# CROWD MANAGEMENT: CODE 100

## Section 1: General Considerations:

Incident Command at the scene of a crowd control problem within the City shall reside with the Boston Police Department.

In addition to the general responsibilities described previously, the duties of officers at a crowd control situation are to comply with all Massachusetts laws and Massachusetts Peace Officers Standards and Training Commission (POST) requirements established in MGL c. 6E section 1, while performing the following tasks within the limits of their training and personal protective equipment.

A crowd is quick to sense fear, indecision, poor organization and training on the part of police officers and will take instantaneous advantage of it. The responsibilities placed on officers are important if they are to maintain the public tranquility and wellbeing.

In managing a crowd control situation or civil disturbance, the policy of this Department is to (if possible) engage in de-escalation protocols. If de-escalation protocols are ineffective, the Boston Police Department will use the least stringent phase of force necessary to accomplish the objective in the safest possible manner for all involved. The application of force is determined by the escalating levels or potential escalating levels of force faced by the officers in a crowd control situation or civil disturbance. Any and all use of force by the Boston Police Department and those law enforcement agencies called upon to assist the Boston Police Department shall be determined by the authorized Command and Control structure put in place for a particular crowd control or civil disturbance event – planned or unplanned.

As outlined above, it may not be feasible to apply each phase of the Use of Force Continuum in the order written. Circumstances may require that one or several of the phases be discarded depending upon the level of opposition encountered. The situation, use of force or violence used by the crowd, amount of damage being done to property that the Incident Commander or Tactical Commander encounters will dictate the phase and use of force by the police.

No two crowd control situations or civil disturbances are the same. This can be due to some of the following: type of event, location, weather, size of the crowd, make-up of the crowd, mood of the crowd, time of day or night and any incidents that may have led up to the event or situation. The Incident Commander or Tactical Commander must consider the number of officers present to manage the event and the type of equipment available to them at the time. The Incident Commander or Tactical Commander must also consider the amount of time it will take for the equipment or additional officers to arrive to deal with the crowd control problem at hand.

The appropriate level of force will be determined and authorized only by the Incident Commander and/or the on-scene Tactical Commander.

**Section 2. Regulations regarding Mass Demonstrations, Crowd Management, and Reporting**

**Per the POST Commission's Regulations on Use of Force by Law Enforcement Officers:**

(1) The BPD shall establish plans to avoid and to de-escalate potential or actual conflict between officers and mass demonstration participants. When the BPD obtains advance knowledge of a planned mass demonstration within the police department's jurisdiction, the BPD shall diligently attempt in good faith to:

(a) communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants, and
(b) discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants.

(2) The BPD shall designate an officer in charge of de-escalation planning and communication to carry out the above plans within the department.

(3) A BPD Incident Commander or Tactical Commander shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device or order the release of a dog to control or influence a person's behavior unless:

(a) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and
(b) the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets or dog is proportionate to the threat of imminent harm.

(4) If a BPD Incident Commander or Tactical Commander utilizes or orders the use of kinetic impact devices, rubber bullets, CEDs, CWs, ECWs, or a dog against a crowd, the BPD shall file a report with the Commission detailing all of the measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using said weapons, including a detailed justification of why use of said weapons was objectively reasonable.

(5) Canines should not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilian personnel.

(6) The use of intentional Kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

**Section 3: Types of Crowd Control Situations:**

A. Organized Marches & Demonstrations (orderly crowd) – defined as a march or demonstration that takes place where the participants do no damage to property or injure any persons and do not materially interfere with the civil or property rights of others. In some cases, the participants will work with the police to move the march or demonstration along to its completion. Such marches or demonstrations may be planned or unplanned and could have a parade permit or lack a parade permit.

   As long as the situation does not escalate, the responsibility of the police is limited to monitoring crowd activities. The police presence could be in platoon formation or in individual officers strategically placed in and around the area, including motorcycle escorts. Normal patrol and use of force policies and responsibilities would apply.

B. Peaceful Civil Disobedience – defined as a march or demonstration that takes place where some or all of the participants engage in some form of civil disobedience. This type of situation could manifest itself as a peaceful building takeover, a "sit-down" that blocks the entrance to a building or roadway or marching against the traffic on public streets. Demonstrators will sometimes ask to be arrested and/or will try to get arrested, and will assist and/or cooperate in the arrest process. Events such as these will usually not result in property damage and will involve only a limited infringement of the civil and property rights of others. The initial response of the police at the scene of an unlawful, but non-violent march or demonstration will be to monitor the crowd's activities and to provide a uniformed police presence while evaluating the situation. The Incident Commander or Tactical Commander on scene will determine whether or not to deploy crowd control tactics and formations and/or the use of force to make mass arrests based on the fluid scenario and the degree of disruption.

