



Directive 13.3 Annex 5

DEMONSTRATIONS AND CIVIL DISORDERS

Effective Date 10-22-2012



CONTENTS

- I. REFERENCES
- II. PURPOSE
- III. POLICY
- IV. DISCUSSION
- V. RESPONSIBILITIES
- VI. DEFINITIONS
- VII. PROCEDURES
- VIII. TACTICS
- IX. MASS ARREST PROCEDURES
- X. AFTER ACTION REPORTS

I. REFERENCES:

Virginia Code 18.2-404, 18.2-119
Code of Virginia, Chapter 9, Article 1, Title 18.2
City of Alexandria Emergency Operations Plan, Tab Number 64
Incident Command System, Annex 1
DHS/FEMA/CDP Managing Civil Action in Threat Incidents (MCATI) Manuals
Virginia State Police Tactical Field Force Manual, Rev. Nov. 1, 2007
Accreditation (CALEA) Chapter 46

II. PURPOSE:

The purpose of this annex is to define the operational procedures for the handling of demonstrations and/or civil disorder in the City.

III. POLICY:

It is the policy and goal of this department to permit citizens to exercise their freedom of speech and the right to demonstrate peacefully, as given to us by our Constitution. The most effective method of controlling a disturbance is the structured response of sufficient police personnel to cope with the situation. The employees of this police department will fairly and impartially accomplish this goal through protection of constitutional rights, fair and impartial enforcement of laws, protection of life and property, protection of critical facilities, restoring order, arresting violators and ensuring the safety of our officers.

IV. DISCUSSION:

The social, economic, and political mood of our country, as well as other countries, raise speculation that the future may be trying times, and civil unrest may occur again. Labor related conflicts, terrorist activities, as well as social and political demonstrations, are very possible. To effectively deal with these events, the Alexandria Police Department has adopted the Tactical Field Force concept and has established a Civil Disturbance Unit (CDU).

Civil disturbances, union conflicts, public demonstrations, and other events involving large or disorderly crowds require skillful response by police agencies. The police role can range from mere presence to offensive tactics and even deadly force. The events of recent years have clearly identified the need for specialized training and the development of tactics to handle these unusual events.

To maximize the effectiveness of our personnel, the deployment of specially trained officers has been developed. Should an event require their response, under the control of CDU commanders and supervisors they can function as individual squads or as a full tactical field force unit. The CDU is an ancillary unit designed to provide an organized and disciplined response to crowd control in peaceful demonstration, civil disobedience, civil disorder, and/or riot.

V. RESPONSIBILITIES:

- A. The incident commander is in command of police operations and directs the activities of all police personnel (including the Special Operations Team and the Civil Disturbance Unit) during the disturbance or demonstration.
- B. All police personnel will function as part of the overall effort and should never act independently in an unruly crowd or riot situation. Individual actions will lead to unsuccessful and dangerous operations.
- C. An announcement to the crowd commanding them, "In the name of the Commonwealth to immediately disperse," must be made by a commander or designated supervisor (required by **Code of Virginia § 18.2-411**).
- D. The incident commander must authorize the use of Riot Control Agents (RCA), Less Lethal Munitions (LLM) and LRAD to disperse illegally assembled crowds and to protect life and property when circumstances warrant. If an incident commander has not been designated, that authority can fall to the CDU commander or designee in immediate tactical situations.

VI. **DEFINITIONS:**

Civil Disobedience – The refusal to obey minor laws in an effort to affect change in governmental/business/cultural policy or legislation; characterized by using passive resistance or other nonviolent means.

Civil Disorder – Group acts of violence and/or disorder prejudicial to public safety, law and good order.

Long Range Acoustic Device (LRAD) - is a long-range hailing and warning, directed acoustic device designed to communicate with authority and exceptionally high intelligibility in a 15-30 degree beam. LRAD can issue a verbal challenge with instructions in excess of 500 meters and has the capability of following up with a warning tone to influence behavior or determine intent.

Mobilization – call back of off-duty personnel by a commander to augment on-duty personnel during an emergency. Partial or full-scale mobilizations will be conducted in accordance with annex 1 of the ICS.

Mutual Aid Plans – Alexandria is part of both the Northern Virginia Law Enforcement Mutual Aid Agreement and the Greater Metropolitan Washington Area Police and Fire/Rescue Services Mutual Aid Operational Plan. For details involved in requesting mutual aid, refer to these plans.

Notice events or incidents – When law enforcement has advance knowledge of a protest or demonstration that allows for a planned proactive response. Employees who become aware of a planned event in the City will immediately notify the SOD Commander.

