



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



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SUBJECT: <p style="text-align: center; font-size: 1.2em;">CROWD MANAGEMENT AND THE PROTECTION OF CONSTITUTIONAL RIGHTS</p>			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE: <p style="text-align: center; font-size: 1.2em;"><i>Calvin D. Williams, Chief</i></p>			

**PURPOSE:** To provide guidance on safely and effectively managing crowds that assemble for the purposes of carrying out Constitutionally protected activities of free speech and assembly. The Cleveland Division of Police (Division) recognizes the right of free speech and assembly, and shall actively protect people in the exercise of those rights. During marches, demonstrations, protests or rallies, the priorities of the Division are to preserve the peace, protect life and property, and uphold the rights of those assembled.

Along with guaranteeing the right to exercise certain freedoms, the Constitution places duties and obligations on both demonstrators and non-demonstrators, including members of law enforcement. Those who exercise their First Amendment rights are obligated to respect and not abuse the civil and property rights of others. Likewise, police officers are obligated not to let their own personal, political or religious views affect their actions.

Should it become necessary to control the actions of an individual or a crowd that has become engaged in unlawful conduct, the Division shall do so with optimal efficiency, minimal impact upon the community, and using only such force as is reasonable and necessary. In crowd control situations where demonstrators are engaged in unlawful conduct, the Division shall make reasonable efforts to employ “non-arrest” methods of crowd management, such as de-escalation and communications, as the primary means of restoring order and obtaining voluntary compliance. Should such methods prove unsuccessful, arrests shall be made for violations of the law in a fair and efficient manner, in order to restore and maintain order, safeguard life and property, and protect vital facilities and infrastructure.

**DEFINITIONS:**

**Peaceful Protest:** The act of expressing disapproval through a statement or action without the use of violence; also known as non-violent resistance or

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non-violent action. It is the policy of Cleveland Division of Police to support and facilitate peaceful protest.

**Civil Disobedience:** Refusal to obey certain laws or government demands, typically through non-violent means, for the purpose of influencing policy or public opinion. Note that civil disobedience is not synonymous with civil disturbance (see below). However, an act or series of acts of civil disobedience may, on occasion, rise to the level of a civil disturbance.

**Civil Disturbance:** Planned or unplanned acts of violence, riots, insurrections, disorder, unlawful obstructions or assemblages of individuals acting collectively that violate the law and disrupt public order. Civil disturbances may be triggered by any number of events or issues such as celebratory events (sporting or specific annual event), the airing of grievances against a government or private group, or counter-demonstrations against groups that are engaging in activities of their own.

**Communications Control Section:** The unit providing emergency call-taking and dispatch functions for the Cleveland Division of Police.

**Crowd Control Situation:** An incident requiring techniques to address civil disturbances, to include de-escalation and communication, a show of force, crowd containment, dispersal tactics and equipment, and preparations for multiple arrests.

**Crowd Management:** Techniques used to manage assemblies before, during, and after the event for the purpose of maintaining the peace and protecting Constitutional rights. Crowd management is achieved through pre-event planning, pre-event and ongoing contact with group leaders, issuance of permits when applicable, information gathering, personnel training, and other means.

**De-escalation:** Techniques that may include listening, explanation of event guidelines, verbal persuasion, warnings, and tactical de-escalation techniques, such as slowing down the pace of an incident, waiting out subjects, creating distance between the officer and the threat, and requesting additional resources (e.g., specialized crisis intervention officers or negotiators).

**Incident Command System (ICS):** An ICS is a standardized, on-scene management system designed to enable effective and efficient management of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel,

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procedures, and communications operating within a common organizational structure.

**Incident Action Plan (IAP):** The IAP is a written plan that defines the incident objectives and reflects the tactics necessary to manage an incident during an operational period. There is only one IAP for each incident, and that IAP is developed at the incident level. The IAP is developed through the incident action planning process. The IAP is a detailed directive that is operational at its core; it is not primarily an assessment tool, feedback mechanism, or report. However, a well-crafted IAP helps senior leaders understand incident objectives and issues.

**Mass Arrests:** Apprehension of large numbers of suspected law breakers within a short period of time. This may include processing prisoners using alternative protocols, sometimes through portable booking facilities and establishing processing zones or intake areas, arranging for bus transports, etc. In this context, mass arrests shall be defined as a measured law enforcement response to a civil disturbance, which will be directed by the Chief of Police or designated Incident Commander and shall require detailed documentation.

**Field Force Operations:** Operations to effectively manage crowds and demonstrations and respond to civil disobedience and civil disturbances while protecting the safety of the public and the exercise of Constitutionally protected rights.

**Quick Response Teams:** Teams of approximately 6-10 officers assigned to various locations to manage pre-planned events and to respond to incidents, including civil disobedience and low-level civil disturbances.

**Mobile Field Force: (MFF):** Larger units comprised of law enforcement officers who have advanced training in field force (crowd management) operations and that are prepared to respond to higher-level incidents. A Mobile Field Force (MFF) can range from 25 to 150 officers (or more), and is often in a stand-by location and mobilized quickly to the scene to take control of emergency situations involving civil disturbances. The MFF can be used for various reasons, such as to isolate areas of civil disorder, to control or disperse unruly crowds, to apprehend multiple offenders, to conduct high-profile rescues, and to assist at the scene of large disasters.

