct crowd and vehicular movement, enforce ordinances and statutes and employ the physical force necessary to maintain the safety of the crowd, the general public, law enforcement personnel and emergency personnel.

D. Unplanned Events/Demonstrations

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1. Spontaneous demonstrations or crowd events, which occur without prior planning and/or without prior notice to the police, present less opportunity for UCCS PD planning and prevention efforts. Nonetheless, the same policies and regulations concerning crowd management, crowd control, crowd dispersal and police responses to violence and disorder apply to a spontaneous demonstration or crowd event situation as to a planned demonstration or crowd event.

When Practical the on duty supervisor shall respond to the scene of spontaneous events, and take command of the incident as the Incident Commander until relieved by a higher ranking officer. The Incident Commander shall declare over the police radio that he or she has assumed command of the incident. When practical, a command post shall be established as soon as possible.

An immediate assessment of the situation is essential for effective police response. The Incident Commander must ascertain the following information at the earliest possible time:

- The location and type of event
- Are a significant number of the crowd participants behaving unlawfully?
- First Amendment activities will be evaluated by the Incident Commander, to determine lawfulness of the actions by groups and individuals.
- Are there a limited number of specific individuals engaged in unlawful conduct?
- Is there a likelihood that the unlawful behavior will spread to other crowd participants (mimicking)?
- Immediate threats to the safety of the public and/or police officers
- The structure or vehicle(s) involved
- The size of the involved area
- The number of additional officers and police resources needed
- The manner of response (Code 2 or 3)
- Staging Area
- Location for a media staging area
- Ingress and egress routes
- Additional resources needed (paramedic, fire department, outside agencies, etc.)

2. The University Center Lower Plaza is the designated Public Forum, is available to everyone, including unaffiliated community members, for unscheduled use in accordance with UCCS Policy 400-001, but this does not limit where a spontaneous demonstration can be held. Other areas such as the West Lawn, University Center Upper Plaza, El Pomar Plaza, and the Columbine Plaza could all be used for 1st Amendment protected events. UCCS Students are permitted to engage in canvassing activity on

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sidewalks and in other outdoor areas not otherwise scheduled for use, so long as such students maintain a 25-foot distance from building entrances and from areas scheduled for use in accordance with UCCS policy 400-001.

When a group is using one of the spaces not designated as the Public Forum it will be the practice for UCCS Police to identify the group's leader(s) and advise them of where the Public Forum is located and ask them to relocate to this area. If the group refuses UCCS Police will generally not force them to move or make arrests based on this noncompliance unless a violation of law is violated or there is a public safety concern. In these instances, UCCS Police will contact UCCS Legal Counsel, University Scheduling, and the Chancellor's Cabinet through UCCS Police chain of command. UCCS Police will remain on scene to ensure the group is allowed to use the space without interference from an opposing group or view point.

3. UCCS Police will evaluate the number of individuals involved, the time or duration of the event, the location of the event, whether or not it will interfere with the educational mission of UCCS, and the type of resistance expected when determining when to use crowd control measures.

Regardless of whether a parade permit has been obtained, UCCS PD officers will try to facilitate demonstrations that may temporarily block traffic and/or otherwise use campus streets, subject to time, place and manner circumstances, by regulating and/or rerouting traffic as much as practical. For a demonstration without a pre-planned route, the Incident Commander shall evaluate the size of the crowd with regard to whether demonstrators should be required to stay on the sidewalk or whether demonstrators should be allowed to be in one or more lanes of traffic. This does not mean that demonstrations must be allowed to deliberately disrupt campus traffic. The Incident Commander shall balance the level of disruption to traffic against the UCCS PD policy of preserving the "academic mission of the campus" as stated in 400-001 page 7 section II.C.6; the practicality of relegating the crowd to sidewalks or an alternate route; whether the traffic disruption is temporary as in a march; and the traffic disruption that would be entailed in making a mass arrest if demonstrators refuse to leave the street. UCCS PD shall seek to communicate with organizers through their police liaison to resolve the problem if possible. Traffic control may also be essential at varying points in a demonstration, and may help accomplish crowd containment, crowd isolation or crowd dispersal.

