

Basic Law Enforcement Training



Crowd Management

Module IV: Patrol Duties

Version: A2024p

The mission of the North Carolina Justice Academy is to enhance the careers of criminal justice officers through research, education, and training. All areas of training curriculums developed by the NCJA will be Relevant, Innovative, Timely, and Engaging (R.I.T.E.).

INSTRUCTOR LESSON

Version: A2024p

Title: Crowd Management

Lesson Purpose: To familiarize the student with the psychological and tactical aspects of crowds and present recommended procedures for law enforcement officers to ensure the safety of crowd participants, demonstrators, officers, and individuals participating in the act of civil disorder.

Learning Objectives: At the end of this block of instruction, the student will be able to achieve the following objectives on information received during the instructional period:

1. In writing, correctly explain the following three (3) types of crowds:
 - a) [Lawful assembly](#)
 - b) [Unlawful assembly](#)
 - c) [Riotous assembly](#)
2. Correctly identify, in your own words, how the following constitutional protections impact citizens' rights to demonstrate or protest:
 - a) [First Amendment](#)
 - b) [Fourth Amendment](#)
 - c) [Fourteenth Amendment](#)
3. Accurately identify, in your own words, [law enforcement's role](#) in crowd management duties.
4. In writing, correctly list the three (3) general [types of protestors](#) and explain the four (4) common [behavior patterns](#) during civil actions.
5. Correctly explain, in your own words, the common tactics used during the following:

- a) [Non-violent tactics](#)
 - b) [Violent tactics](#)
6. In writing, correctly identify the crowd management use of force considerations related to the following:
- a) [Use of force standard](#) in crowd management
 - b) [De-escalation](#)
 - c) [Duty to intervene](#)
 - d) [Use of deadly force](#)
7. Correctly identify, in your own words, the five (5) pieces of [personal protective equipment](#) used in crowd management and state the purposes of each piece of equipment.
8. Correctly list, in writing, the proper crowd management techniques for the following:
- a) [Lawful assemblies](#)
 - b) [Unlawful and/or riotous assemblies](#)
9. In your own words, accurately explain the purpose of the following crowd management equipment:
- a) [Air Purifying Respirator \(APR\)](#)
 - b) [Riot Control Agents \(RCA\) and Less Lethal Munitions \(LLM\)](#)
10. Through practical exercises, correctly demonstrate the ability to perform the following:
- a) Understanding [verbal and hand-and-arm signals](#) for formations
 - b) Proper [line](#) and [wedge](#) formations

- c) Proper [baton carrying and positioning](#)
- d) [Effecting an arrest](#) during crowd management
- e) Proper [removal of an arrestee](#) with a two-officer carry

Hours: Sixteen (16)

Instructional Method: Lecture, Demonstration, Practical Exercise

Testing Requirement(s): End of block test, Practical exercise

Training Environment(s): Classroom, Practical Exercise Area

Materials Required: Audio-visual classroom equipment
Handouts
Flip chart/whiteboard
Chemical munitions (recommended)
Helmets
Air-Purifying Respirator
Batons
Flexcuffs and a set of cutters

Video: None required

Handout(s): C.D.M. Problem-Solving Model
Raleigh, NC Code of Ordinances – Article C. – Parades, Demonstrations, and Street Events
Evaluation Form – Unlawful Assembly
Evaluation Form – Riotous Assembly
Munitions Demonstration Liability Waiver

References: American Civil Liberties Union (ACLU) of North Carolina. 2022. "Demonstrations and Protests." Accessed March 30, 2022. <https://www.acluofnorthcarolina.org/en/know-your-rights/demonstrations-and-protests>

Assaults. North Carolina, General Statutes (2022) § Chapter 14 Article 8.

Communicating Threats. North Carolina, General Statutes (2022) § 14-277.1.

Criminal use of laser device, North Carolina, General Statutes (2022) § 14-34.8.

Denning, Shea. 2021. "When May Officers Use Deadly Force?" North Carolina Criminal Law: A UNC School of Government Blog. May 19, 2021. Accessed March 31, 2022. <https://nccriminallaw.sog.unc.edu/when-may-officers-use-deadly-force/>

Department of the Army. 2014. *Civil Disturbances*. Washington: Headquarters, Department of the Army.

Disorderly Conduct. North Carolina, General Statutes (2022) § 14-288.4.

Duty to Intervene and Report Excessive Use of Force. North Carolina, General Statutes (2022) § 15A-401(d1).

Failure to disperse when commanded a misdemeanor; prima facie evidence. North Carolina, General Statutes (2022) § 14-288.5.

Federal Emergency Management Agency. 2014. *Field Force Operations*. Center for Domestic Preparedness. Washington: Department of Homeland Security.

Fields v. City of Philadelphia. D.C. Civil Action Nos. 2-14-cv-04424/05264 (2017)

First degree trespass. North Carolina, General Statutes (2022) § 14-159.12.

Grossi, Daniel. 2022. "Subversive Groups – Maneuvering Encounters with Fringe Groups (Instructor)." 2022 In-Service Law Enforcement Training. North Carolina Justice Academy. Salemburg, NC.

Homicide, North Carolina, General Statutes (2022) § Chapter 14 Article 6.

International Association of Chiefs of Police. "Riot Control Tactics for New Urban Violence." Alexandria, VA: 1996.

Police1. (2020) "How to buy protective masks for crowd control: Having access to protective face masks is key to ensuring officer safety." September 14, 2020. Accessed April 4, 2022. <https://www.police1.com/police-products/ppe/gas-masks/articles/how-to-buy-protective-masks-for-crowd-control-UI4i117N4H10oA11/>

Scott v. Henrich, 39F.3d912 (9th Cir. 1994).

Second degree trespass. North Carolina, General Statutes (2022) § 14-159.13.

Standing, sitting or lying upon highways or streets prohibited. North Carolina, General Statutes (2022) § 20-174.1.

United States Department of Homeland Security. 2020. *Homeland Threat Assessment*. Updated October 2020. Accessed March 29, 2022. Washington, DC.