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**POLICY:** As it pertains to crowd management and the protection of Constitutional rights, it is the policy of the Cleveland Division of Police:

- To ensure that all citizens are afforded their Constitutional First, Fourth, and Fourteenth Amendment rights. In brief, these protections involve citizens' rights to freedom of speech, peaceable assembly, freedom from unreasonable search and seizure, as well as protections against the deprivation of a citizen's life, liberty, or property without due process of law and equal protection thereof.
- That individuals and groups are guaranteed a right to organize and participate in peaceful First Amendment assemblies on the streets, sidewalks, and other public ways and spaces of the City of Cleveland, and to engage in First Amendment assembly near to the object of their protest so they may be seen and heard. These rights may be subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in the assemblies to use the streets, sidewalks, and other public ways to travel to their intended destinations, and use public spaces for recreational purposes.
- To safeguard the rights of all persons, to protect and preserve life, to preserve the public peace, to prevent crime, to arrest offenders who violate the law, and to protect public and private property from theft or unlawful damage. As part of this responsibility, the Division shall respond to the scene of First Amendment assemblies in order to preserve peace while protecting the Constitutional and statutory rights of people to assemble peacefully and exercise free speech.
- To make reasonable efforts to meet with event leaders in advance of the event and establish acceptable guidelines to ensure the protestors' ability to express their ideas and maintain a peaceful event. This shall include, but not be limited to, attempting to agree on the time, location and manner of the protests, and on acceptable activities and prohibited activities (e.g., allowed to march on some sidewalks or streets or prohibition from blocking a highway).
- To make every reasonable effort to employ methods of crowd management that rely on de-escalation and voluntary compliance, and without using force, as the primary means of maintaining order. If such methods prove unsuccessful, arrests may be made for violations of the law based on probable cause. Officers shall be able to clearly articulate in

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written format the specific violations for any arrests or uses of force.

- That all officers be trained annually in the Division's Use of Force policy, the use of lethal and less-lethal options for responding to resistance, and de-escalation techniques. Officers shall use de-escalation techniques whenever possible and appropriate, before resorting to force and to reduce the need for force. De-escalation techniques may include verbal persuasion and warnings and tactical de-escalation techniques, such as slowing down the pace of an incident, waiting out subjects, creating distance (and thus the reactionary gap) between the officer and the threat, and requesting additional resources (e.g. specialized CIT officers or negotiators). Officers shall be trained to consider the possibility that a subject may be noncompliant due to a medical or mental condition, physical or hearing impairment, language barrier, drug interaction, or emotional crisis. Additional training in crowd management, civil disturbances, and First Amendment rights shall be provided as necessary and in advance of planned events. The Division shall ensure that all officers adhere to the policies, procedures, and training as they relate to use of force, crowd management, handling of civil disturbances, and First Amendment protections. All officers shall review the Division's Use of Force policy prior to planned events.
- That immediately following a use of force, officers and, upon arrival, a supervisor shall inspect and observe subjects for injury or complaints of pain resulting from the use of force, and immediately obtain any necessary medical care. As necessary, officers shall provide emergency first aid until professional medical care providers are on scene. Officers shall review the Use of Force policy and related policies on providing medical attention following a use of force.
- If arrests are necessary, officers shall use only the minimum level of force, if any, that is necessary to make the arrest. **Mass arrests should only be made at the direction of the Chief of Police or designated Incident Commander.** Mass arrests shall be made in an organized and coordinated manner by units or subgroups (arrest teams) using specific procedures outlined in the Incident Action Plan (IAP) for documenting and processing individuals. The IAP should include details, such as: specific protocols and contingency plans for the arrest process, the documentation required, designated staging and holding area/s, description of type of care and provisions that will be provided to arrestees, etc. To the extent possible under the circumstances, arrests by and at the discretion of individual

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officers are not permitted in a large-scale civil disturbance environment. These events can be volatile and individual actions can endanger all the officers present as well as crowd members. Arrests shall be documented and detainees safeguarded and adequately cared for at all times while in department custody. Officers shall refrain from making multiple arrests contemporaneously in one location when other reasonable alternatives exist. The decision to make any arrest shall be judicious and carefully considered and shall take into account the prevailing circumstances and arrest environment. Officers **shall have the discretion to delay or forgo** arrests as is reasonably possible to maximize officer and public safety, or to provide time for other approaches such as de-escalation to render positive results. Often those engaged in violent or criminal behavior can be video recorded and identified through investigative means and held accountable at a later date and time, without inciting the crowd or compromising officer safety.

- To ensure a prompt and sufficient supervisory response to any situation where First Amendment activities are being conducted and there is the potential for civil disturbance. For large-scale events or those where the potential for conflict is high, the Division shall employ an Incident Command structure to oversee management of the event, and shall engage in the necessary pre-planning efforts to prepare a detailed IAP that is consistent with policy and provides the guidance needed for Division officials and mutual aid agencies to effectively manage the event and to the extent possible, identify and prepare for potential challenges and threats.

## **PROCEDURES:**

### **I. General Management and Organizational Procedures**

- A. The following procedures apply to a range of events, including pre-planned and spontaneous gatherings, and those that are peaceful in nature and those that involve, or have the potential to involve, civil disobedience or civil disturbance.
- B. The Incident Command System (ICS) and National Incident Management System (NIMS) protocols shall be used in crowd management and civil disturbances to ensure control and unified command both within the Cleveland Division of Police and with partner agencies. Individual IAPs will be developed to further detail the pre-event, event, and post-event procedures

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and the roles and responsibilities of all involved in crowd management events.

- C. The protocols contained herein shall also apply to members of outside law enforcement agencies working under agreement with the Cleveland Division of Police.

## II. First Responding Officer

The following policies are likely to be used for an unplanned event. A supervisor should already be on-scene for a planned event.