E. Permissible Crowd Control and Crowd Dispersal Techniques

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1. In the event of a declared unlawful assembly, it is the general policy of the UCCS PD to use multiple simultaneous arrests to deal with a non-violent demonstration crowd that fails to disperse and voluntarily submits to arrest as a form of political protest, rather than dispersing the demonstrators by using weapons or force beyond that necessary to make the arrests.
2. The Incident Commander shall make the final decision as to what control action, if any, will be taken to address a given crowd situation. Crowd size and available Department resources will also factor into the police response. The following factors will be considered prior to determining what action to take:
 - Will police action likely improve the situation?
 - Will targeting specific violent or disruptive individuals for arrest be more effective or appropriate than applying control tactics to the entire crowd?
 - Are sufficient resources available to effectively manage the incident?
 - Have clear and secure escape routes been established for both the crowd and the police?
 - Has communication been established with the crowd (loudspeaker, personal contact, etc.)?
 - Have contingency plans been considered in the event initial police efforts are ineffective?
 - The Incident Commander shall constantly reassess and adjust tactics, as necessary, as the crowd's actions change.
 - The Incident Commander shall consider and take reasonable and appropriate steps to ensure the safety of bystanders.
 - When officers take action to move or disperse a crowd, steps should be taken to assure that the crowd is not moved into a position or place that could be dangerous to persons in the crowd or bystanders, such as pushing them up against glass windows.
3. When an unlawful assembly may be declared:
 - An unlawful assembly has been set as conduct that poses a clear and present danger of imminent violence, or when the demonstration or crowd event is for the purpose of committing a criminal act. The police may not disperse a demonstration or crowd event before demonstrators have acted illegally or before the demonstrators pose a clear and present danger of imminent violence. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly. There must be either criminal activity or a clear and present danger of imminent violence. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
 - The police may not disperse a demonstration or crowd event without first validly declaring it an unlawful assembly under state law.

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- Unless emergency circumstances prevent negotiation, crowd dispersal techniques shall not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease and the First Amendment activity can continue.
- If after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly and the required official declaration has been adequately given.

4. Declaration of unlawful assembly:

- When the only violation present is unlawful assembly, the crowd should be given an opportunity to disperse rather than face arrest. Crowd dispersal techniques shall not be initiated until after there have been repeated announcements to the crowd asking members of the crowd to voluntarily disperse and informing them that if they do not disperse, they will be subject to arrest. These announcements must be made using adequate sound amplification equipment, and in a manner that will ensure that they are audible over a sufficient area. Announcements must be made from different locations when the demonstration is large and noisy. The dispersal orders should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements shall also specify adequate egress or escape routes. Whenever possible, a minimum of two/escape/egress routes shall be identified and announced. It is the responsibility of the on-scene UCCS PD Incident Commander to ensure that all such announcements are made in such a way that they are clearly audible to the crowd.
- Unless there is an immediate risk to public safety, or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with police commands before action is taken.
- Dispersal orders should be given in English and in other languages that are appropriate for the audience.
- The Incident Commander should ensure that the name of the individual making the dispersal order and the date/time each order was given is recorded.
- Dispersal orders should not be given until officers are in position to support/direct crowd movement.

5. Personnel shall use the following Departmental dispersal order:

- i. The officer shall state: "I am (rank/name), a peace officer for the University of Colorado Colorado Springs. I hereby declare this to be an unlawful assembly, and in the name of the people of the

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State of Colorado, command all those assembled at _____ to immediately leave. If you do not do so, you may be arrested or subject to other police action. Colorado Revised Statutes 18-9-117 which states it is unlawful to remain on any public property when advised by Police. If you remain in the area just described, regardless of your purpose, you will be in violation. The following routes of dispersal are available (routes). You have _____ minutes to leave. If you refuse to move, you will be arrested.”

- ii. When a command decision is made to employ crowd dispersal techniques, attempts to obtain voluntary compliance through announcements and attempts to obtain cooperation through negotiation shall both be continued. At any point at which a crowd is dispersing, whether as a reaction to police dispersal techniques, through voluntary compliance or as a result of discussion or negotiation with crowd leaders, UCCS PD dispersal techniques shall be suspended and the crowd shall be allowed to disperse voluntarily. This does not preclude a command decision by UCCS PD to reinstate dispersal techniques if crowd compliance ceases.
- iii. If negotiation and verbal announcements to disperse do not result in voluntary movement of the crowd, then officers may employ additional crowd dispersal techniques, but only after orders from the Incident Commander or designated supervisory officials. The permissible techniques to disperse or control a non-compliant crowd, include all of the following as described and limited below, and not in any specific order of use:
 - Display of police officers including motorcycles, police vehicles and bicycles.
 - Encirclement of the crowd and multiple simultaneous arrest.
 - Police formations which advance towards the crowd to cause movement of the crowd and the use of the baton.
 - Use of chemical agents or irritants shall not be used prior to issuing an order to disperse in sufficient manner to ensure the order is heard and repeated, followed by sufficient time and space to allow for compliance.
 - Officers shall not discharge kinetic impact projectiles and all other non or less lethal projectiles in a manner that targets the head, pelvis or back. Kinetic impact projectiles shall not be indiscriminately fired into a crowd.
 - Sound and light diversionary and other distraction devices.
 - All of these crowd dispersal techniques shall be used consistent with the department policy of using the minimal

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police intervention needed to address a crowd management or control issue.