Wearing of masks, hoods, etc., on public property. North Carolina, General Statutes (2023) § 14-12.8.

Willful and wanton injury to personal property. North Carolina, General Statutes (2022) § 14-160.

Willful and wanton injury to real property. North Carolina, General Statutes (2022) § 14-127.

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Date Reviewed: April 2023

NCJA Review Copy --- For Reference Only

Instructor Notes

1. This lesson plan must be presented by an instructor currently certified by the North Carolina Criminal Justice Education and Training Standards Commission as a General Instructor. It is strongly recommended that the instructor possess experience in crowd management and have successfully completed Field Force Operations instructor training through the Center for Domestic Preparedness (CDP) division of the United States Department of Homeland Security.
2. This block of instruction aims to familiarize the student with the organization, development, and proper execution of riot control, dispersal, and arrest techniques. Crowd dispersal and arrest exercises will provide the student with the basic skills to participate and conduct similar operations in their jurisdictions safely and successfully. The instructor will retain the evaluation sheets in the student's permanent file.
3. Students should be provided an opportunity to experience chemical munitions (through controlled exposure) to understand these tools' impact. An opportunity for demonstration is provided during this course. Distribute and obtain signatures on the included waiver before implementing the "Munition Demonstration."
4. Instructors should review all applicable OSHA regulations for an air-purifying respirator and other munitions exercises.
5. To fully complement the holistic delivery of other core methods and material, instructors must be knowledgeable with and reinforce foundational content discussed in the following lessons delivered before teaching **Crowd Management**.
 - a) **Ethical Problem-Solving**
 - b) **Communication and De-escalation Skills**
 - c) **Arrest, Search, Seizure, and Constitutional Law**
 - d) **Compliance and Control Techniques**
 - e) **Criminal Investigations**
 - f) **Responding to Crime Victims**

6. This lesson includes hypothetical problems for students to solve using the **Critical Decision-Making (C.D.M.) problem-solving model**. See the **Ethical Problem-Solving** lesson for complete content on the **Critical Decision-Making model**. Refer to the provided handout refresher on the **Critical Decision-Making model** included with this lesson plan. Instructors must facilitate an open discussion emphasizing ethical decision-making and procedural justice.
7. Practical Exercises/Evaluations Delivery Considerations
 - a) Training Methodology - Phases of Instruction

Students will go through the following sequence of training phases: Instruction, then Evaluation, then, if necessary, Remedial, followed by Re-evaluation.

- (1) Instruction. This phase includes the lecture during the class delivery of the lesson plan, demonstrations by the instructor showing proper skills and techniques learned in the lesson plan, any practice sessions provided to the student by the instructor, and other teaching methods to instruct the traffic crash investigation skills that will be evaluated during the practical exercises.
- (2) Evaluation. This phase occurs during the practical exercises delivered as recommended and evaluated by the instructor(s). Students must score satisfactory in 75% or higher of the evaluated skill sets to pass.
- (3) Remedial. This phase will occur only if a student fails to successfully demonstrate 75% or higher of the desired skills during the practical exercise evaluations in the evaluation phase. Any student who fails the evaluation phase will have one opportunity for remediation (and re-evaluation), but the School Director must approve that one opportunity.
- (4) Re-evaluation. This phase is the process of re-evaluating those students who were provided a remedial phase by the School Director. Instructors will deliver the re-evaluation practical exercise similarly to the failed evaluation practical exercise. However, some aspects may be adjusted. For example, the vehicles, specific location, drivers/passengers, etc., should be adjusted as needed during the re-evaluation since the procedures used by the student are under evaluation. If provided a re-evaluation attempt, the

instructor will indicate at the top of a “clean” evaluation form that the attempt is for “re-evaluation.”

Students are to be given feedback immediately after the exercises are completed. The student’s performance must be indicated on the skills sheet for the evaluated scenario. The instructor shall submit each student’s practical exercise evaluation form to the School Director, which becomes part of the student’s permanent file.

b) Conducting the Exercises/Evaluations

- (1) There is no substitute for performing practical exercises. Instructors are encouraged to stage role players utilizing Field Force Operation Instructors or previous graduates of the program who are officers that understand the concepts and can supplement the learning experience and realism for the students.
- (2) Instructors should allow for demonstration of the techniques and the practicing of those techniques by students.
- (3) Careful planning and coordination of practical exercise events cannot be overemphasized. This is particularly true during mock riots or civil disturbance and arrest exercises. Due to the number of students playing the role of officers and the number of others playing the role of an unruly crowd, it is recommended that a safety monitor is appointed to work with the role players of the boisterous crowd. In contrast, the instructors work with all the students. Please refer to the practical exercise guidelines.
- (4) The instructor will provide the following general safety rules before conducting the practical exercises.
 - (a) Students participating in the Basic Law Enforcement Training Course should be exposed to realistic, practical exercises. This realism includes exercises where deadly force, and all force options are simulated. Each instructor is responsible for ensuring that students are not endangered or injured while participating in this exercise.
 - (b) The course instructor(s) must be present during all practical exercises.

- (c) The instructor(s) should be CPR trained and have first-aid equipment on-site during the exercises.
- (d) Before the start of the exercise, the instructor shall advise students NOT to bring any ammunition to the practical exercise training area and only to bring weapons if advised to do so. The instructor shall carefully check all student equipment to ensure no lethal or less-lethal equipment has entered the training area. These items could include but are not limited to live ammunition, loaded weapons, live Tasers, duty chemical agents, knives, etc. The triple safety check must be implemented. The triple safety check includes the following steps:
 - i) Student checks all their equipment to ensure that it is clear.
 - ii) Another student or person checks to ensure the equipment is clear.
 - iii) Course instructor(s) check all equipment to ensure it is clear.
- (5) “Training weapons” are props or training aids that are used in practical exercises. Training weapons such as polymer molded firearms and/or weapons that have been rendered “safe” to the point that they cannot be loaded and/or fired. Weapons rendered “safe” have had modifications such as barrel plugs or inserts that will not allow the loading of lethal ammunition, firing pin removal, etc. Training weapons should be clearly marked and physically inspected for each training session to ensure the integrity of a “safe” training environment.
- (6) Students and instructors must wear ANSI-rated eye protection when training equipment is used that could produce a potential projectile or flame.
- (7) The instructor will restrict uninvolved pedestrian traffic so that unknowing individuals will not “accidentally” wander into the practical exercises. Marking the training area with signs will aid in helping people detour the area.

