
	BRANDEIS UNIVERSITY POLICE DEPARTMENT Crowd Control	
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Accreditation Standards (6th Edition) <ul style="list-style-type: none"> • New 46.1.12 • Revised • Amended 		

I. PURPOSE

Whenever large numbers of persons gather together, for any purpose, there is always a potential problem for the police. It can be an athletic event, a parade, a fair, a dance, a concert, a protest rally, a strike or labor dispute, or a planned mass demonstration, etc. No matter how innocent its origin or purpose, any crowd can become an unlawful assembly or even a riot. The police have the responsibility to protect the rights of all persons to assemble peacefully and at the same time to protect the basic peace of the entire community.

The right of lawful assembly and freedom of speech are fundamental rights guaranteed under the first and fourteenth amendment to the U.S. Constitution. There are, however, limitations on the exercise of these rights and the police must enforce these limitations firmly, fairly and impartially. No matter how worthy the purposes for which any crowd has gathered, there is never any justification for lawlessness, vandalism or violence.

It is difficult to determine in advance the exact potential for disorder or disturbance at any public gathering large or small, but all warning signals must be given close attention. In planning for any event that could precipitate disorder, there is a need for intelligence outside of the usual police channels. All officers, through their personal efforts to engage with the community as well as working associations with various university departments and groups, can provide a valuable source of information regarding possible or probable disturbances and they are encouraged to make this information available to the department.

II. POLICY

It is the policy of this department when responding to any disturbance, whether it erupts purposely or spontaneously, to restore peace through persuasion whenever possible, or by force only when absolutely necessary. In carrying out crowd control measures, the objectives of the police are:

1. to contain the disturbance to the immediate vicinity,
2. to disperse the crowd as expeditiously as possible,
3. to prevent their regrouping or reentry to the scene,
4. to take action against the perpetrators of serious crime, and;
5. to prevent injury and damage to property.

Good judgment must be exercised in making arrests as leaders of disturbances often deliberately seek arrest to become martyrs to their cause and thereby incite their followers to greater violence. Mass arrests can also dilute the effectiveness of the police by requiring officers to be withdrawn from crowd control duty for the custody and processing of prisoners. If the leaders of a disturbance are known to police, criminal complaints can later be sought requiring their subsequent appearance in court. Officers making arrests must be prepared to identify their prisoners in court and to testify to the specific offenses committed.

In quelling a civil disturbance, every effort must be made to avoid overreaction by the police as the conduct and attitude of individual police officers can be the cause of escalating or expanding the original disturbance and making it much more difficult to restore order.

III. DEFINITIONS: TYPES OF CROWDS

- A. **Casual Crowd:** A casual crowd is a group of people that gathers whenever anything unusual occurs such as a fire or an accident, etc. They are merely spectators, without leadership, and usually respond readily to police direction and control.
- B. **Conventional Crowd:** A conventional crowd is a crowd gathered for a specific purpose such as a sporting event, a political rally or a parade, etc. They have a common purpose but are not unified and have no dependence on one another. Such a crowd can become unruly and aggressive if their emotions are triggered by some incident during or after the event. The presence of an adequate number of uniformed officers is usually sufficient to deter such a crowd from becoming disorderly.
- C. **Expressive Crowd:** This is a crowd gathered for an expressive form of entertainment such as singing or dancing. Rock and roll shows, jazz festivals, and popular singers often attract this type of audience. It is often better to permit individual members of this type of crowd to express their emotions if there is no actual breach of the peace. While it is good judgment not to intervene in such cases, it is also necessary that this type of crowd be kept under close surveillance and that an adequate number of uniformed officers are present.
- D. **Aggressive Crowd:** An aggressive crowd is usually composed of a group that has gathered together for the purpose of discussing or taking action on a controversial subject and, has become agitated by its leaders or by some incident which occurs. Labor disputes and strikes often create this type of crowd. Racial and community tensions can also precipitate militant and violent action. Each member of such a crowd stimulates the other members until an extreme state of excitement is present. As the tension mounts only, a small spark is necessary to generate an aggressive crowd into an unruly, dangerous mob.
- E. **Demonstrations:** In recent years many groups have utilized demonstrations to register their protests of social, economic or political conditions. Usually such demonstrations are

organized and have leadership with whom the police can work to maintain order. Regardless of their own individual beliefs or convictions, the police must protect the delicate balance between the rights of the demonstrators to peacefully dramatize their cause and the rights of all citizens to conduct their daily affairs without unlawful interference.