- Display of police officers (forceful presence): Once this tactic is selected, officers should be assembled in formation at a location outside the view of the crowd. The formation may be moved as a unit to an area within the crowd's view. This tactic should not be used unless there are sufficient personnel to follow through with dispersal.
- Do not bluff a crowd. If a display of police officers, motorcycles, police vehicles and bicycles, combined with a dispersal order, is not effective, more forceful actions may be employed. Generally, officers should be assigned to squads of sufficient size to be effective. At larger events, the crowd can be divided.
- Encirclement and arrest: If the crowd has failed to disperse after the required announcements, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests. Persons who make it clear (e.g., by sitting down) that they seek to be arrested shall be arrested and not subjected to other dispersal techniques, such as the use of batons or chemical agents. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of stretchers, and/or the use of control holds. Control holds should only be used when the Supervisor determines that control holds are necessary to accomplish the policing goal after other methods of arrest have failed or are not feasible under the circumstances and the use of control holds would be a lawful use of force. In the event control holds are necessary, precautions should be taken to assure that arrestees are not injured or subjected to unnecessary or excessive pain. A Supervisor's decision to authorize control holds and the reasons for said decision should be documented.
- It should be noted, UCCS Police do not have Batons or Riot Shields, but the use of these devices is common for local police and the use of these instruments by those law enforcement agencies will not be prohibited.
- After the required announcements, if a crowd refuses to disperse, the police may use squad or platoon formations (skirmish line, wedge, echelons, etc.) to move the crowd along.

6. Non-hand Held Crowd Control Chemical Agents

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Crowd control chemical agents are those chemical agents designed and intended to move or stop large numbers of individuals in a crowd situation, and which are administered in the form of a delivery system, which emits the chemical agent diffusely without targeting a specific individual or individuals.

Chemical agents can produce serious injuries or even death. An elderly person or infant in the crowd or an individual with asthma or other breathing disorder, may have a fatal reaction to chemical agents even when those chemical agents are used in accordance with the manufacturer's recommendations and the Department's training. Thus, crowd control chemical agents shall only be used if other techniques, such as encirclement and multiple simultaneous arrest or police formations have failed or will not accomplish the policing goal as determined by the Incident Commander.

Members shall use the minimum amount of chemical agent necessary to obtain compliance. Indirect delivery or crowd dispersal spray and/or discharge of a chemical agent shall not be used in demonstrations or other crowd events without the approval of a supervisor or command officer.

Chemical agents shall not be used for crowd control or dispersal without first giving audible warning of their imminent use, and reasonable additional time to disperse, to the crowd, media and other observers, as well as to UCCS PD and members of any other law enforcement agencies that might be present.

If chemical agents are contemplated in crowd situations, UCCS PD shall have medical personnel on site prior to its use and shall make provision for decontamination and medical screening to those persons affected by the chemical agent.

7. Sound, Light and Diversionary Devices

Sound, Light and Diversionary Devices shall not be used for crowd control or crowd dispersal without the approval of a supervisor or command officer.

The use of sound and light diversionary/distraction devices presents a risk of permanent loss of hearing or serious bodily injury from shrapnel. Said devices shall be deployed to explode at a safe distance from the crowd to minimize the risk of personal injury and while moving the crowd in the direction that will accomplish the policing objective

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Sound and light distraction/diversion devices shall not be used for crowd control without first giving audible warnings to the crowd and additional reasonable time to disperse.

Sound and light diversionary/distraction devices shall only be used if other techniques, such as encirclement and mass arrest or police formations, have failed or will not accomplish the policing goal as determined by the Incident Commander.

8. Arrests

Multiple Simultaneous Arrests: When a large-scale event involving possible arrests is to be conducted, UCCS PD planners will estimate the number of potential arrestees and will configure arrest teams capable of managing multiple arrests safely.

When arrests are necessary, the Incident Commander shall attempt to ensure that sufficient numbers of police officers are present to effect arrests. This tactic can be effective in dispersing the remaining crowd members wanting to avoid arrest.

When mass arrests are contemplated in advance, and it is impracticable for arrestees to be cited at the scene as further discussed below, pre-arrangement of transportation shall be made.