C. Non-Peaceful Civil Disobedience – defined as a march or demonstration, whether they possess a parade permit or lack such a permit, that could be static or moving where the participants engage in unlawful behavior that causes damage to property and/or injury to themselves or others. This type of march or demonstration significantly infringes on the civil or property rights of others and/or causes major disruption to the city's infrastructure, parks, roadways, traffic or commerce. The presence of police officers at the scene of a civil disturbance or crowd control situation will not necessarily prevent an unruly crowd from committing acts of violence or destruction of property. During non-peaceful acts of civil disobedience, violent marches, violent rallies or violent demonstrations, the Incident Commander will monitor the crowd's behavior and direct law enforcement personnel to engage persons involved in any violent and/or criminal activities as appropriate. The Incident Commander or the Tactical Commander on scene will decide to what degree the Use of Force Continuum for Crowd Control Situations or Civil Disturbances outlined below shall be utilized, up to and including the employment of mass arrests to restore order.

**Section 4: Use of Force Continuum for Crowd Control Situations and Civil Disturbances**

The six phases of force described below do not alter or change the Use of Force policies of the Boston Police Department as described in BPD Rules 303, 303A and 304 and, to the extent possible, any and all law enforcement agencies working with the Department. These six phases of control are meant to give officers guidelines as to what weapons systems or tools are appropriate for particular situations and when to apply them.

Listed below in Section 10, (F), are the four levels of Department response to crowd control situations or civil disturbances and who should respond. Note that Level III (and higher) authorizes the Public Order Platoons, made up of members of the Special Operations Division the Youth Violence Strike Force and Drug Control Unit. Each to be equipped with less lethal weapons systems and chemical munitions and equipment and to utilize them as deemed necessary to neutralize the situation.

**A. De-escalation Tactics:** (As defined by POST): Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis. De-escalation shall include, but is not limited to, issuing a summons instead of executing an arrest where feasible.

**B. Constructive Force** – mere uniformed police presence. This presence may be in the form of individual officers assigned to posts or officers assigned to crowd control formations. Officers may be in soft uniforms (standard police uniforms) or outfitted in authorized crowd control equipment. Generally, there is no physical contact between police and demonstrators at this level of force.

**C. Physical Force** – in accordance with the provisions of BPD Rule 304, Massachusetts General Laws and POST requirements, reasonable force: defined as the least amount of force that will permit officers to subdue or arrest a subject while still maintaining a high level of safety for themselves and the public. Such force may involve hands-on touching, but does not include the use or deployment of tools or weapons systems. The decision to use physical force may include the deployment of officers in squads or platoons whether they are on foot, motorcycles, bicycles, or in cruisers. Such deployment may involve the use of approved crowd control formations such as skirmish lines, wedge formations, crossbow formations and arrest teams (with or without protective shields) that are capable of dispersing a crowd or making arrests.

**D. Mechanical Force** – Force within this area is broken down into two stages of tools and/or weapons systems:

1. Stage I – In accordance with Rule 304 §5, the Department currently authorizes several baton-type or impact implements for use as non-lethal weapons against assailants, i.e.,24" police baton, 36" riot batons, et cetera. Additionally, within this level Department issued

incapacitating spray (OC spray), as well as the Jay-Cor pepper ball system and/or smoke canisters may be utilized.

2. Stage II – Includes the use of Less-lethal projectiles, i.e., sting balls, 12 Gauge CTS Super Sock Beanbag Munitions, 37mm or 40mm launched munitions, noise flash diversionary devices and smoke canisters. Less-lethal munitions consist of projectiles launched or otherwise deployed for the purpose of overcoming resistance, preventing escape, effecting an arrest or reducing serious injury. Less-lethal munitions are meant to significantly reduce the likelihood of causing serious injury or death and are divided into three (3) broad categories:

a. Target Specific – Involves a situation where there is an identified individual target who is involved in unlawful or criminal activities. In tactical situations, any and all of the above weapons may be used by the Boston Police SWAT Team. Likewise, any and all of the above weapons systems may be authorized for use in a crowd control situation or civil disturbance. However, only officers who have been trained and certified in their use may use the above weapons.