- (8) The primary instructor will provide students with the objective(s) of the practical exercises.

c) Instructional Personnel and Equipment

- (1) One primary instructor can conduct the classroom lecture and direct the student exercises outdoors.
- (2) An assistant instructor will be required to assist during the field exercises to monitor the role players, safety monitor, and to assist in coordinating the various field elements. Multiple role players will be needed for this course. It is recommended that the role players be trained in Field Force Operations.
- (3) Students actively participating in the scenarios must have the following equipment to successfully complete the exercise of fielding a basic crowd management formation:
 - (a) Helmets
 - (b) Batons
 - (c) Air-Purifying Respirator (APR)

d) Evaluating the Exercises

The instructor should evaluate the ability of the class to perform the tasks based on the Practical Exercise Evaluation Form for that scenario. This includes:

- (1) Demonstrate the various line formations and baton carries/uses (Port Arms, Port Arms - Push, On Guard, and Raking).
- (2) The ability to move and work as a team.
- (3) The ability to manage crowd movement and effect protestor arrest(s).
- (4) The ability to properly use the air-purifying respirator.

e) DEMONSTRATION: Chemical Agent Exposure (not evaluated)

- (1) A demonstration of the various chemical agents used for crowd management and dispersal operation using munitions should be demonstrated under field conditions. This allows the students to see and experience the effects first-hand, as capabilities and limitations of the various systems and munitions. This exercise includes the controlled exposure exercise and decontamination time. Instructors shall follow all applicable instructions and limitations regarding the use of the particular munition deployed for demonstration and ensure the safety of the students. Emphasis should also focus on properly using the air-purifying respirator, including donning and clearing the mask in an exposure exercise. Students who refuse to sign the liability waiver will not participate in the exposure demonstration and are not required to participate in the exposure demonstration to pass this block of instruction.
 - (2) Students should be divided into two groups when conducting unprotected chemical exposure. One student is masked while his/her partner is unmasked. The masked student will always remain with the unmasked student and help guide the student to the decontamination and recovery location. Instructor(s) will oversee all segments of the setup, deployment, exposure, decontamination, and recovery of the demonstration. This is necessary for safety reasons. Once the first student has recovered from the exposure, then switch roles. A medical first responder should be on standby and present during the student demonstration/exposure to the chemical agents.
 - (3) Air-purifying respirator procedures: Instructors should review the manufacturer's instructions regarding gas mask procedures with students during classroom familiarization. They should also refer to OSHA regulation 1910.134 (c) (1) (iii)/ Fit testing procedure for a tight-fitting respirator, 1910 134 App. B-1/User Seal check procedure and 1910-134 App. B-2/Respirator cleaning procedure be accessed at the OSHA website at www.osha.gov. Utilize agents and equipment only as instructed by the manufacturers.
- f) Demonstration/evaluation notes on formation commands (verbal and hand-and-arm)
- (1) Verbal commands

Each maneuver has a specific verbal command that the Squad

Leader (SL) or Platoon Leader (PL) will issue. With each illustration and description for the formations, the lesson plan content will include the verbal commands for that maneuver. Students will be expected to demonstrate an understanding of the verbal commands through a practical exercise. Instructors may refer to the lesson plan content for full descriptions of the verbal commands for each formation listed in this topic block.

(2) “Hand-and-arm Signals

Hand-and-arm signals are used in conjunction with verbal commands and must be given in a manner that is visible to the MFF.

- (a) It will be difficult to see and hear during a civil disorder, and misinterpretation could lead to confusion.
- (b) During a civil action/disorder, noise can prohibit responders from hearing verbal commands.
- (c) Hand signals are used with both preparatory commands and commands of execution.”¹

With each illustration and description for the formations, the lesson plan content will include the hand and arm signals for that maneuver. Students will be expected to demonstrate an understanding of the signals through a practical exercise. Instructors may refer to the lesson plan content for full descriptions of the hand-and-arm signals for each formation listed in this topic block.

g) Demonstration/Evaluation notes on Team Formations

(1) Column

A column is considered the formation for a squad. The squad leader is at the head of the squad when it is in a column. The point person is directly behind the squad leader. All other members are lined up behind the point person. If there is a grenadier, this person is the last one in line. If several squads are moving together, they move in a double-column formation. The first squad is on the left, and the second squad is on the right. If there are additional squads,

odd-numbered squads are behind squad one, and even-numbered squads are behind squad two.

(a) Spacing

i) Tight spacing

Tight formations require a larger number of officers but are very effective in presenting an intimidating show of force. They are also much more difficult for protesters to breach. In tight spacing, the officers are almost shoulder-to-shoulder. There is just enough room between officers for them to move without interfering with those next to them.

ii) Tactical spacing

Tactical spacing allows fewer officers to cover a larger area and is the default spacing when deployed. It is used to cover a space between two stationary objects, such as a street from one building to another building. It can be used with all MFF [Mobile Field Force] formations.

iii) Column turning

- o “When columns move, they may have to turn. Keeping the concepts and commands simple is important in having the squads maintain a well-disciplined bearing.
- o *Column Right* and *Column Left* work well as turning commands for making 90-degree movements.
- o The most difficult turning movement is reversing direction when the column is moving forward. The common *About Face* or *To the Rear, March* are functional, but it reverses the order of the squad... the squad leader [is] in the rear.”²

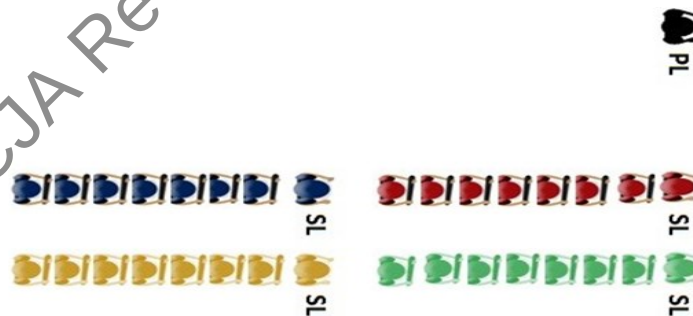
iv) An easy movement for reversing the column is *Counter Column*... Squad one and three turn to the right, turn 180 degrees, and move to the opposite side of squads two and four.