IV. PROCEDURES

- A. Ascertain the facts. This is a primary requirement. If a dangerous situation has arisen, call for assistance immediately.
- B. No officer shall attempt to take direct police action against an aggressive or militant crowd until sufficient police are present for effective control, unless life-threatening behavior is present and requires immediate intervention.
- C. The first officer or officers on the scene shall quickly evaluate the situation and immediately inform the Shift Commander of the following:
 1. the location and approximate size of the crowd.
 2. the type and makeup of the crowd.
 3. its direction and movement, if any.
 4. the apparent intent of the crowd.
 5. whether armed with any kind of actual or potential weapons.
 6. the best direction of approach to the crowd.
- D. Vehicular and pedestrian traffic shall be prevented from entering the immediate area to avoid the gathering of curious spectators.
- E. Upon notification of the existence of an aggressive crowd, sufficient assistance shall be dispatched as quickly as possible to take decisive action and to neutralize the possibility of widespread disorder.
 1. All officers assigned to crowd control:
 - a. shall maintain strict impartiality
 - b. shall be courteous but firm
 - c. shall not use insulting language
 - d. shall not respond to verbal abuse
 - e. shall not debate the issue with the crowd
 - f. shall maintain a calm but determined attitude
 - g. shall be vigorous and decisive when action is required
 - h. shall act together as a coordinated unit
 - i. shall keep emotional and agitated persons in the crowd separated
 - j. shall keep counter-demonstrations from forming
 - k. shall avoid individual combat as far as possible
 - l. shall not make indiscriminate or unnecessary arrests
 - m. shall use only the amount of force necessary to obtain control, to protect themselves or other officers from physical injury or to make arrests
 - n. shall remove any arrested persons immediately from the scene of the disturbance

- o. shall carefully note the specific offense committed by any person arrested to justify a later conviction for that offense.
- F. The crowd shall be broken up from its outer edges and permitted to disperse as individuals or small groups. A sufficient number of avenues of dispersal shall be provided.
- G. No attempt shall be made to bluff an unruly, aggressive crowd or to accomplish a police objective without sufficient forces.
- H. Prior to police intervention, this department will consult with other University collobators (i.e. Student Affairs, Dean of Students Office, etc.) who may, depending on the circumstances, attempt to open dialogue with crowd members. If there attempts prove unsuccessful and police intervention becomes necessary, officers will follow the dispersal guidelines outlined in this policy. For more information on the University's policy on protests, please refer to *Rights and Responsibilities Handbook under Section 7: Campus Protests and Demonstrations*.
- I. A police officer derives from the common law the right to arrest without a warrant a person who in his presence commits any misdemeanor amounting to a breach of the peace and to detain him until he can be brought before a Magistrate. For the purposes of this policy and management of a crowd, such breach of the peace violations could include Disorderly Conduct and Distubring the Peace Chapter 272 section 53 of the M.G.L.
- J. The term "breach of the peace" is a broad term which includes any disturbance of the public peace. It is the offense of disturbing the tranquility enjoyed by the citizens of a community by any act or conduct inciting to violence or tending to provoke or excite others to break the peace; or any act which, by causing consternation and alarm, disturbs the peace and quiet of a neighborhood or a lawful public assembly. The "public peace" is that sense of security and tranquility which every citizen is entitled to under the law.
- K. Under the provisions of Chapter 269 section 1 of the M.G.L., in a city or town, a police officer, a mayor, each of the selectmen, all Justices of the peace, a member of the state or M.D.C. police, and the county sheriff and his deputies are authorized to command in the name of the commonwealth, any armed group of five or more with weapons, or ten or more, not armed, who constitute an unlawful assembly, to disperse immediately and peaceably. Such an order shall be read from a department approved dispersal notice.
- K. If the group members refuse to disperse, each of the officers or magistrates can arrest the members and order other persons present to assist them in suppressing the unlawful assembly and arresting the members.
- M. After order has been restored, every effort shall be made to return the community to normal functioning as soon as possible.

V. CROWD CONTROL RESPONSE AND TRAINING [46.1.12 (1,2,3,4,5,6,7,A)]

- A. When this department has advance knowledge of a planned mass demonstration, it shall attempt in good faith to communicate with organizers of the event to discuss logistical plans, strategies to avoid conflict, and potential communication needs between police and event participants.

1. The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication about the plans within the department.
2. A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a propulsion device or release 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 other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm.
3. If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon against a crowd, this agency shall file a report with the POST commission detailing all 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 the tear gas or other chemical weapon. **The use rubber pellets or dog against a crowd is prohibited.**
4. The commission shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon was justified.
5. Training should cover response to crowd control situations and the provisions of MGL Chapter 6E of section 30 of the Acts of 2020. Initial training for new hires, and retraining is conducted at least once every two years for all sworn members.

APPENDIX: DISPERSAL NOTICE

First Order

I am _____ of the Brandeis University Police Department. All persons here are in violation of Chapter 269, Section 1 of the Massachusetts General Laws, which prohibits unlawful assembly. In the name of the Commonwealth of Massachusetts and Brandeis University, you are hereby ordered to immediately and peacefully disperse. If you do not immediately and peaceably disperse, you will be subject to arrest and detention. If you fail to submit to arrest, reasonable and necessary force will be used.

Second Order

In the name of the Commonwealth of Massachusetts and Brandeis University, you are hereby ordered to immediately and peacefully disperse. If you do not immediately and peaceably

disperse, you will be subject to arrest and detention. If you fail to submit to arrest, reasonable and necessary force will be used including chemical agents.

Students should follow the directions given by the police officer over the loudspeaker and immediately leave the area. If approached by a police officer, comply with any directions as much as possible. If you are not a member of this institution, then you are order to leave the campus immediately by returning to the South Street.