b. Group Specific – Involves a situation where there is no identified individual target or where group behavior must be modified. In such situations, Department authorized less-lethal weapon systems would be utilized against a crowd in order to move them from an area, to prevent injury to civilians and/or officers or to prevent damage or destruction of property. As noted above, only officers who have been trained and certified in their use may use the above weapons.

c. Tactical Discharge – Involves a pre-planned operation. Most such situations will involve the Boston Police SWAT Team in situations such as warrant service against a high-risk offender, neutralization of a barricaded subject, a high risk take-down arrest (either static or mobile), disarming an emotionally disturbed person that is doing or threatening harm to themselves or others, et cetera. In such situations, Department authorized less-lethal weapon systems would be utilized under the direction and supervision of the on scene Tactical Commander. Only officers who have been trained, certified and proficient in the use of a less lethal weapons are authorized to use it.

**E. Chemical Force** – Use of tear gas or other chemical weapons as defined above. Tools or weapons systems that disperse chemical irritants or incapacitating spray. Such force includes, but is not limited to, the use of OC spray, handheld MK-9 or MK-46 canisters, OC sting ball munitions, Jac-Cor OC and 12ga. launched munitions, 37mm and 40mm launched chemical munitions and hand-held and launchable CS agents

**F. Deadly Force** – Deadly force may only be used in accordance with the provisions of BPD Rule 303. There is no exception to the Department's use of force policy regarding the use of deadly force during crowd control situations and/or civil disturbances. Such situations do not alter the Department's use of force policy regarding the use of deadly force.

It is the responsibility of the Incident Commander or, when designated, the Operations Section Chief (on scene Tactical Commander) to evaluate the crowd control situation or civil disturbance to determine the level of force to be utilized and to authorize its use.

**Section 5: Definitions**

Containment – to confine unlawful disorder to the smallest possible area.

Dispersal – to disperse the crowd and to take appropriate action against law violators

Dog -- for the purposes herein, shall also refer to a K-9, canine or police dog.

Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs) -- a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave, or beam is emitted that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the individual. (i.e. TASER).

Isolation – to prevent growth of the unlawful disorder and to deny access to others who, for their own safety, are not involved.

Kettling -- confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Kinetic Impact Device -- Less-lethal projectile-based tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient (i.e. beanbag round, impact round launcher).

Passive Resistance -- an individual who is noncompliant with officer commands that is nonviolent and does not pose an immediate threat to the officer or the public.

Tear Gas or Other Chemical Weapons (CW) -- any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain a person by causing pain. This shall not include oleoresin capsicum (OC) spray.

**Section 6: Tactical Objectives**

A. Control the crowd, march or moving protest with safety and with minimal injury, taking into consideration the sworn officers, the protesters and the uninvolved bystanders.

B. Establish order and traffic control points as directed by the Incident Commander.

C. Respect the rights of all citizens to peacefully protest and/or march.

**Section 7: Duties of First Responding Officer**

In addition to any general responsibilities described previously, first responding officers shall:

A. Evaluate the situation and notify the Operations Division Dispatch Center of the existence of a Code 100 event including its type, nature and/or cause. Possible types are not limited to:

1. Peaceful stationary protest;
2. Moving protest or march on city streets, parks or private property;
3. Building take-over or blocking of entrances or exits;
4. Sit-down protest in the city streets or on private property;
5. Demonstration at a government facility or transportation facility; and
6. Crowd control problem at a fire, structural collapse, Haz-Mat incident, concert or sporting event;

B. Estimate the size of the crowd and their intentions, if known, and notify the Operations Division Dispatch Center;

C. Request a Patrol Supervisor respond to the scene;

D. Assume the role of Incident Commander until relieved, including the following duties:

1. Identify a staging area for responding units;
2. Notify the Operations Division Dispatch Center as to the best route for additional responding units;
3. Notify the Operations Division Dispatch Center of the locations of streets that will need to be blocked, diverted or closed;
4. Request the Operations Division Dispatch Center contact other agencies if impacted, e.g., MBTA Police, State Police, Federal Agencies and MBTA bus routes, if affected;
5. Begin an incident log; and
6. Prepare to brief the Patrol Supervisor.