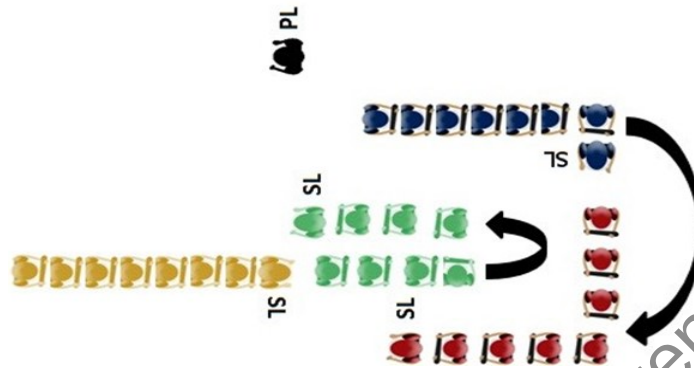
- o Squads two and four turn a sharp 180 degrees.
- o Preparatory command—Counter columns
- o Command of execution—March.
- o An illustration of *Counter Column* is provided below.

(b) Double-Column examples

In the following graphs, “SL” refers to Squad Leaders while “PL” refers to Platoon Leader. A double column is represented in the graphs below as well. Double column is a formation where several squads (represented in red, blue, yellow, and green) move together.

(1) Illustration of a “Double Column.”³



(2) “Counter Column” command.⁴

(2) Crowd Management Formations

The following formations are recommended while observing or in close quarters with the crowd. When officers are in position for each formation, they should consider taking a *Port Arms* position if they have a baton.

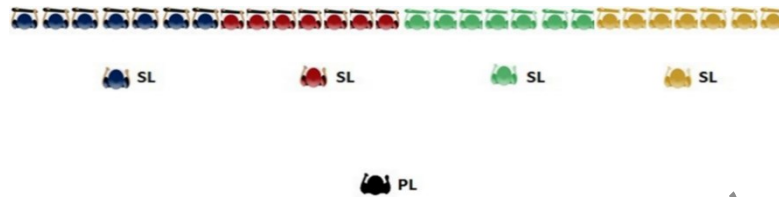
(a) Line formation⁵

i) Line formations may be useful when crowds are straight ahead for some distance or stacked deep but not wide. As the name suggests, this is when the squad/platoon transitions from a column formation into a straight line shoulder to shoulder from left to right – while facing the crowd. Behind the primary line, squad leaders stand to coordinate actions.

ii) “This formation is used when there is a need for an immediate reaction from the [crowd management team], usually to prevent protesters from rushing beyond [law enforcement] positions. The squad leader and grenadier, if there is one, are behind the squad members who are lined up shoulder-to-shoulder, abreast of each other, facing the crowd.”⁶ When used as an immediate response, it is referred

to as an *emergency line*.

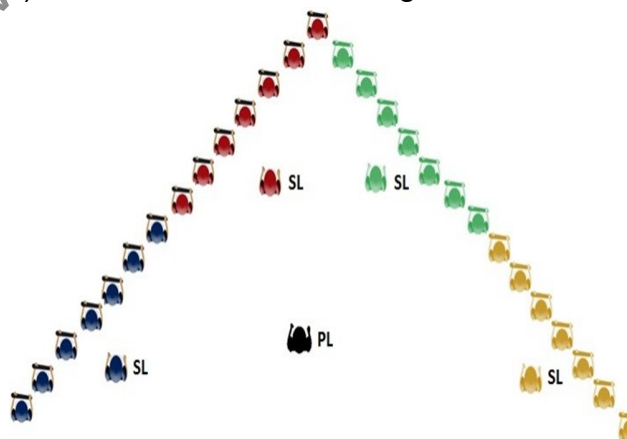
iii) Illustration of a "Line Formation."



(b) Wedge formation

- i) A wedge formation may be useful when crowds are extremely wide. "The point person for the first squad takes up a position at the point of the wedge. Each person from the first squad takes a position one step to the left and one step behind the officer in front of them. The point person from the second squad takes up a position one step to the right and one step behind the point person of the first squad point person. Each person from the second squad takes a position one step to the right and one step behind the officer in front of them."⁷ This methodology continues with the other teams until a definitive wedge formation is formed.

ii) Illustration of a "Wedge Formation"⁸

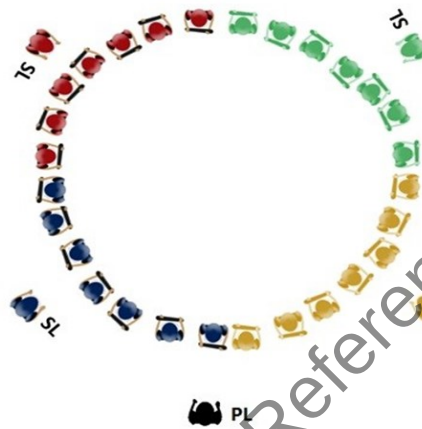


(c) Encirclement formation⁹

- i) The squads form an encirclement around a group. The group may be a small crowd, or it may be an arrest team making an arrest. With an encirclement

formation, every other squad member turns into the circle while the others face outward from the circle. This way, the squads can monitor both the group being encircled and the crowd outside.