- A. The first officer(s) on the scene, either by assignment or on-view, of an assemblage where there is a civil disturbance in progress or the potential for civil disturbance shall:
  - 1. Immediately contact the Communications Control Section (CCS) and request a supervisor.
  - 2. Observe the situation from a safe distance to determine if the gathering has the potential for a civil disturbance, if not already at that stage.
  - 3. Request that appropriate operational personnel begin or continue monitoring social media to gauge crowd sentiments and potential activities.
  - 4. Note the approximate number of persons in the assemblage and if it is increasing in size; the description of individuals within the assemblage; the nature of the assemblage as indicated by signage, verbalizations, or officers' street interviews; and any movements of the assemblage and its direction. If it can be obtained from a safe distance, the following information should also be noted: the presence of actual or potential weapons; the identification of the assemblage's leaders; and the identification of individuals engaged in any criminal acts. This information shall be relayed to the CCS.
  - 5. Only if safe to do so, approach the assemblage and engage participants in conversation in an attempt to determine its purpose, intentions, and capability for civil disturbance, if any.
  - 6. Relay all of this information to the supervisor who arrives on the scene.

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### III. Supervisory Response

#### A. The first supervisor on the scene shall:

1. Assess the situation and determine appropriate next steps, which may include:
  - a. Assuming command of the incident;
  - b. Continuing to monitor the assemblage;
  - c. Using de-escalation techniques in an attempt to convince the assemblage to maintain order and/or peaceably disperse;
  - d. Establishing an Incident Command to manage the situation if it appears that it will be ongoing and has the potential for civil disturbance.

#### B. An order to disperse shall require the authorization of the Incident Commander.

### IV. Incident Command

Depending on the size of the event, there may be multiple incidents occurring simultaneously in different areas of the city. The scope of the command responsibilities will vary based on the size of the incident, and shall be defined further by the Incident Action Plan (IAP). The overall ICS "Incident Commander" for major events is designated by the Chief of Police, and his or her responsibilities include those listed below to be carried out as detailed by the ICS and the IAP.

#### A. Command responsibility, once established, does not pass from one officer to another simply by virtue of the arrival of a member of higher rank. Incident Command responsibility passes only in such instances when the higher-ranking official assumes command and so informs the lower ranking official.

#### B. The Incident Commander shall:

1. On a recorded police radio channel, announce that he/she is taking command of the incident.
2. Establish the number of personnel and equipment necessary to contain, manage, and, if necessary, disperse the crowd, and relay this information to CCS.
3. When adequate personnel and resources are in place, attempt to establish communications with leaders of the crowd (if any) to assess



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their intentions and motivations and to attempt to develop a working relationship; if appropriate, communicate to the participants that their assembly is in violation of the law, that the police wish to resolve the incident peacefully, but that if officers have grounds for lawful arrests, that option may be exercised.

4. Request additional Divisional resources through the chain of command.
5. When necessary, ensure that appropriate notifications are made for fire and emergency medical services.
6. Ensure that the Division's Public Information Officer (PIO) has been contacted and advised of the event. Direct that the PIO establish a media staging area, as required.
7. Direct the establishment of a temporary command post based on proximity to the scene, the availability of communications, and available space and security from crowd participants. Temporary command posts will move as the disturbance moves.
8. Ensure that an outer perimeter sufficient to contain the crowd and restrict entrance into the affected area is established.
9. Ensure that, to the degree possible, uninvolved persons are evacuated from the immediate area of the disturbance.
10. Ensure that surveillance points are established to identify instigators, leaders, and individuals committing crimes, and to document and report on events as they happen. Photographic and video evidence of criminal acts and perpetrators shall be generated whenever possible.
11. Declare when the incident is over and personnel should return to routine assignments.

## V. Objectives of Crowd Management

- A. The overriding objective of any crowd management event is to provide for the safe exercise of Constitutional rights, to protect life and property, and to minimize the need for arrests and/or uses of force in managing the incident.

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- B. Except in the case of containment as a prelude to mass arrests (see Section V.F. below), all crowd management tactics shall include a dispersal route for participants to safely and peacefully depart the crowd.
- C. **De-escalation/Prevention of Escalation:** Strategies that act to defuse, diminish, or re-direct the collective posture of a crowd. These strategies begin with the professional and organized appearance of the police, and by the individual officers' professional demeanor and organized movements. This presence shall be combined with verbal persuasion, tactical maneuvering, and, if necessary, warnings.
1. Effective communications rely on both speaking and active listening. Personnel shall pay careful attention to what the crowd is "saying" collectively and what individuals within the crowd are communicating. If possible, informal communications with the group and its leaders should precede formal instructions and warnings.
  2. Verbal persuasion and warnings shall be clear and unambiguous.
  3. Verbal persuasion and warnings shall include specific instructions to the crowd. Warnings shall be written and read to maintain consistency from one event or demonstration to another.
  4. Absent exigent circumstances, each specific warning shall be repeated at least three times with at least five minutes between the first and second warnings, and three minutes between the second and third warnings. Additional warnings may be given as necessary at the discretion of the Incident Commander.
  5. The warnings shall include the name and rank of the person verbalizing the warning or order, the specific law(s) that the crowd is in violation of, the conditions under which the crowd may be permitted to operate, and, as appropriate, a directive to disperse and/or move in a particular direction.
  6. Verbal communications with the crowd shall be of sufficient amplification that a police officer in or behind the crowd can verify having heard the communication.
  7. The Incident Commander or designee shall issue the warnings or orders from a stationary vantage point that is observable to the crowd.