**Section 8: Duties of Operations Division Dispatch Center**

A. Notify the Patrol Supervisor responsible for that Sector;

B. Make all requested notifications and pages to Command Staff, the District Commander and any impacted outside Agencies; and

C. Prepare to open a clear channel for communications and assign a dispatcher for the incident, if requested.

**Section 9: Duties of Patrol Supervisor**

In addition to any general responsibilities described previously, upon arrival the Patrol Supervisor shall:

A. Announce arrival and assumption of the duties of the Incident Commander by radio;

B. Get a briefing from the first responding officer and re-evaluate the crowd control situation;

C. Re-evaluate the staging area and notify the Operations Division Dispatch Center if the staging area will remain the same or be re-located due to the changing situation;

D. Assign someone to the staging area to act as the staging area manager;

E. Re-evaluate the size and/or number of people in the crowd and update the Operations Division Dispatch Center;
F. Ensure that an incident log is being maintained, either by the first responding officer or another designee;
G. Assign or re-assign responding units and brief them as to their duties;
H. Attempt to contact the protest organizers and find out their intentions, their route of the march and/or the length of their protest;
I. Attempt to determine if the event has been issued a permit by the City or another organization;
J. Meet with other agency representatives if on the scene (MBTA Police, State Police, Campus Police, Boston Transportation Department, et cetera);
K. Request that Mobile Operations respond, if deemed necessary;
L. Evaluate the need for further resources from the Special Operations Division;
M. Request the activation of the Emergency Deployment Team (EDT), if deemed necessary;
N. Upon their arrival at the staging area, ensure that the EDT is properly equipped and are organized into equal squads under the command of a supervisor;
O. Evaluate the need to have prisoner transport wagons respond to the staging area; and
P. Prepare to brief the District Commander or other higher-ranking officer who responds and assumes command.

**Sec. 10 Duties of District Commander and/or Incident Commander:**

In addition to any other duties described previously, the District Commander or other higher-ranking officer on scene shall:
A. Announce their arrival and assumption of the duties of the Incident Commander by radio;
B. Receive a briefing from the previous Incident Commander;
C. Re-evaluate the staging area and notify the Operations Division Dispatch Center if the staging area will remain the same or be re-located due to the changing situation;
D. Ensure that a staging area manager has been designated;
E. Ensure that an incident log is being maintained either by the first responding officer or another designee;
F. Identify the appropriate level of Department response needed, such as:

1. Level I – The first level of deployment in accordance with the District Commander's plans is made up of district personnel. This deployment is in anticipation of a small to medium-sized group with little or no violence or disruption to the event. Level I response will be under the direct command of the District Commander; 2.

2. Level II – The second level of deployment will be to utilize the Department's Emergency Deployment Team (EDT). The escalation to Level II will depend on the escalation of size of the crowd, their behavior and the violence and disruption being caused. The decision to escalate to Level II will be made by the District Commander, or in the case of an emergency prior to the arrival of the District Commander, the Incident Commander. If the EDT is to be used, the Incident Commander will ensure that they are properly equipped and are organized into equal squads under the command of a supervisor.

3. Level III – the third level of deployment will consist of the activation of the Public Order Platoons (POP). The POP's will be made up of personnel from the Special Operations Division and the Youth Violence Strike Force and Drug Control Unit, and trained district personnel. The POP's will be deployed in cases of extreme violence and disruption or when the potential exists for such a situation to develop. The POP's will be equipped with "less lethal" weapons, chemical munitions and any other equipment deemed necessary to neutralize the situation. The decision to escalate to Level III will be made by the Incident Commander.

4. Level IV – The fourth level of deployment will consist of full deployment of Department resources, as well as other agencies, i.e., mutual aid. The escalation to Level IV should be considered prior to full scale rioting and in cases where the loss of control of the situation is imminent. The decision to escalate to Level IV will be the responsibility of the Incident Commander after consultation with the Emergency Operation Center (EOC).

G. Make such assignments as necessary under the Incident Command System to ensure the safe and timely resolution of the incident;
H. Be aware of the limits of the training and personal protective equipment possessed by the responding officers;
I. Give timely updates on conditions to the Operations Division Dispatch Center for dissemination to the Emergency Operations Center and the Command Staff;
J. Evaluate the need for prisoner transport wagons to respond to the staging area and/or request additional prisoner transport wagons;
K. Request a representative from the Office of Media Relations respond to the scene to act as the Information Officer;
L. Request units from Boston Emergency Medical Service respond to the staging area;
M. Request Special Operations K-9 and/or Mounted units respond to the staging area in anticipation of performing security and crowd control duties, if deemed necessary;
N. Request the Video Unit respond to the staging area;
O. If not already on scene, request the Intelligence Unit respond to the staging area; and
P. If the situation has been upgraded to a Level II, Level III or Level IV response, designate an Operations Section Chief to be in charge of the tactical response.

Michael A. Cox
Police Commissioner