No-notice events or incidents – When law enforcement has no or very limited prior knowledge of a protest or demonstration requiring an on-the-spot response. Employees who become aware of such an event unfolding in the City will promptly notify the on-duty watch commander.

Peaceful Demonstration – A usually organized gathering of people expressing a position in a cooperative manner without violation of law.

Riot – A violent and out of control disturbance of the public peace by a statutorily defined number of people in violation of the laws of Virginia.

Riot Control Agents (RCA) – Chemical agents dispersed by various means with the intent to make disorderly/unlawful subjects discontinue their activity and/or leave an area.

VII. PROCEDURES:

This annex provides pertinent information for department personnel who must make decisions as to proper action in order to prevent, contain, or neutralize civil disorders and/or demonstrations. In this regard, Shift and Sector supervisors and/or commanders are encouraged to make decisions on any police action that they believe is necessary without waiting for higher authority to arrive on the scene.

In the event of peaceful demonstrations, our action is to ensure that the demonstrators are able to express their viewpoint in a safe environment. Our position is one of observing and advising on how the demonstrators can continue their expressions with due regard to their safety and others.

In a civil disobedience situation where the participants are refusing to comply with minor laws in order to bring attention to their cause, our action is to encourage compliance. The decision to enforce or not to enforce will be made on a case by case basis by the incident commander on the scene. The incident commander will consult with other City government officials for input.

The primary objectives in addressing a civil disorder or riot is to: contain the affected area, so the disorder does not grow bigger; isolate those involved in the action; disperse those involved in the action; make arrests when necessary; and restore the affected area back to normal.

Many civil disturbances/riots can be prevented if a proactive approach is taken. Preventing a lawful gathering from turning into a civil disobedience/disorder/ riot should be the goal of all personnel. It is desirable to prevent an incident from occurring rather than to having to deal with the potential arrests, destruction of property, or violence.

Notice events or incidents

Employees becoming aware of a planned future protest or demonstration will immediately contact the SOD commander and advise them of the event. The SOD commander will attempt to identify if a permit has been requested or issued. The SOD commander will gather intelligence regarding the event and make a decision as to a recommended response by the department.

Knowledge of what individual or group is behind a preplanned demonstration will, based on their historical behaviors; provide guidance as to what level of response is needed. Some of these organized groups will choose to have a pre-selected number of participants arrested by the police to further their cause by making the arrest scenes public via the media's involvement. In every instance all officers should behave and conduct themselves professionally with the likelihood that their actions will be videoed and placed on the internet.


1. The SOD commander or designee will be responsible for conducting a briefing, making all necessary plans and arrangements for anticipated problems and initiating the appropriate level of response and preparedness. The SOD commander will ensure an Incident Action plan (IAP) is developed and utilized.
2. All necessary equipment will be checked, issued and recorded by the CDU Platoon commander, or designee prior to use.
3. The CDU commanders and the Incident Commander, as well as any other commanders identified in the IAP will attend briefings for the event.
4. Both the Commonwealth's Attorney's Office and the Sheriff' Office will be contacted so that they can prepare their departments' response to the incident.
5. The CDU commander will obtain sufficient staffing to control the incident according to the IAP. This will depend on the anticipated type of demonstration, the expected number of demonstrators, and the proposed location of the demonstration.
6. The Fire Department will be contacted to arrange for medical support for responders and demonstrators.
7. Ensure coordination with other City departments to remove trash receptacles and dumpsters, newspaper boxes and construction materials from the affected areas. Demonstrators can use these to block access, use as weapons or start fires.
8. The CDU commander or designee will attempt to identify and maintain communication with the "group leader(s)."
9. The CDU commander, if appropriate, will offer to provide alternative space that will meet the demonstrator's needs and enhance everyone's safety.
10. The demonstrators will be advised to limit their actions to specified areas.
11. Demonstrators should be advised not to enter a business or other residence/facility en mass. The owner of a property or the property manager, not the lessee, must be contacted and respond to the scene in order to make any announcements about trespassing. The City's PIO should send out advisements prior to the demonstration date to the residents and businesses in the area of the proposed demonstration area.
12. [REDACTED]
13. In some events it may be ideal to limit or restrict the sale or possession of alcoholic beverages in and around the event.

No-notice events or incidents (spontaneous event):

Response to spontaneous events must be carefully measured. A no-notice demonstration can be perfectly legal; our only handicap will be a lack of planning and preparation time. Our ramping up to the event needs to be considered and measured. It is important that we do not over react. Bringing resources up in reserve, without showing them may be completely appropriate. It is not our intent to provoke action, simply to be prepared for it. If the event turns into a civil disobedience, disorder or riot then our actions will escalate.