The Incident Commander shall make the decisions to engage in selective individual arrests or multiple simultaneous arrests as a crowd control technique, with consideration given to the likelihood that police action will improve the situation relative to taking no action; the seriousness of the offense(s) as opposed to the potential for the arrest to escalate violence or unlawful activity by crowd members; whether individual or mass arrests will be more effective in ending the criminal activity at issue; whether clear and secure escape routes have been established for the crowd and police; whether communication has been established with crowd representatives; what contingency plans are available; and what types of force can be used in effecting the arrests if necessary.

Probable cause for each individual arrest: Individuals may not be arrested based on their association with a crowd in which unlawful activity has occurred. There must be probable cause for each individual arrest. This means the officer must have objective facts based on his own knowledge, or information given him by other officers, sufficient to believe that each specific individual being arrested committed the offense.

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The Incident Commander shall ensure that evidentiary items are recovered and preserved, when possible, to corroborate unlawful acts observed by personnel.

9. Civil Disobedience

Some demonstrators commit “civil disobedience” by sitting down or otherwise blocking streets, intersections, sidewalks, entranceways or occupying a targeted office. The proper response to such actions is to verbally advise the demonstrators that they will be subject to arrest if they choose to remain, allow time for some or all the demonstrators to cease the unlawful activity, and then to arrest those who deliberately remain in violation of the law. To the greatest extent practical, demonstrators in civil disobedience situations shall be talked into compliance rather than forcibly moved.

Passively resisting arrestees (i.e., arrestees who go limp) shall be arrested by handcuffing, and then either by verbal persuasion, lifting carrying, the use of stretchers and/or control holds depending on the circumstances and the decision of the Supervisor. Control holds should only be used where the Supervisor determines that control holds are necessary to accomplish the policing goal after other methods of arrest have failed or are not feasible under the circumstances and the use of control holds would be a lawful use of force. In the event control holds are necessary, precautions must be taken to ensure that arrestees are not injured or subjected to unnecessary or excessive pain. A Supervisor’s decision to authorize control holds and the reasons for said decision must be documented. Planning for demonstrations where civil disobedience and passive resistance to arrest are a possibility should take into account these different arrest techniques for passive demonstrators.

In some cases demonstrators may lock arms or use locks or lock boxes to slow down the arrest process. Where such demonstrators have been advised that they will be subject to arrest if they choose to remain, and refuse to disperse, a member of the arrest team shall individually advise each demonstrator that he or she is under arrest, prior to the application of any force to remove locking devices or to move the demonstrators. The officer shall continue to give verbal directions to give the arrestee a chance to comply before force is used to unlock arms or implements used to remove lock boxes.

While dealing with passive resistance may frustrate officers, civil disobedience is usually a nonviolent means of making a political statement, and officers shall remain neutral, non-antagonistic and professional at all times in their response.

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10. Handcuffs

All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy.

Officers should be cognizant that flex-cuffs may tighten when arrestees' hands swell or move, sometimes simply in response to pain from the cuffs themselves. When arrestees complain of pain from overly tight flex cuffs, members shall examine the cuffs to ensure proper fit.

Juveniles arrested in demonstrations shall be handled consistent with UCCS PD policy on arrest, transportation and detention of juveniles.

11. Cite and Release Procedure

Individuals arrested for minor offenses may be cited and released in compliance with Department policy. Where it is impractical to cite arrestees at or near the site of the demonstration because of a substantial risk that this would allow the unlawful activity to continue or because of specific geographic factors, individuals may be held or released at police stations or jails for the duration of the cite and release process.

The only reasons for not releasing a person arrested for a misdemeanor are as follows:

The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.

The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety.

There were one or more outstanding arrest warrants for the person.

The person could not provide satisfactory evidence of personal identification.

The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.

There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.

12. Documentation

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Video or Photographic Recording: It is the policy of the Department to videotape and photograph in a manner that minimizes interference with people lawfully participating in First Amendment activities. Videotaping and photographing of First Amendment activities shall only take place when authorized by the Incident Commander or other supervisory officer. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.

Unless they provide evidence of criminal activity, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state and local law enforcement agencies. If videos or photographs are disseminated or shared with other law enforcement agency, a record should be created and maintained noting the date and recipient of the information.

If there are no pending criminal prosecutions arising from the demonstration, or if the video recording or photographing is not relevant to an internal affairs or citizen complaint investigation or proceedings, or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with department and city policies.

Nothing in this section shall override P&P 500-102 Body Worn Camera,

13. Reporting

The Incident Commander shall ensure that Chief of Police is notified of the incident in a timely manner.

UCCS PD officers involved in demonstrations or crowd events shall prepare reports as required by Department policy.

VI. HISTORY:

Standard Operating Procedure 300-137, effective August 1, 2020
Standard Operating Procedure 300-137, effective July 1, 2016
Procedure 200, effective April 11, 2003

VII. ATTACHMENTS

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