



**OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
POLICY AND PROCEDURE MANUAL**



Subject			Policy Number
Crowd Management/Civil Disorder Response			807
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Reference Standards			Rescinds or Amends Policy Number
TPCA: 8.07, 8.08 CALEA: 45.1.1, 46.1.2, 46.1.3, 46.1.5 IACLEA: 17.1.1, 17.1.2, 17.1.3, 17.1.4 PERF: Managing Major Events: Best Practices from the Field (2011)			

I. PURPOSE

To provide guidance that ensures each institution police department is appropriately prepared to respond to public assemblies, demonstrations, protests, civil disobedience and civil disorder using measured and appropriate preparatory and response steps and protocols.

II. POLICY

To provide an effective and appropriate law enforcement presence at public assemblies and gatherings in a posture which 1) ensures the right to assemble, 2) ensures the right of freedom of speech/expression, 3) protects the constitutional rights of participants, 4) reflects restraint, and 5) promotes public safety.

The University of Texas System Police is committed to the preservation and protection of the rights to public assembly and freedom of speech and expression, and we accept as our responsibility the obligation to enable, to the best of our ability, the manifestation of such Constitutional rights.

This policy shall be read in conjunction with ODOP/UTSP Policy 601, Use of Force.

III. PROCEDURES

A. PLANNING

Each Institution should have a plan of action in place to ensure a coordinated response to peaceful assemblies, demonstrations and protests as well as to non-peaceful or unlawful civil disorder/civil disturbances. This plan shall be a formal document that addresses, at a minimum, the topics of pre-event and ongoing communication with the involved element of the public/demonstrators/ protestors, related intelligence, related investigative support, other support operations, logistics support, crowd management, use of force options/alternatives, mutual aid agreements and interoperability, postures for involved officers, and command and

control. This plan shall identify the specific position in the institution police department where responsibility for this plan is assigned. Training on the plan shall be conducted at least annually.

Whenever possible, the appropriate law enforcement response to peaceful assemblies/demonstrations/protests, civil disorder or civil disturbances should be intelligence driven, and supported by continuous situational awareness provided through first hand officer report or real time technology; as a consequence, the evolution and development of the response is based on these stages:

1. Pre-Event Stage

This stage focuses on whether or not law enforcement is necessary at the event and if so at what level of involvement or presence and in what posture. The pre-event assessment may include partnering with local law enforcement and the state and area fusion centers to conduct a public safety assessment of the event to determine if violence or other criminal conduct might reasonably be expected to occur at the event. Consideration for mutual aid requests should be made at this stage.

Whenever possible, the department should establish contact and engage with the organizers of these events in advance in order to establish relationships, have a shared, respectful understanding of the organizers' objectives and intentions, communicate the institutions' priorities and responsibilities to ensure public safety and establish an open, ongoing, productive and positive line of communication; this communication should include the use/scanning of social media by the institution police department, as necessary.

2. Operational Stage

The operational response of law enforcement will be highly dependent on the pre-event evaluation and evolving issues at the time. The institution police department will provide a sufficient police presence at assemblies and gatherings in the posture which best ensures the constitutional rights of participants, promotes a lawful assembly/demonstration and ensures public safety.

If a peaceful or lawful assembly/demonstration/protest becomes a civil disturbance in which the public safety is threatened or criminal behavior is assaultive or violent, or damage to property is threatened or occurs, the appropriate intervention measures to protect life and property shall be taken; a reassessment of the police posture and response is necessary at this point to ensure an adjusted but proper and measured law enforcement response.

Police/Incident Commanders should strive to recognize crowd actions/intentions and determine the appropriate police response, with the goal of minimizing any unintended escalation or misunderstanding. Differences between celebratory gatherings and First Amendment (issue-based) assemblies, as an example, can be significant, particularly as related to potential violence; it is important that

Police/Incident commanders recognize the distinctions. Crowd/assembly categories may be used as a guide to the appropriate law enforcement response:

a) Lawful First Amendment assembly – with no substantive disruption of ongoing campus operations or traffic, the usual police response or required action is minimal other than a community policing orientation to demonstrate police presence for the participants’ safety and to enable a successful assembly.

b) Lawful First Amendment assembly – wherein large crowds may unintentionally disrupt campus operations or traffic. In general, the proper posture is a community policing orientation but with a clear traffic control plan that is geared to protect participants from harm from traffic, and also to redirect traffic to minimize the inconvenience to motorists.