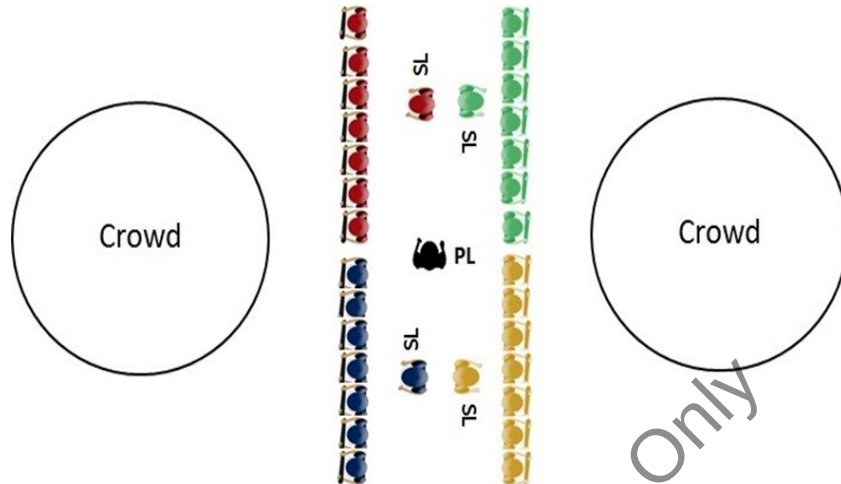
ii) Illustration of an “Encirclement Formation”¹⁰



(d) Separation formation¹¹

i) If two groups of crowds need to be separated, such as opposing activist groups, the platoon/squad may need to use the separation formation. In this formation, the column transition is quickly (double-time) marched into position between the two groups, stopped, and then ordered into the separation formation. To transition into the separation formation, the two columns of field force members perform a ‘left or right face’ movement to face the crowd. The platoon leader will then say forward at the half-step march to separate the two groups.

ii) Illustration of a “Separation Formation.”¹²



h) Demonstration/Evaluation notes on carrying and positioning for the baton

The following carrying and positions for the baton are representative of the training received by mobile field forces (MFF), through the Center for Domestic Preparedness (CDP). "A MFF is a well-trained, disciplined, organized demonstration of [law enforcement] force that emphasizes unity of command and can be rapidly deployed in civil disorder situations. The most important aspect of a MFF is discipline. The emphasis should be on group action, rather than individual action."¹³

(1) "Order Arms

The baton is carried in a standard manner on the officer's belt with a baton ring on the opposite side of the officer's weapon.

(2) Port Arms Position

The port arms position is the most commonly used holding position for the baton. It can be used when squads are in any formation and when marching at any speed. Port arms puts the officer in a ready position and thus able to react. From this position, officers can conduct a variety of offensive and defensive maneuvers. The port arms position adds to the impact of an officer's physical presence by deterring the protesters' actions. It demonstrates a well-disciplined team in which all members are trained, work together, and are ready to react. It is important for all officers to use the same port arms position. The right hand is to be positioned on the handle of the baton; an overhand grip is used. The left hand will be on the long portion; an underhand grip is used. It is done this way regardless of the officer's strong or weak hand. When the baton is brought to port arms, the left hand is positioned directly in front of

the left shoulder, keeping the elbow close to the side. The right hand is positioned in front of the right hip, keeping it at belt level. The right elbow is kept close to the side. The baton should be at an approximately 45-degree angle to the belt. This is referred to as “right hand-right hip, left hand-left shoulder.”

(3) Port Arms Push

The port arms push is used to move a person who is too close to an officer when an officer intends to move. It can be used from a standing or moving position and is very effective when used with the verbal command “move back.” The officer moves the baton straight out from the port arms position and pushes the baton against the person; it is a controlled push, not a sharp strike. Officers must be careful to keep their hands in the correct position when conducting a port arms push. It is very easy for the right hand to move up, putting the baton in a position more parallel to the ground. When this occurs, the baton comes up, and when it is pushed forward, it can slide up into the protester’s throat. How hard an officer needs to push will vary with the situation. The key is to use only reasonable and necessary force.

(4) On-guard Position

The on-guard position can be used with all the formations, much like port arms. It has a much more aggressive appearance to the protesters and is used when the threat level is increasing. From this position, officers can conduct a variety of offensive and defensive maneuvers. Normally, officers move from a port arms position to the on-guard position. The correct hand position is thus easy to visualize: the right hand will be on the handle portion, and the left hand on the long portion. There are two differences between the port arms and on-guard positions. First, the officer will move the left foot slightly forward. Second, the long portion of the baton is rotated down until it is pointing forward. The left hand will be extended out, the elbow bent. The right hand will be at belt level on each officer’s side.

(5) Raking

This technique is used to place an individual behind the MFF line so that the individual can be arrested. This technique is used when the MFF is in a tight formation, usually one line or in a wedge. It is

important that an arrest team is ready to take control of the individual being raked in before the technique is used. The squad leader will designate two officers on the line to rake in the individual. One officer steps slightly to the right of the individual while the other officer steps slightly to the left of the individual. The two officers place their batons behind the individual and “rakes” the person behind the line. The arrest team immediately takes control of the individual.”¹⁴

Baton Position Quick Reference.

Position	Description
Order Arms	▪ On belt in baton ring
Port Arms	▪ Right hand on handle (overhand) and left hand on long portion (underhand)
Port Arms Push	▪ Move baton straight out from port arms position ▪ Keep baton at 45° angle ▪ Push baton
On-guard	▪ Left foot forward and long portion of baton rotated down ▪ Left hand extended out and elbow bent ▪ Right hand at side
Raking	▪ Used to move protester behind police lines

FEMA Field Force Operations Manual, p. 54.

h) Demonstration/Evaluation notes on types of person carries

A carry is a technique used by law enforcement to transport a person between points who are immobile but uninjured. This content will discuss two types of carries at the end of the lecture. They include the two-officer and the three-officer carry.

However, in each case, and prior to carrying someone, the officers should have their helmet face shields down to prevent hitting the arrestee with the face shield. As students approach the person, they should identify that the person is under arrest (if applicable), ask if they have any medical issues, and inquire if they are willing to cooperate with the students (officers). Then, if appropriate, restrain the person with flex cuffs and conduct a search of the person incident to arrest.

It is essential that instructors stress to students to utilize their legs and arms for picking up weight – not their backs. Instructors should closely monitor students to help prevent injury. Below, the instructor is provided additional instruction on how to perform each of the carries.