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8. The entire verbal communications process shall be documented and retained by means of an audio-visual recording, as well as radio transmissions over recorded police channels when feasible. Written documentation must be retained and made a part of any arrest files or incident reports.
- D. **Isolation:** A tactic used to prevent the growth of the crowd by denying access of uninvolved persons to the crowd. This tactic minimizes the size of the crowd so that more effective engagement and management of the crowd's behavior are possible. Additionally, this tactic is employed to maximize the safety of all persons.
  - E. **Dispersal:** A tactic accomplished by moving the crowd in a predetermined direction by way of well-coordinated and orchestrated actions by the assigned police units. The movement shall be accomplished in a manner that divides the crowd into more manageable groups of individuals. Arrests may be employed during dispersal but only to the extent that it is strategically advantageous and protects the safety and well-being of the officers, crowd participants, and uninvolved persons. Mass arrest is a last resort. If possible, identify and isolate individual violators for arrest. Other participants will often leave or cease the unlawful behavior if the offender is removed from the crowd.
    1. Dispersal Procedures:
      - a. The Incident Commander or designee at the scene of an assemblage shall assess the immediate situation for its seriousness and potential to escalate to a crowd control situation. The Incident Commander shall make an effort to disperse the assemblage using de-escalation techniques.
      - b. If the assemblage appears to be escalating into a crowd control situation, the Incident Commander or designee shall make the necessary notifications to CCS and immediately begin identifying routes of ingress and egress, identify perimeters sufficient to contain any disturbance, prohibit entrance of uninvolved persons to the area, take steps to ease the flow of vehicular and pedestrian traffic, and ensure the safety of uninvolved persons.
      - c. If the need arises to order the crowd to disperse based on accepted Constitutional guidelines and public safety concerns, the Incident

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Commander or designee shall notify CCS and superiors of the intent to disperse the crowd and the reason(s) for the dispersal on a recorded time-stamped radio channel. The Incident Commander shall inform the crowd of his/her intentions by loud speaker if possible. Whenever possible, the circumstances leading to the dispersal and the announcement shall be videotaped. The announcement shall include the request to disperse, the direction the crowd should proceed away from the scene, and any appropriate statutes that apply. There should be a reasonable time period allowed for the crowd to move.

d. Should the crowd fail to disperse in the prescribed manner, the Incident Commander shall be prepared to implement Mobile Field Force Strategies to mitigate the effects of the crowd and to enhance the chances for a peaceful conclusion to the event.

- F. **Containment:** A tactic designed to confine a crowd to a particular area by impeding their movement from that area or denying them access to a location. Complete containment of a crowd without a dispersal route shall be done only as a prelude to a mass arrest situation. This is the least desirable of all actions and shall be initiated only as a last resort to restore order and to bring the event to a quick and definitive conclusion, as required.
- G. **Accommodation:** Working with group leaders in advance of the event, and during the event, to identify goals and to develop mutually acceptable solutions to facilitate a peaceful event or protest.

## VI. Interactions with the News Media

- A. Members of the news media have a Constitutional right to report on public events taking place, and it is the policy of the Cleveland Division of Police to support the news media in covering these events.
- B. Members of the media shall be granted access to public areas where members of the public are allowed. In addition, the Division may designate special areas for the media to assemble and receive briefings from the Division's PIO or other personnel.
- C. Members of the news media shall be permitted to record any events in the public space to the extent that it is safe for them to do so and that their activities:

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1. Do not unreasonably impede the justifiable actions of law enforcement.
  2. Do not infringe on the privacy rights of arrested persons during prisoner processing.
- D. While the Division cannot prohibit the news media from recording activities that occur on public space, care shall be taken to guard against the release of sensitive security-related activity, strategies, or information to the news media or the public.
- E. There is no Constitutional requirement that individuals engaged in the collection and dissemination of news have a pre-authorized press credential to cover an event in the public space. Legitimate bloggers and other non-traditional journalists should be afforded the same rights to report as those considered traditional media.
- F. Officers shall take every precaution to identify and distinguish members of the news media and legal observers (often identifiable by official credentials or a specific article of clothing), as well as uninvolved persons, from the active members of a crowd engaged in civil disturbance.
- G. The arrest of a member of the news media or legal observer shall be immediately reported to the Incident Commander.
- H. Officers shall recognize that their actions and verbalizations are likely to be photographed or recorded by members of the news media, participants in the crowd, and/or uninvolved persons. Officers shall remain professional at all times, and in no way attempt to interfere with individuals who are attempting to photograph or record their actions in the public space. Officers shall never attempt to confiscate or destroy any photographs or recordings taken by these individuals.

## VII. Officer and Crowd Engagement

- A. All uniformed officers assigned to a crowd management event shall wear and clearly display insignia that identify them. Depending on the officer's assignment and uniform, these identifiers may include badge, name plate, and/or identification numbers on helmets and tactical vests. Officers shall not intentionally attempt to hide or disguise their identifiers.

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- B. Officers assigned to a crowd management event and who are working in close proximity to a crowd engaged in civil disturbance shall comport themselves in a respectful and professional manner and shall not respond to or engage in any antagonistic conversations or interactions with individuals associated with the crowd.
- C. Officers shall not engage in unnecessary conversation or banter among themselves.
- D. Officers shall not respond to any statements, actions or movements by individuals in the crowd intended to provoke a reaction from the officer. Officers shall not use force against persons who only verbally confront them and do not impede a legitimate police objective. Officers shall make no verbalizations to crowd participants, another officer, or to themselves in response to any provocation. Officers shall refrain from taking any action or engaging in any bodily movement that can be construed to be a response to a provocation. This policy is critical for the protection of the officer, the safety of all officers, and the successful outcome of the mission. (See Section VIII.H.2. below)
- E. Officers shall not be subjected to an unlimited amount of verbal provocations and abuse. As such, officers needing to leave the police line for personal relief or another justifiable reason may communicate that request to a supervisor by way of a predetermined signal.
- F. Officers who witness a fellow officer unnecessarily or inappropriately responding to a verbal or other provocation shall intervene and signal for the officer to be relieved from the police line.
- G. Supervisors shall be diligent in recognizing officers' signals for relief and monitor all officers for indicators of high levels of fatigue and stress. Supervisors shall make every effort to mitigate officers' fatigue and stress by way of either officer replacement or reconfiguration of the police line.
- H. Officers shall remain vigilant and fully cognizant that all their movements and verbalizations are likely to be audio and video recorded by any number of sources for any number of reasons. Officers shall permit video and audio recording of their actions as long as the distance at which it is occurring does not cause any personnel safety concerns.