c) Unlawful Civil Disobedience – Incident Commanders should recognize situations in which participants may be willing to risk arrest (or negotiate the arrest) to demonstrate their point publicly; understanding crowd tactics and intentions is critical in order to prevent unnecessary escalation or perceptions of a law enforcement overreaction. In legitimate instances of civil disobedience, demonstrator motivations generally do not include an intention to cause harm to others, including officers, or cause damage to property. The intent is generally to create a physical inconvenience to draw attention to a political or social cause. Incident Commanders should focus on a deliberate and thoughtful tactical approach to these situations. Incident Commanders should consider:

- (1) Quickly developing a traffic management plan to re-direct traffic around the event;
- (2) Ensuring crowd control resources are readily available in the unlikely circumstance such resources are necessary;
- (3) Ensuring pre-planning has occurred including the potential for arrests;
- (4) Making every effort possible to engage in discussion with demonstration/protest organization leadership, if they can be identified, to establish:
 - Objectives of the event and intentions of the event planners.
 - Duration of the event.
 - A mutual understanding of time frame, the law enforcement response and reasonableness on the part of the police and the participants.
 - A good faith and mutual understanding of the participants’ expectations regarding arrest and a cooperative understanding of how that scenario will unfold, thus reducing the potential for misunderstanding or misperceptions.
 - Clear communication with responding police officers and supervisors regarding the Incident Commander’s intent.
 - An understanding that participants may be vocal and loud but such actions are not a threat to officers.
 - That in the event arrests are required, a deliberate and methodical process to avoid injury to demonstrators and police officers is the desired approach.

- d) Celebratory crowd (e.g. post sporting event or concert) – in general requires a highly visible police presence from the onset, particularly if alcohol is a factor; crowd control resources should be readily available to officers; Police/Incident Commanders should evaluate timing and directions of coordinated street clearing during pre-planning sessions; Commanders should provide clear direction as to when and how to engage; disciplined uniform team movements are critical to minimizing unintentional escalation.
- e) Crowd violence – includes assaultive behavior or significant intentional damage to property, regardless of initial motivations; requires Police/Incident Commanders to take dynamic tactical action; Police/Incident Commanders should strive to use team tactical responses based on previous training and equipment; avoid utilization of crowd management systems that are untested, with which teams are unfamiliar or for which training has not been provided.

Ensuring that at the conclusion of any crowd situation, Police/Incident Commanders should strive to return the affected areas to a state of normalcy as quickly as possible, including:

- Standing down MFF/SRT teams and re-positioning the teams out of public view;
- Replace MFF/SRT teams with a visible community policing orientation, i.e. officers who are visible and approachable;
- Request support efforts to clean area of debris and restore damaged property quickly.

3. Post-Event Stage

This includes a post-event de-briefing and assessment (documented as necessary) to objectively identify the outcomes and consequences of the event as it unfolded, as well as the appropriateness of the law enforcement posture and response and lessons learned for the future. Policy alterations, staffing deficits or additions, the availability of the appropriate equipment, the capacity of the department to monitor the proceedings in real time and react accordingly, medical support and positive command and control shall be among the elements reviewed.

B. INCIDENT MANAGEMENT

1. The University of Texas System Police will utilize the National Incident Management System (NIMS) as a core set of doctrine, concepts, principles, terminology and organizational processes to enable effective, efficient and collaborative incident management at all levels.

2. All UT System Police supervisors shall familiarize themselves with the NIMS Manual published by the United States Department of Homeland Security (DHS) and available at www.FEMA.gov. Supervisors who may be tasked with managing civil disorder should have attended ICS 300-400 training courses on which upcoming classes may be found on the www.PreparingTexas.org website.

3. During civil disorder incidents police supervisors shall utilize NIMS protocols and terminology, particularly as it relates to the Operations function of the Incident Command System.

C. INSTITUTION MOBILE FIELD FORCE-SPECIAL RESPONSE TEAMS (MFF-SRT)

1. When necessary, the MFF-SRT concept provides a fast and effective method to assemble and deploy squad sized (5-7 officers with a designated supervisor) tactical forces from existing on and off duty personnel in sufficient numbers as the situation dictates, under the charge of the Police/Incident commander. The presence of an organized MFF-SRT can often bring to a conclusion the violent or destructive activities of those committed to serious criminal behavior.

2. MFF-SRT will not be deployed at lawful or peaceful assemblies or demonstrations, but may be staged discreetly in a location out of the public view and positioned to respond should such a response become necessary.

3. MFF-SRT may be deployed where public safety is threatened, violence is encouraged, anticipated or underway, or damage to public/private property is encouraged, anticipated or underway. The goal of MFF-SRT is to protect lives, restore and maintain order, protect property and vital facilities, and protect the community.

4. The decision to establish, train, sustain and use a MFF-SRT concept (or equivalent) shall be at the discretion of the institution police department Chief of Police.