The escalation process:

1. When a crowd has gathered for the apparent purpose of demonstrating, and the units on the scene feel additional assistance is necessary, the senior ranking officer will advise the Department of Emergency Communications and request assistance and a supervisor.
2. Once additional assistance is requested, the senior ranking officer or responding supervisor will designate a specific location (Staging Area) where responding units will meet.
3. The senior ranking officer will become the incident commander until arrival of the watch commander who assumes the position.
4. The incident commander will give dispatcher a brief analysis of the situation including:
 - Approximate size of the crowd.
 - Nature of the disturbance.
 - Specific location of and reason for (if known) the incident.
 - Number of additional officers required.
 - Police action in progress.
5. The on-duty DEC Supervisor will relay all pertinent information relative to the disturbance. The incident commander will notify the PIO to assist with media briefings, rumor control and causality information.
6. If the incident commander determines that a significant police commitment may be necessary, the following steps will be taken:
 - a. Request a designated radio channel, and activate ICS.
 - b. Establish a command post & contact the SOD commander.
 - c. After consultation with the SOD commander and, if necessary, mobilize the CDU.
 - d. Make contact with the "group leader(s)" and determined their intentions.
 - e. Notify the Sheriff and Commonwealth's Attorney.
 - f. Regulate and control the deployment of responding units.
 - g. Select and staff traffic control points.
 - h. Establish a perimeter and limit access to the area.
 - i. Ensure increased police protection for all public facilities within the area.

- 
7. If more personnel are needed than are currently working, the incident commander may initiate a mobilization of department personnel and/or initiate mutual aid assistance. All additional personnel responding will be directed to the staging area.
 8. The incident commander will decide when an assembly is unlawful and declare it as such per code.

9. A CDU commander will advise the participants, by use of LRAD or if not available, a megaphone that they are in violation of Virginia State Code, stating the specific code section and description. The announcement will include warnings that if they do not leave, they will be arrested. Any participant who wishes to leave will be allowed to do so. The CDU commander will ensure an escape route exists for those wishing to leave, so as not to trap those who want to comply with police orders.
10. The CDU platoon commander will do his or her best to determine if anyone in the group is either deaf or does not understand English (to prevent a defense of not being warned) and address as possible.
11. The incident commander must authorize the use of Riot Control Agents (RCA), Less Lethal Munitions (LLM) and LRAD to disperse illegally assembled crowds and to protect life and property when circumstances warrant. If an incident commander has not been designated, that authority can fall to the CDU commander or designee in immediate tactical situations.
12. The Alexandria Emergency Operation Plan, Tab Number 64 will be activated in major riots.

Civil Disorder Equipment

1. [REDACTED] Equipment used should be recorded and issued by the CDU's Logistics Officer.
2. The CDU's equipment is not issued for general use by untrained personnel.
3. [REDACTED]

State Police and/or National Guard

Should additional support be necessary, after first utilizing the mutual aid plans, the following will be contacted in the order given:

Virginia State Police – listed are procedures for requesting mutual-aid from VSP:

The State Police will assist this agency in instances of civil disorder/riot where current resources are insufficient to quell the situation. This request is to be made to the nearest State Police office.

[REDACTED]
The listed offices are located in the Northern Virginia area, also known as the Fairfax Division (VII):

Fairfax Division Headquarters	703-803-0026
Area 9 Fairfax	703-323-4524
Area 10 Loudoun	703-771-2533
Area 11 Independent Hill	703-791-3101
Area 45 Arlington	703-845-6310
Area 48 Springfield	703-313-6942

Virginia National Guard

If the combined local and State Police forces are unable to contain the situation, The Superintendent of the State Police, in concert with this agency, will notify The Secretary of Public Safety and request the assistance of the Virginia National Guard. The Governor will determine if the use of the National Guard is appropriate and, through the Adjutant General, designate the units to be utilized. Both The Superintendent of the State Police and the Adjutant General are aware of these arrangements and have developed plans to respond accordingly.

The de-escalation of the situation:

1. It is incumbent upon the incident commander to effect a cautious and orderly de-escalation of personnel and resources as the civil disorder/riot comes to an end.
2. Sufficient resources need to remain in the affected area until the incident commander is satisfied that the possibility of re-escalation has past.
3. An assessment of the level of damage done to the area must be made and the area turned back over to the authority of the Patrol watch commander with sufficient resources to prevent theft or looting.
4. As reasonable, an after-action meeting should take place to determine lessons learned.
5. Officers must be demobilized with consideration towards interfacing them back to their normal work hours.

VIII. TACTICS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

IX. MASS ARREST PROCEDURES:

Arrest procedures have to be adjusted to the circumstances. If arrests are being made on peaceful protestors for civil disobedience, our actions should be at a reasonable level and only as invasive as necessary to get the job done. As the level of disorder and resistance by the demonstrators escalates, out of necessity, so does our response and level of action/force to the disorder change. In any event, our use of force policy applies. We are to use only the reasonable force necessary to accomplish the mission of making the arrest.