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- I. In any type of crowd management event, officers and supervisors shall be vigilant for activities, such as burning of objects, which can incite a crowd engaging in peaceful protests to practice more violent activity. At the first sign of such activity, the Incident Commander, or a field commander on scene, shall deploy a quick response plan to immediately address the activity, including extinguishing any fires.

## VIII. Use of Force and Crowd Management

- A. The policies and procedures in General Police Order 2.1.01 are applicable and fully transferable to the application of force in crowd control situations.
- B. Force shall be used only when other lesser means such as de-escalation have not or would not be effective.
  1. In all instances, only the minimum amount of force necessary to mitigate the threat and accomplish the mission shall be used.
  2. When contemplating any use of force in a crowd management event, consideration should be given to what impact the use of force may have on the dynamics of the crowd, including the possibility of further agitating the group.
  3. Use of force in a crowd management event shall immediately be discontinued upon orders of the Incident Commander.
- C. De-escalation and Voluntary Compliance
  1. When considering any use of force in a crowd management event, personnel shall first explore opportunities to de-escalate the situation and garner voluntary compliance from crowd participants.
  2. Possible de-escalation techniques include:
    - a. Active engagement and communications with crowd leaders and participants
    - b. Continued monitoring of events
    - c. Maintaining flexibility in terms of crowd activities
    - d. Requesting additional resources
    - e. Negotiating toward a mutually agreeable resolution

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3. De-escalation should not be considered a one-time activity employed at the beginning of a crowd management event. De-escalation can be effective at any stage of an event and shall be employed at any time when it may prove beneficial.

D. Use of Force Postures

1. **Constructive Force** is characterized by the simple uniformed presence of law enforcement and the complete lack of physical contact between the police and a crowd or individuals associated with a crowd. Constructive Force shall be subdivided into the following categories:
  - a. Individual or unorganized groups of police officers wearing the standard issue uniform of the day.
  - b. Organized groups of police officers wearing the standard issue uniform of the day acting in concert as a show of force, at the direction of the Incident Commander. The officers may be organized in a defensive line or in another crowd control formation as may be necessary.
  - c. Organized groups of police officers wearing personal protective equipment acting in concert as a show of force. Officers wearing personal protective equipment shall deploy only when there is a reasonable possibility of violence and only at the direction of the Incident Commander. These officers shall be staged out of view and deployed only when needed.
2. **Physical Force** at its lowest level involves hands-on touching without the use of tools or weapons. This shall include line and wedge formations (with or without personal protective shields) that employ simple body resistance to move a crowd. Arrests also fall into this category.
3. **Oleoresin Capsicum (OC) Force** involves the use of a natural chemical irritant derived from the pepper plant. It may be deployed from personal canisters (typically carried on an officer's duty belt) or deployed from larger volume canisters (MK-9 and MK-46 canisters) as a spray or fine mist. OC may also be deployed as a fine powder contained in plastic capsules and expelled by air pressure from a mechanical device. The protocol for deploying the powdered form of OC (pepper ball) shall be identical to those deploying OC spray in the large canister. OC Force against crowds shall be deployed only upon



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approval by the Incident Commander. Individual officers may deploy their OC in accordance with Division use of force policies in order to protect themselves or others from assaults or to overcome active resistance to arrest and when lesser means would be ineffective. Generally, however, in the context of crowd management, these tactics are reserved for field units, not individual officers. (See Section VIII.H.7. for additional guidance on the use of OC force.)

#### 4. **Mechanical Force**

- a. Any tool or equipment that is used as an impact device is considered a mechanical force. This includes a baton in any configuration, the ASP, and a personal protective shield when used as an impact device.
- b. Strikes to the head or neck by any impact device are prohibited. (See Section VIII.H.8 (b) below.)
- c. Mechanical force also encompasses less-lethal projectiles including any mechanically expelled objects such as bean bags or rubberized objects. These projectiles are specifically designed to minimize injury and avoid serious physical harm. Their deployment shall be only at the direction of the Incident Commander or designee (such as a field commander) and in the context of crowd management, these tactics are generally reserved for field units, not individual officers.

#### 5. **Chemical Force** is the use of tools or weapons that disperse chemical irritants such as CS agents (tear gas). For the purposes of crowd management, the natural irritant OC shall not be considered a Chemical Force.

- a. Chemical Force shall be used only as a last resort when no other less-lethal force options are available to prevent police lines from being overwhelmed by violent protesters, to prevent large-scale destruction of property, and/or to prevent serious bodily harm to police officers and uninvolved members of the public.
- b. Only officers specially trained in CS agents are permitted to deploy them.
- c. Only the Chief of Police or designee can authorize the deployment of CS agents, and the authorization shall be documented in writing or recorded.

