



TRAINING BULLETIN

LOS ANGELES POLICE DEPARTMENT

WILLIE L. WILLIAMS, CHIEF OF POLICE

Volume XXVIII, Issue 11

October 1996

USE OF FORCE BATON - PART II CROWD MANAGEMENT & CONTROL

Any public assembly of individuals, be it for lawful protest or unlawful activities, may require action by law enforcement. Depending upon the situation at hand, the response of law enforcement can range from simple observation and crowd management strategies, to crowd control tactics. This Training Bulletin was developed to provide guidelines to assist officers in determining when an assembly is unlawful and the appropriate responses for crowd control. The Department's Use of Force Policy relating to baton techniques is also reviewed in this bulletin.

In a society where the right of free speech and assembly is guaranteed by the Federal and State Constitutions, it is the responsibility of police officers to ensure the protection of Constitutional Rights of all members of the public. These constitutional guarantees apply to individuals who may be participating in lawful activities such as public speeches, marches, demonstrations, picketing, and rallies.

In determining whether speech activity is lawful, police officers must not base their decisions on their subjective, personal views of either the political affiliation or the message of those persons exercising their right to speak. The responsibility of police officers is to objectively determine at what juncture a demonstration leaves the realm of legal protest and becomes an abridgement of the rights of others.

Penal Code Section 407 provides guidelines for officers by defining an "unlawful assembly":

"Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly."

"Boisterous" and "tumultuous" have been interpreted by the courts to mean conduct which poses a clear and present danger of imminent violence.

Penal Code Section 407 is applicable in two different circumstances:

- (1) The first circumstance is when people assemble to do an unlawful act. The unlawful act must be an act made criminal by law or by the commission of an overt act which leads to a violation of law. In the absence of any unlawful conduct in an assembly, an assembly may be declared unlawful only if there is reasonable cause to believe, based on articulable facts, that the assembly's purpose is unlawful. If people are assembled to commit an unlawful act, then they are an unlawful assembly. (For example, unlawfully blocking entrances to public buildings, highways, sidewalks or schools, or engaging in riotous activity).
- (2) The second circumstance is when people assembled do a lawful act in a "violent, boisterous or tumultuous manner." The manner in which the people are acting must itself be violent, or pose a clear and present danger of imminent violence. For example, a demonstration that disturbs the peaceful enjoyment of property through noisy singing and chanting is not an unlawful assembly unless it also poses a clear and present danger of imminent violence.

During the course of a march, demonstration, protest or rally, officers may observe behavior by individuals which constitutes unlawful behavior. Unlawful behavior by individuals, or unlawful conduct observed in an isolated incident, should not generally form the basis for declaring an otherwise lawful assembly to be unlawful. When it appears practical, officers should attempt to give warning to the leaders or spokesperson of the activity, the other participants, and/or the individuals who are acting or have acted unlawfully, about any observed unlawful or potentially unlawful conduct. When appropriate, officers should instruct them on what they must do to comply with the laws, so as to allow an opportunity to correct the conduct in question.

This does not imply that where group behavior reasonably appears to be unlawful, aggressive, or otherwise uncontrollable, that the assembly should not be declared unlawful.



CROWD MANAGEMENT

In crowd management, the following general principles should be utilized:

- * **Establish contact with the crowd**

When appropriate, supervisors or senior officers at the scene should attempt to make contact with identified formal or informal leaders of a crowd. Interaction with a crowd will allow officers to understand the purpose and motives of a group and allow an opportunity to suggest ways for the group to avoid illegal actions which would necessitate a more aggressive police response. This is referred to as "reading the crowd."

- * **Control of personnel**

An otherwise peaceful group can be aroused by inappropriate police conduct, such as individual officers engaging in verbal disputes with individual crowd members or by displaying contempt for the crowd or its beliefs. If possible, it is preferable for a crowd to remain focused on the event itself rather than on police tactics used at the event. A show of force may be appropriate as a deterrent to some unruly crowd situations. Careful consideration of the circumstances must be given prior to employing a show of force. When possible, keep a disciplined control force out of public sight ready to respond.

- * **Separate opposing factions**

Often a specific issue will polarize groups into hostile opposing factions. When possible, officers should delineate separate areas for each group to exercise their legal rights to picket or demonstrate. Physical barriers or police lines can be used to effect this separation. For preplanned events, specific areas should be identified and physically established for use by groups expected to demonstrate. Physical barriers, natural or strategically placed, can assist officers in managing opposing groups.

- * **Gather intelligence**

Information which has been evaluated and believed to be valid is of utmost importance to the management of groups. The most obvious place to obtain information on what is to occur is from the group itself. Establish contact with group members before an event if possible. During the event, attempt to maintain contact with group leaders to stay aware of any changes in their plans or actions. Such information may be incomplete or inaccurate, but experience has shown that it is better to listen to groups than ignore them.

- **Knowledge of previous events**

Crowd management procedures do not start with a specific event, but with events in the past and those occurring elsewhere. Supervisors may examine open sources of information and/or after-action reports from prior events or from similar events in order to identify group behavior and successful and unsuccessful tactics and strategies. It is highly recommended that supervisors and commanding officers properly document the results of actions at a crowd management or crowd control incident.