- A.** Mass arrests are among the most complicated problems arising from the circumstances surrounding civil unrest. They require training, planning and preparation. Officers must maintain continuity and accountability of arrestees from arrest site through the booking process. Officers must know the use-of-force policy, how to handle individuals with disabilities, children, and the elderly. The maximum number of prisoners per arresting officer is 10.

- B. It is essential that dispersal orders in loud and amplified speech be made for unlawful assemblies, preferably by using a LRAD.
- C. When possible, prior to the declaration of an unlawful assembly we must gain the attention of the crowd as listed above and consider use of signs to indicate the unlawful assembly, document affirmative responses from the crowd and position officers to the rear to confirm and document that the dispersal orders were heard.
- D. The following steps should be followed to afford a method that is both legally acceptable and operationally efficient.
 - 1. Contact the Sheriff's Office as soon as possible to prepare them for the pending arrests. If necessary and time permits, the Sheriff's Office may assist by providing in-field booking and prisoner transportation to relieve police officers that may need to return to field positions.
 - 2. The incident commander will ensure that liaison is established with the Sheriff, Commonwealth's Attorney and the Courts to alert them of mass arrest possibilities. **Note:** If the objective is mass arrests, consideration should be given to utilizing misdemeanor charges as much as possible.
 - 3. Officers participating in the handling of the arrestees should make no comment as to their feelings about the issue being demonstrated about. Officers assigned to carry the arrestee, if necessary, will ask arrestees to walk. If arrestees refuse to cooperate, when practical, the officers should ascertain if the arrestee has any physical disability and adjust their transport as necessary. In any event, officers must maintain a professional attitude at all times.
 - 4. Select a holding and booking area close to the incident scene to process any arrestees. This area must be secure enough to prevent escape or the access of unauthorized persons. The Logistics Support Team (LST) or the CDU Logistics officer will ensure the following is available:
 - a. Flex-cuffs and cutters, folding tables, folding chairs, staplers and staples, large index cards, police forms (PD7B, PD-39, CCRE), pens, permanent markers, evidence bags in variety of sizes, cameras, fingerprint inking pad and receptacles for the deposit of PD-7Bs and evidence.
 - 5. Officers who make arrests will place only those charges that the officer has personally observed.
 - 6. After the physical arrest, the following procedural steps will be followed:
 - a. The arrestee is moved to the processing site.
 - b. The officer picks up a PD-7B, property form (PD-39) and property bag.
 - c. The officer and arrestee walk to the photo area and a picture of the arrestee and the arresting officer both together will be taken. Each arrestee will have a card with the following information written on it: arrest number, date, prisoner's name, arresting officer's name and serial number, and the arrest location. This card will be held up to appear in the photograph taken.

- d. The arresting officer takes the arrestee to a processing table, completes the PD-7B and places the inked right thumbprint of the arrestee on the reverse side of the PD-7B. The PD-7B provides the arresting officer with the basis to complete a CCRE at some later time.
- e. The arrestee's property is recorded on a PD-39 and placed in a bag marked with the arrestee's name and with the PD-39 stapled to the outside. This bag is placed in a receptacle for transporting to the detention center. If the arrestee has a backpack or other large items, it will be placed in a large bag, sealed, and labeled with an identification tag.
- f. Evidence or contraband will be placed in a separate bag, sealed with evidence tape and placed in an evidence receptacle after being properly marked for prosecution.
- g. The arresting officer walks the arrestee to the rear of the processing area. The designated prisoner control officer will take charge of the arrestee after the PD-7B and PD-39 are checked for completeness.
- h. The arrestee is placed in the prisoner transport van for transporting to the detention center. **Note:** Juvenile arrestees will be transported and booked separate and apart from adult prisoners.
- i. After the arrestee has been transferred to the custody of the Sheriff's Office, they will handle confinement, defense counsel visits, meals, sanitation and medical treatment, if any.
- j. The arresting officer returns to the staging area for reassignment.
- k. Arrestees who are contaminated by RCA must be decontaminated and treated; this includes cooperative and uncooperative arrestees. Decontamination procedures and on-site facilities must be coordinated with the Fire Department.

X. AFTER ACTION REPORTS:

The incident commander, after consultation with other involved commanders and officials, will forward an after action report to the police chief within forty-five (45) days, unless otherwise directed by the Chief of Police. After review, the Chief's Aide will forward one copy of the report to the SOD commander for coordinating any follow-up actions and a second copy in the Planning and Accreditation for filing.