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6. **Deadly Force** is any use of force likely to cause death or serious physical injury, including but not limited to the use of a firearm or a strike to the head or neck with a hard object. (Note that strikes to the head or neck with any impact device are prohibited.)
- E. Officers shall not employ unauthorized tools or weapons, and all uses of force shall be consistent with the Division's Use of Force policy (GPO 2.1.01).
1. Officers shall not discharge a firearm at a threat that is not verified and clearly visible, nor discharge a firearm into a crowd. Officers will consider their surroundings before discharging their firearms and will avoid unnecessary risk to bystanders, victims, and other officers.
  2. The application of force is confined to the force options as outlined in Sections VIII.G and VIII.H below.
  3. The level of force shall be proportional to the threat faced and the level of opposition encountered.
- F. In rare and exigent circumstances, and if communication with the Incident Commander is not possible, field commanders may direct the use of force by their units. The circumstances and reasons justifying the use of force must be thoroughly documented in writing.
1. If conditions permit, the Incident Commander shall be apprised of the situation prior to initiating any use of force at this level of command.
  2. The application of force shall be immediately discontinued upon a determination by the ranking supervisor on the scene that the condition which required the use of force has been alleviated.
- G. General Use of Force Protocols
1. **Orderly crowds or marches:** Police presence is the appropriate response in this category.
    - a. There is no physical contact between police and the assemblage.
    - b. Crowd activities shall be monitored.
  2. **Unlawful, non-violent, peaceful actions by protestors:** Constructive Force is the appropriate response in this category.

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- a. Crowd activities shall be monitored.
  - b. Tactics include active engagement and open communications with the crowd and its leaders, controlled escort and guidance, blocking movements, traffic control, and similar non-physical force actions.
  - c. While arrest is an option, mass arrests are a last resort and shall be commenced only upon the direction of the Incident Commander.
3. **Non-Peaceful Civil Disturbance:** The following use of force options shall be used to the extent reasonably necessary to disperse, control or arrest only those persons who have engaged in unlawful conduct, and/or conduct a mass arrest, according to stated procedures.

#### H. Use of Force Options During Civil Disturbances

1. A police line can be either a Constructive or Physical force. A police line may be established when it becomes necessary to demarcate an area in which large-scale unlawful activity is occurring or has the potential of occurring. A police line is established to prevent damage or access to a specific target, such as a building, a utility, or a business area. The objective of a police line is to affect the movement of individuals or a crowd, to protect a group of individuals, or to accomplish the arrests of persons within a group. A police line may not encircle an assemblage unless it is used as a last resort to effect a mass arrest.
  - a. All police lines shall be constituted so as to leave an open path for individuals to exit from the assemblage.
  - b. Members of the news media, legal observers, and persons who reside, are employed, have a business or have business of an emergency nature in an area marked off by a police line shall not, under normal circumstances, be barred from entering the area unless their safety would be jeopardized or their entry would interfere with police operations. If those conditions exist, they shall be articulated to the impacted individuals.
  - c. Entry into such area shall not be barred solely based upon the person's views or expressions.
  - d. Persons not falling into one of these categories shall be prohibited from crossing a police line into a disturbance area

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until such time that order has been restored and the police line has been removed.

2. Verbal harassment and invectives directed against officers on a police line shall not be cause for members to break ranks for the purpose of making an arrest or to engage in a verbal confrontation or use force. Taking individual enforcement action can endanger the officer and other police personnel, as well as members of the public.
3. Assaults against police officers in the form of thrown missiles capable of inflicting injury (e.g., Molotov cocktails, fireworks, rocks and other hand thrown objects, slingshot powered projectiles), or physical attacks upon members, will be addressed. Police line supervisors shall make every effort to identify and arrest those engaged in such activity, but only to the extent that the integrity of the police line can be maintained and only if it can be done safely. The decision to arrest in these types of situations rests with field commander, in consultation with the Incident Commander, if possible.
4. The use of force against passively resisting persons is prohibited, except that physically moving a subject is permitted when it is necessary and objectively reasonable for the safety of that individual or the public. It shall be done with sufficient personnel so as not to endanger the subject or the officers. All other means of de-escalation should be exhausted prior to physically removing the person(s).
5. The use of force against persons who are handcuffed or otherwise restrained is prohibited unless it is objectively reasonable and necessary under the circumstances to stop an assault, escape, or where the subject is displaying aggressive physical resistance and lesser means would be ineffective or have been tried and failed. The use of electronic control weapons on persons who are handcuffed or restrained is not permitted.
6. Any use of force shall be preceded by a warning when reasonably able to do so.
7. OC Force shall be employed only (1) when such force is reasonable to protect the officer, the subject, or another party from physical harm and lesser means would be ineffective; or (2) for crowd dispersal or protection and other means would be more intrusive or less effective.

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Such defensive use of OC Force against crowds shall be allowable only upon approval by the Incident Commander or designee.

- a. Multiple OC exposures against an individual, wherein each successive exposure has no discernable positive effect, shall be considered excessive and is prohibited.
- b. In the event there is an imminent danger of serious physical harm to officers or uninvolved persons, or if it is necessary to stop significant property damage and unreasonably waiting for an Incident Commander's approval would increase the risk of harm, police officers may deploy OC upon their individual initiative when there is no other reasonable recourse. (Typically this scenario may present itself when officers are cut off from the main body of law enforcement officers and/or communications with the Incident Commander are ineffective or impractical.) Such individually initiated deployments of OC shall be immediately reported to the Incident Commander and be the subject of a use of force investigation.
- c. Personal size OC Spray shall only be used to subdue a single person when such force is reasonable to protect the officer, the subject, or another party from physical harm, and lesser means would be ineffective. The subject must be at least three (3) feet from the member and no more than five (5) to ten (10) feet away. A supervisor must approve the deployment, except in exigent circumstances.
- d. Officers are prohibited from using the larger volume MK-9 and MK-46 OC spray canisters to disperse crowds or others, unless trained and certified and the use is approved by the Incident Commander or field commander, and other means would be more intrusive or less effective. More stringent requirements must be met to justify dispensing OC spray from the MK-46 canisters, which project a large amount of OC spray from a fire extinguisher-like device. The MK-46 canister shall be deployed only upon the approval of the Incident Commander to repel a substantial effort to breach a police line and/or to prevent significant physical injury of police personnel or uninvolved persons and/or to prevent significant property damage, and other means would be more intrusive or less effective.
- e. Deployment of the pepper ball OC shall follow the same protocol as the MK-9 canister.