- **Alternate location for assembly**

When it is determined that an assembly may become unlawful due to the inappropriate nature of the location (e.g., an otherwise lawful crowd exceeds the size of a location and spills onto, and inadvertently blocks the public sidewalks), police may identify an alternate site to leaders or spokespersons where the assembly could relocate to avoid the possibility of being declared an unlawful assembly.

- **Documentation**

It is highly recommended that events surrounding crowd control situations be documented for training, personnel accounting, after-action reporting, and litigation. The use of video cameras should be considered at all such events. Utilization of a "videolog" (a videotape record of the event), obtaining an overall perspective of the event, including selected arrestee behavior and actions of personnel, are among the subjects which should be documented. The utilization of a video team is highly recommended for future training purposes.



CROWD CONTROL

During crowd control situations, police officers may be required to physically engage numerous individuals who exhibit unlawful or hostile behavior. In these situations, it may be necessary for officers to utilize physical force to control or move crowd members who do not respond to verbal directions.

When officers are confronted by this type of behavior, the baton may be used to push individuals who do not respond to verbal commands to disperse. It may also be used as an impact weapon depending upon the degree of active resistance or combative behavior demonstrated by crowd members.

There are no exceptions to the Department's Use of Force Policy. When the use of force is justified during a crowd control situation, only reasonable force shall be employed. Officers must only use reasonable force to overcome resistance and effect control. Verbalization should be used throughout the duration of the operation to gain compliance and reduce the necessity for further physical force.

The Training Bulletin "Use of Force - Side Handle Baton" Volume XVIII, Issue 4, describes the Department approved baton techniques in detail. Officers are strongly encouraged to practice baton techniques since these techniques are based more on technical proficiency than physical strength. Equally important, officers must know Department policy regarding the use of the baton. A review of this policy is described on the following pages.

In a typical crowd control situation, officers are sometimes faced with the following scenarios:

- (1) Police officers on a skirmish line are confronted by individuals who are being pushed from the rear and encroach upon established police control points, yet are not intentionally threatening officers;
- (2) Police officers are presented with passively resisting individuals who refuse to disperse.

In the first scenario, for example, police officers on a skirmish line with batons drawn in the "Long Extended Position", are confronted by individuals being pushed from the rear of the crowd into the skirmish line. The crowd is ordered to disperse but refuses to move and continues to push into the officers. These individuals' actions, as described on the Department's Situational Use of Force Options Chart, may be categorized as UNCOOPERATIVE or AGGRESSIVE/COMBATIVE based on an individual officer's subjective viewpoint.

The baton may be used as a pushing instrument or impact weapon to gain compliance. Verbalization should be continued to gain compliance. Only reasonable force to gain compliance and to protect themselves and others may be used by officers. A possible solution to such occurrences includes "line-backers" as part of an arrest team removing the persons pushing from behind and either arresting them or moving them outside the control area.

In the second scenario, police officers are presented with passively resisting individuals who refuse to disperse. The appropriate response to these individuals' actions, categorized as **NO RESPONSE TO COMMANDS** or **UNCOOPERATIVE** on the Use of Force Options Chart, includes the use of Firm Grip, Compliance Techniques, Wrist Locks, Twist Locks, Wrist Lock Down/Arm Bar, the baton as a pushing instrument and Baton Compliance Techniques (non-striking). Verbalization should be continued throughout the situation to gain compliance. Like the first scenario, only reasonable force to gain compliance and to protect themselves and others may be used by officers. Again, the "line-backers" of an arrest team can remove those individuals who are pushing, who are refusing or are unable to disperse from the group behind the police lines and either arrest them or reposition those individuals outside the control area.

REPORTING THE USE OF THE BATON

The current procedure for reporting the use of the baton as a use of force incident in other than crowd control situations is not affected by this Training Bulletin.

NOTE: A Use of Force Report is not required when officer(s) become involved in an incident in which the baton is used in a crowd control situation to push or move individuals who exhibit unlawful or hostile behavior and who do not respond to verbal directions by the police. This procedure will apply only to officers working in organized squad and platoon-sized units. Additionally, should the baton be utilized under these circumstances, officers shall notify their immediate supervisor of the use of force once the tactical situation has been resolved.

The supervisor shall prepare the appropriate report documenting the officer's actions.



CONCLUSION

The police response to a situation where a crowd has gathered requires a careful evaluation by the senior officer-in-charge at the scene. A non-violent "sit-down" demonstration requires a much different police response than a violent group of people who have become destructive. The tactics used to manage or control a crowd must be flexible. During a march, demonstration or similar event, unlawful behavior by an individual, or unlawful conduct observed in an isolated incident, should not generally form the basis for declaring an assembly to be unlawful.

Should force become necessary, the amount of force necessary to overcome a suspect's resistance is dependent on a variety of factors. When a baton is utilized, even during confrontations with hostile crowds, reasonableness is the key to determining the amount of force and the type of compliance techniques which are most appropriate for the circumstances. Officers should attempt to de-escalate confrontations by utilizing verbalization techniques prior to, during, and after any use of physical force. Effective crowd management techniques oftentimes precludes the necessity to employ physical force and are a deterrent to unlawful behavior.

This bulletin cancels and supersedes Training Bulletin Volume XXV, Issue 8, "Use of Force-Baton, Part II-Crowd Control" dated December 1993.

**FIELD TRAINING SERVICES UNIT
IN-SERVICE TRAINING DIVISION**