Officers should attempt to talk to the person first if the scene is safe to do so. “Often, especially during passive-resistant protests, the individual will comply with requests from police officers. Officers should ask if the suspect is willing to cooperate and walk with them. It does not hurt to ask before using physical force to remove the individual. A second consideration is to ask about medical issues and any physical limitations individuals may have.”¹⁵ If a person is unconscious or reports an injury, the most prudent option might be to have the formation escort a tactical medic, medical first responder, or EMS member to assess the person prior to moving them unless a deadly threat is present to officers or the person requiring immediate evacuation.

(1) Two-Officer Carry¹⁶

(a) Instructions

Two officers, one on each side of the arrestee, facing the opposite direction of the individual. This will place one officer's left side against the left side of the arrestee and the other officer's right side against the arrestee's right side. The arrestee is lifted and forced to walk back as the officers walk forward and move the arrestee to a more secure location. Remind students/officers to lift the weight of the suspect using the strength in their legs and not their back.

(b) Example/Illustration of Two-Officer Carry



Face Opposite Direction

**Lock Arms****Lift Arrestee**

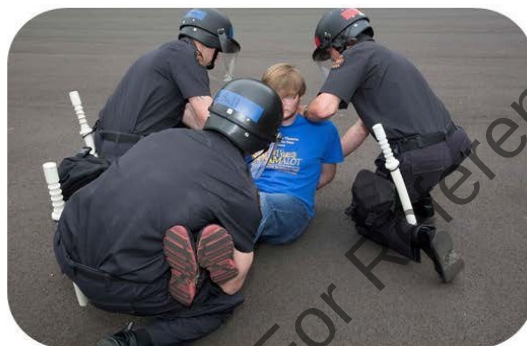
(2) Three-Officer Carry¹⁷

(a) Instructions

The three-officer carry is typically used for non-compliant arrestees, an injured person who has to be rapidly removed and has not sustained a spinal injury, an invalid person, and/or the elderly.

The first two officers assume the same position as the two-officer carry. The arrestee's legs are crossed. The third officer faces the arrestee and wraps his or her arms around the arrestee's legs to secure them. The officer who is processing this particular arrest assumes the role as the lead officer. Upon command, all three officers lift the arrestee at the same time and move the individual to a more secure location.

(b) Example/Illustration of Three-Officer Carry

**Face Opposite Direction****Cross Legs****Lift Arrestee****Move Arrestee**

8. Practical Exercises/Evaluations (Evaluated Scenarios)

a) **Exercise:** UNLAWFUL ASSEMBLY

(1) Purpose

Demonstrate the ability to establish legal authority to intervene at the protest, attempt de-escalation methods, properly approach the scene based on commands and signals provided, use the correct proper formation and baton properly handcuff, lift, and transport a passive protester by using flex-cuffs and a carry.

Scenario Setting: Student officers are responding to Hughes Manufacturing Inc., a facility where a group of former employees recently laid off from their positions, are protesting the decision to terminate their positions. They are blocking the roadway, not allowing vehicles to enter or leave the business. The owner of the business called 911 and reported that the crowd is chanting that they would soon burn down the plant.

(2) Exercise Conditions

- (a) These exercises should be conducted after the classroom lecture has been completed and before exposure to any chemical agents.
- (b) This exercise should take approximately 30 minutes, depending on class size.
- (c) These exercises can take place either outdoors or indoors.
- (d) All students should participate in these exercises.

(3) Personnel and Equipment

- (a) One primary instructor can conduct these exercises.
- (b) One stretcher is optional for the entire class. If a stretcher is used, follow the manufacturer's recommendations for use.
- (c) Each student should have at least two flex-cuffs to participate in these exercises.

(d) One set of cutters is required.

(4) Procedures for Conducting this Exercise

- (a) Divide the students into equal groups and pair off into arrest teams. It is recommended to have at least one line formation. Instructors may expand into other formations if enough students are present. Have at least five role players to represent the crowd.
- (b) Give specific instructions on using, applying, and removing flex-cuffs according to the manufacturer's instructions.
- (c) Have at least one role player become agitated, verbally abusive, and verbally attempting to incite a riot. Meanwhile, the rest of the crowd remains passive and not threatening towards the student officers, but vocally chanting about employee rights. (Students should attempt to communicate with and de-escalate the verbally abusive role-player.)
- (d) Have students properly place flex-cuffs on the arrestee and conduct a two-officer carry of the arrestee to a "safe location." The instructor may also incorporate training on stretcher use in these types of scenarios as well. Follow stretcher manufacturer instructions for proper use.
- (e) Group two then performs the same exercise in a role reversal.
- (f) Continue until all students have rotated through the exercise.

(5) Evaluating the Exercise

The instructor should evaluate the student's performance based on the following:

- (a) Attempt to de-escalate the passive protest first utilizing verbal persuasion.
- (b) Proper communication informing the violators they are under arrest for a proper violation.

- (c) Proper use of flex-cuffs, i.e., proper position on wrists, proper restrictiveness (not too loose or too tight).
- (d) Proper lifting techniques and carrying during person carries, i.e., lifting with legs and not back.

Students earning more than ONE unsatisfactory score in this exercise will have failed the attempt. If a re-evaluation attempt, the instructor must indicate such at the top of the form. Students receive only one opportunity for remedial/re-evaluation on this exercise.

NOTE: Instructors must cover proper lifting techniques with students before any lifting is done. Remember, lift with your legs and not your back.

b) **EXERCISE: RIOTOUS ASSEMBLY AT THE COLLEGE**

(1) Purpose

Demonstrate the ability to establish legal authority to intervene at the protest as you properly approach the unlawful assembly location. Based on commands and signals provided, use the proper formation and baton, properly handcuff, lift, and transport a passive protester by using flex-cuffs and a carry.

Scenario Setting: Student Field Force officers are responding to ABC Community College, where a group is protesting the social justice issues of law enforcement's use of force on a student at the college a few days ago. The protestors have formed a riotous assembly, have assaulted students and staff, damaged windows at the college, and are blocking access to or from the administration building. The on-duty security officer at the college has called for field force student officers to respond for crowd management purposes.