D. INSTITUTION MOBILE FIELD FORCE-SPECIAL RESPONSE TEAM TRAINING AND EQUIPMENT

1. Each institution police department Chief of Police that utilizes a designated MFF or SRT (or the equivalent) should ensure that the team has the necessary training and equipment to provide an effective response to civil disorder.

2. MFF-SRT shall deploy and utilize the formations and tactics taught during the institution police department's field force training course including, as necessary, the use of extrication teams.

3. MFF-SRT will receive formal training at intervals designated by the institution police department Chief of Police as necessary.

4. *Regardless of whether the MFF-SRT concept is relied upon, the institution police department Chief of Police shall ensure annual training/orientation is conducted that includes, but is not limited to, field force training, critical incident response, constitutional issues/protections regarding public assemblies, lawful protests/demonstrations, civil disturbances, and the applicable sections of the Texas Penal Code, Texas Code of Criminal Procedure and the Texas Education Code*

5. Institution police department command staff should conduct a table top exercise annually with the outside agency partners that would likely be participating in a mutual aid circumstance to ensure readiness and interoperability.

6. The following equipment is recommended as a minimum to properly equip officers that may be called upon to perform in the role of a MFF-SRT (or equivalent) member. This is in addition to the normal issue of patrol equipment and shall be deployed/employed only with the authorization of the institution Chief of Police, Police/Incident commander or the Director of Police:

- a) Protective Helmet
- b) Face shield
- c) Gas-mask
- d) Class C or D Blue Patrol Uniform
- e) Shin guards
- f) Gloves for protection against either edged or pointed weapons incidentally encountered or encountered during incidental/purposeful efforts to contaminate officers with toxic/harmful products
- g) Water container for rehydration
- h) Tactical bag
- i) Baton (e.g. straight or side handle as required and trained for use)

7. *All UTSP officers should be familiar with the specialized equipment that may be employed if violent behavior or civil disorder is encountered; this equipment shall be deployed/employed only with the authorization of the institution police department Chief of Police, Police/Incident commander or Director of Police and only by those officers trained in the use of the equipment; this equipment may include, but is not limited to:*

- a) Protective shields
- b) Munitions launchers for the limited purpose of deploying distraction devices, less lethal devices or chemical agents
- c) Chemical agent devices
- d) Distraction/disorientation devices
- e) Tools designed for law enforcement to defeat mechanical devices intended to thwart officers attempting to make lawful and appropriate arrests under the guidelines of this policy (e.g. locking protester devices, plastic pipeworks, seatbelts, handcuffs, padlocks/chains, bicycle D-locks, arm tubes)
- f) Audio/video technology for recording of officer actions; live streaming video if available and necessary
- g) Temporary restraint devices designed for quick and safe application in the event of mass arrests

- E. SYSTEM RAPID RESPONSE TEAM (SRRT)** - may be requested through the Director of Police for deployment to provide enhanced tactical support for MFF-SRT during civil disorder events when it has been determined there is an increased risk or potential for violence; all SRRT operations shall be consistent with ODOP/UTSP Policy 742, System Rapid Response Team.
- F. CANINE TEAMS** - may respond as backup to deployed officers when appropriate, but shall not be deployed for primary crowd control, crowd management or civil disorder purposes. Canines shall remain in patrol vehicles or other secure locations out of the view of the public and removed from any encounters between officers and the public; they may be deployed in appropriate and limited circumstances related to explosive detection or pursuit of fleeing violent/felony offenders and then only with the authorization of a police supervisor.
- G. HORSES (MOUNTED TEAMS)** - may be used to surround and control groups during violent encounters as appropriate. Horses shall not be used against non-resistant or passively resistant demonstrators; horses shall not be utilized when the use of chemical agents is anticipated or deployed or in conditions when a lack of footing may jeopardize the animal, officer, bystanders or demonstrators.
- H. CONDUCTED ENERGY WEAPONS** - shall be used consistent with ODOP/UTSP Policy 601, Use of Force, and ODOP/UTSP Policy 604, Firearms, Less Lethal Weapons and Ammunition and shall not, under any circumstances, be discharged indiscriminately into large groups or crowds.
- I. DISCREET ARMORED VEHICLES** – may be deployed or on standby for emergency medical rescue or in support of SRRT-MFF officers as governed by ODOP, UTSP Policy 742, System Rapid Response Team and ODOP/UTSP Policy 735, Discreet Armored Vehicle Operations.
- J. OVERSIZED EMERGENCY RESCUE ARMORED VEHICLES** – may only be deployed consistent with ODOP/UTSP Policy 736, Emergency Rescue Armored Personnel Vehicle – Mission and Use; use of this vehicle is considered an option to be used only in the following circumstances and with the express authorization of the Director of Police:

 1. In response to armed intruder or active shooter situations in which first responder or other tiered defensive measures have failed, been defeated or overwhelmed or the nature of the violence is so substantial or protracted that the use of Rescue 170 or Rescue 8 is required immediately; this includes inserting officers into live fire zones to conclude an active shooter threat;
 2. extracting wounded victims or those exposed to active shooter fire or related dangers;

3. inserting tactical medical assets (UTSP officers trained in advanced medical response, UTSP trauma surgeons or other medical professionals) in an effort to reduce casualties and provide emergency tactical casualty care to those already wounded;
4. use as a defensive position or barricade;
5. response to similar high risk tactical events/operations (e.g. a terrorist attack) where the risk of serious bodily injury or death to others as posed by a criminal offender has been demonstrated and other response measures are insufficient.

Under no circumstances will this vehicle be utilized as part of a response to public assemblies, protests, demonstrations, exercises of the First Amendment right to free speech, or for the control of civil disorder unless the circumstances cited above exist concurrently and only with the approval of the Director of Police.

K. AGENCY SUPPORT AND COORDINATION

Each Institution Chief of Police shall ensure working procedures, protocols and measures are in place as required for the command, control and direction of police officers, personnel, and equipment from supporting agencies working in conjunction with the respective institution police department; these procedures, protocols and measures may be formally constituted in a memorandum of agreement/understanding or agreed to in a suitable alternative fashion. This may include the embedding of a UTSP officer in a team of officers provided by other agencies. In the event of a large scale civil disorder or disturbance, the ICS model of Unified Command should be utilized with each participating partner agency for maximum coordination and to ensure the most effective communication between partner agencies and the public.

L. ADDITIONAL GUIDING PRINCIPLES AND CONCEPTS OF OPERATION

1. If the use of chemical agents is contemplated or required, provide reasonable notice to those who have assembled that the use of chemical agents is a next step in the law enforcement response; indiscriminate deployment of chemical agents is prohibited.
2. Ensure that orders to disperse to those that have assembled are legitimate, consistent with the law, reasonable, allow time for a response, and that there is an avenue clearly available for that dispersal to safely occur.
3. Ensure that amplified sound is available so that there is no confusion or ambiguity regarding law enforcement communications with those that are assembled.
4. Ensure that a dedicated videographer is identified to record law enforcement interactions with those assembled.
5. Ensure that there is pre-event coordination with university legal counsel and, as necessary, that legal counsel is represented at the scene.

6. Ensure that police officers who are present understand that there is a potential that they may encounter participants in the assembly who are masked, and that in the State of Texas there is no statute or other legal authority that prohibits a person from wearing a mask in public.
7. The brandishing of firearms by officers is prohibited during crowd management or crowd control operations and officers shall rely on optical devices separate and apart from firearms when enhanced observation of the situation is warranted (e.g., hours of darkness).
8. Discretion shall be used in the staging of response equipment in general.
9. Every effort should be made to inspect the site to be used for the public assembly in advance of the event to ensure that the site or route is safe for both participants and police officers and the physical circumstances are given appropriate consideration; this may include establishing a secure perimeter.
10. The law enforcement response should include traffic control, the redirection of traffic as necessary, and ensuring ingress and egress to the venue.
11. It shall be the responsibility of the police officers who are present, that should they choose to verbally engage with those who are assembled, that such communication is professional, non-confrontational and free of profanity and emotional or highly charged exchanges.
12. The institution Chief of Police or Incident Commander shall be responsible for ensuring adequate medical response resources or emergency medical services are present or provided for.
13. In the event that mass arrests are required, adequate and appropriate consideration shall be given to the logistical support required for such an operation including ensuring sufficient officers are present, a detention area is identified and a detention process is coordinated in advance.
14. The preferred uniform for responding/involved police officers shall be the Class C or Class D uniform (see ODOP/UTSP Policy 213, Personal Grooming and Uniform Regulation), chosen both for their durability, and appearance, which is inherently less inflammatory and less likely to escalate the reaction of participants.



Michael J. Heidingsfield
Director of Police

Changes/Additions Since Last Publication

Paragraph III.H title was changed to Conducted Energy Weapons and Paragraph III.J added Rescue 8 in addition to existing verbiage relating to Rescue 170. May 10, 2019

Based on our review of citizen assembly/law enforcement encounters during 2014 and 2015, revisions/additions have been made throughout the policy to align with nationally recognized principles and best practices. These include clarifying the role of the police; ensuring proper planning is conducted; identifying the criticality of using the right posture in response to such events; offering and better defining the option of the mobile field force/special response team; clarification of appropriate law enforcement resources and tactics and establishing parameters for the law enforcement response; adding additional guiding principles and concepts of operation. March 2, 2015