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- f. Individuals in police custody who have been affected by OC spray shall be given an opportunity for washing and flushing the affected areas with cold water as soon as possible, and no later than 20 minutes of being exposed. They shall be advised not to use creams, ointments, or bandages on affected areas, and that continual rubbing of the skin against affected clothing will cause irritation and reddening of the skin areas. Individuals who complain of continued effects after having flushed the affected areas shall receive treatment from emergency medical personnel on the scene or be transported to a hospital for medical treatment.
  - g. Refer to GPO 2.1.01 Use of Force for additional guidelines on OC use.
8. Baton
- a. Batons are a mechanical force. In general, batons shall be used solely as defensive weapons, except when used in maneuvers to redirect a crowd (see VIII.H.8(c) below). Care should be taken to avoid an aggressive or intimidating appearance through the inappropriate handling of the baton. Batons shall remain in the baton holster until directed by the field commander. Uses such as striking a person as a means of protection or defense are permitted only when less forceful means would not be effective or could result in injury to the member, and when other means of assistance are not readily available to the member.
  - b. Strikes to the head or neck by a baton in any configuration are prohibited. A strike to the head or neck by any other non-traditional hard object (e.g., firearm, radio) is prohibited. **A strike to the head is considered deadly force and shall be investigated by the Use of Deadly Force Investigation Team (UDFIT). (Refer to GPO 1.2.22 Use of Deadly Force Investigation Team.)**
  - c. When holding the baton members shall always use a two-handed grip in the port arms position to move a resistive crowd from one area to another.
9. Neck Hold: A hold around the neck that may restrict the flow of oxygen or blood through the neck. **Neck holds are considered deadly force and are prohibited.**

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10. Chemical Force (CS)

- a. Only the Chief of Police or designee may authorize the use of CS. The authorization shall be documented in writing (e-mail) to the commander charged with the deployment, along with a verbal notification on a recorded police radio channel.
- b. CS agents shall be used only as a defensive weapon for the purpose of dispersing crowds that are threatening or actively engaging in violence or to protect lives and property when the circumstances indicate that the use of chemical CS agents would be the most effective manner of accomplishing the objective.
- c. Any deployment of CS agents shall be preceded by a loud verbal warning. Warnings shall follow the warning protocols found in Section V.C of this GPO. Notifications should also be sent out over official Division social media to warn demonstrators and those who might be entering the area. If practical and time permits, businesses and other buildings in the affected area should be notified prior to dispersing CS agents so that they may turn off HVAC air handlers, which can pull CS agents into buildings.
- d. The Incident Commander overseeing the deployment of CS shall ensure that avenues of egress are available to the crowd.
- e. Individuals in police custody who have been affected by CS shall be given an opportunity for washing and flushing the affected areas with cold water as soon as possible, and no later than 20 minutes of being exposed. They shall be advised, moreover, not to use creams, ointments, or bandages on affected areas, and that continual rubbing of the skin against affected clothing will cause irritation and reddening of the skin areas. Individuals who complain of continued effects after having flushed the affected areas shall receive treatment from emergency medical personnel on the scene or be transported to a hospital for medical treatment.
- f. **The deployment of CS as a crowd control measure is a serious use of force and shall be the subject of an UDFIT investigation.**

11. Canines

- a. The use of canines for crowd control is prohibited.

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- b. Explosive Ordinance Detection canines may be used to conduct sweeps. Sweeps shall be done prior to a pre-planned event taking place.
  - 12. Deadly force with a firearm shall be guided by the policies and protocols contained in GPO 2.1.01, which should be reviewed by all personnel prior to involvement in a pre-planned event. Following are key considerations for crowd management and civil disturbance situations:
    - a. Pointing a firearm as a threat of force is prohibited unless the circumstances surrounding the incident create an objectively reasonable belief that the situation may escalate to the point at which deadly force would be authorized.
    - b. Officers shall not discharge a firearm at a threat that is not verified and clearly visible, nor discharge a firearm into a crowd.
    - c. Officers shall in all circumstances consider their surroundings before discharging their firearms to avoid unnecessary risk to uninvolved persons and other officers.
    - d. Using a firearm as an impact weapon is never an authorized tactic.
- IX. Mass Arrests – Incident Commander Duties: The decision to initiate mass arrests shall only be made by the Chief of Police or Incident Commander or designee, as a last resort when other reasonable options have been exhausted. As soon as conditions permit, normal arrest procedures will be reinstated. The Incident Commander shall:
- A. Notify CCS when mass arrest procedures have been implemented.
  - B. Ensure that adequate transport vehicles are secured to transport arrestees.
  - C. Ensure arrangements are made for the following:
    - 1. Contact court staff to make arrangements for initial appearances, when appropriate.
    - 2. Contact prosecutorial staff, when appropriate.
    - 3. Contact the Division’s PIO when response to the news media is necessary.



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4. Contact other appropriate agencies when assistance is required.