(2) Exercise Conditions

- (a) The exercise should be conducted after the classroom lecture has been completed.

- (b) A specific site location is required for the exercise. A street location is the best site. However, an open field or parking lot may be used for traditional foot formations.
- (c) Students need practice and familiarization time to become accustomed to the various defensive techniques associated with the use of batons.
- (d) The instructor should follow the general scenario setup provided and script an application of the following for evaluation during the scenario:
 - i) Baton familiarization. Students must have time to become familiar with holding and using these instruments.
 - ii) Traditional crowd management and dispersal operation using the baton. (Port Arms, Port Arms - Push, On Guard, and Raking)
 - iii) Deployment of a Riot Control Agent (RCA) should be used to expose students to their impact as a supplemental learning objective, while instructors also emphasize the need for prompt and reasonable decontamination.
 - iv) Students must demonstrate executing both the Line and Wedge formations accurately. Team security and unit action will be the focus of the exercise. Instructors may use additional formations if student enrollment numbers allow.
 - v) The exercise will culminate in the formation moving to disperse a verbally challenging unlawful assembly using the four basic baton positions (Port Arms, Port Arms - Push, On Guard, and Raking). At least one arrest must occur during the exercise using the raking method through the line. The arrestee will be removed using the two-officer carry.
 - vii) The air-purifying respirator procedures should be initiated at various stages of the exercise to allow the

student to perfect masking and unmasking skills.
Instructors should incorporate using the APRs during exposure to RCA listed in item iii.

Students earning more than ONE unsatisfactory score in this exercise will have failed the attempt. If a re-evaluation attempt, the instructor must indicate such at the top of the form. Students receive only one opportunity for remedial/re-evaluation on this exercise.

NOTE: Instructors must cover proper lifting techniques with students before any lifting is done. Remember, lift with your legs and not your back.

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I. Introduction

A. Opening Statement

SLIDE: "Crowd Management."

Crowd management is necessary any time officers deal with three (3) or more individuals in a group. Group behavior is a dynamic part of any crowd, and the failure to understand this can lead to a crowd confrontation and jeopardize your safety and that of the community. The First Amendment of the United States Constitution and our state constitution guarantee freedom of speech and the right to lawful assembly. However, it does not protect against unlawful, violent, or destructive behavior.

This course is developed using a summary of best practices among federal and state partners in law enforcement-related training. While this block strives to reach an awareness level of the Field Force Operations course from the Center for Domestic Preparedness within the United States Department of Homeland Security, it is no substitute for attending the full course delivery later as a sworn law enforcement officer.

B. Training Objectives

SLIDE(S): "Learning Objectives." Emphasize to students that end-of-topic test questions for this lesson and the final State certification exam are directly related to learning objectives.

1. In writing, correctly explain the following three (3) types of crowds:
 - a) [Lawful assembly](#)
 - b) [Unlawful assembly](#)
 - c) [Riotous assembly](#)
2. Correctly identify, in your own words, how the following constitutional protections impact citizens' rights to demonstrate or protest:
 - a) [First Amendment](#)
 - b) [Fourth Amendment](#)

- c) [Fourteenth Amendment](#)
3. Accurately identify, in your own words, [law enforcement's role](#) in crowd management duties.
4. In writing, correctly list the three (3) general [types of protestors](#) and explain the four (4) common [behavior patterns](#) during civil actions.
5. Correctly explain, in your own words, the common tactics used during the following:
- a) [Non-violent tactics](#)
- b) [Violent tactics](#)
6. In writing, correctly identify the crowd management use of force considerations related to the following:
- a) [Use of force standard](#) in crowd management
- b) [De-escalation](#)
- c) [Duty to intervene](#)
- d) [Use of deadly force](#)
7. Correctly identify, in your own words, the five (5) pieces of [personal protective equipment](#) used in crowd management and state the purposes of each piece of equipment.
8. Correctly list, in writing, the proper crowd management techniques for the following:
- a) [Lawful assemblies](#)
- b) [Unlawful and/or riotous assemblies](#)
9. In your own words, accurately explain the purpose of the following crowd management equipment:
- a) [Air Purifying Respirator \(APR\)](#)

- b) [Riot Control Agents \(RCA\) and Less Lethal Munitions \(LLM\)](#)
- 10. Through practical exercises, correctly demonstrate the ability to perform the following:
 - a) Understanding [verbal and hand-and-arm signals](#) for formations
 - b) Proper [line](#) and [wedge](#) formations
 - c) Proper [baton carrying and positioning](#)
 - d) [Effecting an arrest](#) during crowd management
 - e) Proper [removal of an arrestee](#) with a two-officer carry

End-of-topic test questions for this lesson and the comprehensive state examination directly relate to the objectives.

C. Reasons

SLIDE: “Reasons.”

In day-to-day activities, an officer will find themselves engaged in duties related to crowd management. These tasks may range from controlling a curious group of bystanders at the scene of a crash to the possibility of a hostile crowd bent on riot and destruction. The officer must be equipped with the knowledge to handle and respond to these types of situations correctly.

The actions you take initially can make the problem more manageable or can lead to the loss of containment or a destructive riot. The primary goal of any officer is to protect life and property. By implementing the options and tactics in this block of instruction and understanding the dynamics of crowd behavior, you will be able to initiate steps to protect yourself properly and to contain the crowd, if not disperse the crowd before it becomes a major problem.

II. Body

A. Law Enforcement Intelligence for Identifying Crowds and Related Civil Actions

1. Types of crowds

Generally, crowds are divided into three categories: lawful assemblies, unlawful assemblies, and riotous assemblies.

a) Lawful assembly

SLIDE: “Lawful Assembly.”

This group or crowd protests a cause or conducts a demonstration. The group enjoys First Amendment protections provided it operates within lawful boundaries. Examples of lawful assemblies might include a crowd who obtained the proper permits to march down Main Street and does not engage in unlawful actions.

OPTIONAL VIDEO: [Youth Peaceful Protest for BLM in Kalamazoo](#). (2:04 minutes)

SLIDE: “VIDEO.” Show “[Youth Peaceful Protest for BLM in Kalamazoo](#).”