X. Arresting Officer/Arrest Team Duties

- A. Once the Incident Commander has given the order for mass arrests, officers designated to serve on arrest teams shall arrest individuals identified as suspects and verbally notify all identified persons that they are under arrest. The arrested persons shall be advised of the charge(s) against them at the time of arrest.
- B. Handcuff all prisoners using disposable cuffs (flex cuffs), with the arresting officer(s) badge number(s) clearly marked on the cuffs with indelible ink.
- C. The arrest and prisoner processing shall be video recorded when at all possible.
- D. A protocol shall be established for identifying each person arrested and for capturing basic information about the arrest: date, time, location, name(s) and badge number(s) of arresting officer(s).
- E. No prisoner shall be transported from the scene of the arrest unless the identity of the arresting officer(s) and the charge(s) are relayed to the Transport Officer(s).
- F. The arresting officer(s) shall complete all arrest reports and other paperwork required by the Division as soon as practical and prior to reporting off-duty.

XI. The CCS supervisor shall advise the Central Processing Unit (CPU) of the estimated number of prisoners being delivered to their respective facilities.

XII. The proper operation of a Prisoner Processing Center (PPC) is extremely important to protect the rights of individuals who have been arrested, to ensure successful prosecution at a later date, and as an additional precaution against possible allegations concerning the conduct of the arresting officers.

A. The primary PPC shall be the CPU located in Cleveland Division of Police Headquarters.

1. Felony arrests shall be taken directly to Cuyahoga County Jail.

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2. If the volume of misdemeanor arrests exceeds the capacity of the CPU to process them, prisoners shall be taken to other PPCs as determined by pre-planning. These PPCs may include Cuyahoga County Jail, the Division of Police neighborhood district jails and other locations as pre-arranged. These locations shall be utilized in pre-approved order.
3. Any PPC site not pre-arranged shall be subject to the approval of the Incident Commander.
4. Availability of food, water, and sanitation facilities as well as security considerations shall be factors in the selection of PPCs.

**B. Prisoner Processing Center Personnel / Equipment**

1. Prisoner Processing Officer (PPO) - The Prisoner Processing Officer will be designated by the Incident Commander. The PPO may be the Commissioner of the Bureau of Correction or designee. The PPO will be responsible for the following:
  - a. Overall operation of the PPC.
  - b. Determining the sufficient number of officers required for establishment of the PPC that is other than a jail facility. In some situations, the Incident Commander may elect to assign this function to another police agency.
  - c. Establishing communications with the Incident Commander.
  - d. If the Incident Commander so directs, he/she may establish contact with the other agencies to arrange personnel and equipment to transport prisoners from the PPC to a place of confinement.
  - e. Determine if a prisoner is in need of medical attention and arrange treatment if necessary. Arrangements shall be made with Cleveland Emergency Medical Services (EMS) for a standby of qualified medical personnel to remain at the PPC if it is other than a jail facility. If required, EMS should establish field triage capability to determine whether certain prisoners shall to be transported to the hospital.
  - f. Ensure that an accurate log is maintained of all persons brought to the PPC and their disposition.
  - g. Regulate visits by defense counsel when requested by defendants during detentions at the PPC. The PPO shall advise attorneys requesting access to a prisoner in the detention area that they

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may contact their client after booking has been completed and after transport to a permanent detention facility.

2. Photographer/Videographer - The Photographer/Videographer(s) shall be designated by the Incident Commander or PPO. This officer must be thoroughly familiar with the proper operation of the equipment. In addition to extra supplies for the camera equipment, this officer will bring a thumbprint kit, property envelopes / tags and manila envelopes for evidence, felt marking pens and cellophane tape, and booking forms.
3. Security Officers - A sufficient number of Security Officers shall be designated by the Incident Commander to guard the prisoner processing area against prisoner escape or attempts to free the prisoners when the PPC is other than a jail facility.
4. Booking Officer - An officer who is assigned to the PPC. The duties are explained under prisoner processing.
5. Transport Officers - A minimum of two transport officers shall be assigned to every transport vehicle. Transport Officers shall not transport a prisoner until the officers know the identity of the arresting officer(s) and the charge(s).

#### C. Prisoner Processing

1. Arrested persons shall be moved without delay to the PPC by the Transport Officers. The Transport Officers shall ensure that no prisoners are transported without a completed Field Booking Form.
2. Prisoners shall be searched for weapons prior to placement into a transport vehicle.
3. Upon arrival at the PPC, the prisoner will be thoroughly searched by the Booking Officer(s) for contraband/evidence. Any evidence found shall be properly tagged and the description included in the Law Enforcement Record Management System (LERMS) arrest report.
4. Upon completing the search, the Booking Officer shall obtain a LERMS arrest number, complete the "slap print" booking card, and obtain a DNA sample for any person arrested for a felony.

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5. The prisoner shall have his/her picture taken by the photographer, holding a card at chest level which clearly states the arrested person's name, LERMS booking number, and arresting officer(s) badge number. Any weapons or other evidence will also be photographed with the same information card visible in the photo.
6. If the PPC is not a jail facility, the Booking Officer shall remove the prisoner to a secure area within the PPC. Prisoners shall remain there until transferred to the place of confinement. All property shall accompany the arrested person to the place of confinement.
7. Any evidence obtained shall be held at the PPC until it can be removed to a Division installation for booking into property storage.
8. Mass arrest situations can result in the need to safeguard large quantities of personal property from prisoners, including large or bulky items such as bicycles, tents, etc. Arresting officers and prisoner processing officers are to safeguard personal property of prisoners in accordance with Division policies and procedures.
9. Prisoners detained at a PPC that is not a jail facility shall be moved to a jail facility as soon as feasible to alleviate security concerns.
10. Pre-charging paperwork associated with arrests shall be presented to the prosecutor as expeditiously as is reasonable under the circumstances. Paperwork shall thereafter be forwarded when ready to the Clerk of Court on a rolling basis to prevent unreasonable delay.

XIII. All substantive actions taken in response to a crowd management event shall be memorialized as they occur and shall form the basis for subsequent reporting as mandated.