Instructors may show the optional 2:04 minutes video. Instructors should identify the ways this protest is considered peaceful.

b) Unlawful assembly

SLIDE: “Unlawful Assembly.”

This group or crowd protests a cause or conducts a demonstration but does not obtain proper permits, causes undue blockages of travel ways, or executes other unlawful activities. Unlawful assemblies may or may not include violence or active resistance to law enforcement. For example, a crowd that conducts a spontaneous march down Main Street without the proper permits is unlawful, even if it demonstrates no violent or riotous behavior.

c) Riotous assembly

SLIDE: “Riotous Assembly.”

A riotous assembly, which is always unlawful, is “a public disturbance involving an assemblage of three or more

persons which by disorderly and violent conduct, or imminent threat of disorderly and violent conduct, results in injury or damage to persons or property or creates a clear and present danger of injury or damage to persons or property.”¹⁸ Keep in mind that small groups of activists can infiltrate an otherwise lawful assembly to instigate unlawful actions or incite riotous behavior. Organizers of the lawful (proper) assemblies may not condone or approve of these actions by the small group of rioters. The rioters may disperse upon the command to do so by law enforcement.

2. Civil Disobedience defined

SLIDE: “Civil Disobedience: Defined.”

- a) Civil disobedience occurs in many forms, from small-scale neighborhood disputes to bar fights. As law enforcement officers, we generally view our actions as one-on-one with those persons who break the law. In crowd management, we must learn to see our actions on a broader plane, especially in group settings.

Actions taken by an individual officer, right or wrong, can be viewed negatively by a group and ultimately lead to expanded civil unrest. Officers should not ignore unlawful behavior but should use tact and diplomacy when confronted by a crowd, which will:

- (1) Lessen the possibility of a hostile group attack on officers.
- (2) Give the officer time to consolidate resources to help diffuse, contain, or disperse a crowd before a problem develops.

- b) A crowd is best described as several persons temporarily congregated in an area. Crowds form for many different reasons. Individuals assembled in a given area usually have no common bond other than their curiosity about an event. There are also planned crowd activities such as political rallies, sporting events, and parties.

- c) “Although civil disorder can be prosecuted under federal law [18 U.S.C. § 232], law enforcement officers make arrests based on their state and jurisdictional laws.”¹⁹
- d) North Carolina law establishes the legal definition of a crowd when they become or are about to become disorderly. As previously identified, N.C.G.S. § 14-288.2 (a) **Riot; inciting a riot** defines a riot (crowd) as, “a public disturbance involving an assemblage of three or more persons which by disorderly and violent conduct, or imminent threat of disorderly and violent conduct, results in injury or damage to persons or property or creates a clear and present danger of injury or damage to persons or property.”²⁰ **This does not mean that every crowd is a riot, but one should remember that every crowd has the potential to become riotous. You must look at the actions of the group and their potential to become disorderly or demonstrate violent conduct.**
- e) Typically, crowds are orderly, lawful, and do not endanger life or property. This type of crowd only seeks to exercise the First Amendment right to express concern on an issue important to them. This type of crowd does not present a significant problem to law enforcement officials. However, it is critical to understand that our actions (or failure to act or act appropriately) can turn a crowd from peaceful to confrontational or violent.

OPTIONAL VIDEO (optional): [Riot Declared in Portland as Police Charge Towards Protestors](#) (3:32 Minutes)

VIDEO: “[Riot Declared in Portland as Police Charge Towards Protestors.](#)”

Instructors may show the 3:32 minutes optional video. Instructors should identify the observations of how this protest is unlawful. (Burning debris in the streets, throwing objects at [law enforcement], refusing to disperse, setting up barricades against law enforcement, etc.)

Later in this training block, we will discuss law enforcement methods and tactics to respond to civil disorder-related calls for service.

B. Constitutional Protections and the Right to Protest and Demonstrate

Now that you have defined what crowds are and how legal definitions may label their lawful/unlawful actions, this section will focus on crowd protests and demonstrations to understand their behavior and what motives may influence their actions.

1. The First Amendment to the U.S. Constitution

SLIDE: “First Amendment.”

“Although peaceable assembly is protected by the U.S. Constitution, reasonable limitations on time, place, and manner of speech are upheld by the courts as seen in the cases of Bay Area Peace Navy v. U.S. (1990); Frisby v. Schultz (1988); Schenck v. Prochoice Network (1997); Walker v. City of Birmingham (1967); Hill v. Colorado (2000); United States v. Scott (1999); Cox v. New Hampshire (1941); Heffon v. International Society for Krishna Consciousness (1981); Snyder v. Phelps (2011); Tobey v. Jones (2013); and Ward v. Rock Against Racism (1989). Key issues include:

- a) The First Amendment protects the right to peaceably assemble and freedom of speech.
- b) The courts have set time, place, and manner of speech restrictions on both the right to assemble and freedom of speech.
- c) A common form of time, place, and manner of speech restrictions take the form of local parade permits.
- d) Restrictions are justified as long as the restrictions are without reference to the content of regulated speech.
- e) Restrictions must be narrowly tailored to serve a significant government interest.
- f) Restrictions must leave open ample alternative channels for communication of the information.”²¹
- g) Photographing and videotaping officers in public

- (1) “First Amendment protects photographing [law enforcement] activity in public. In the cases of *Garcia v. Montgomery County, Maryland* (2013) and *Sharp v. Baltimore City Police Department* (2012), The Supreme Court ruled that members of the public and the media are entitled to protection under the First Amendment and they can photograph and video tape [law enforcement] activity conducted in public provided the action does not interfere with legitimate law enforcement operations. Furthermore, discretionary charges cannot be used to restrict protected speech activity, such as filming the police when they are making arrests. [See also, *Sharpe v. Winterville Police Department*, 4th Cir. February 23, 2023 - *cannot prohibit civilians from recording traffic stops*.]
- (2) Fourth Amendment protects against seizure or a search without a warrant or probable cause. In the cases of *Sharp v. Baltimore City Police Department* (2012) and *Riley v. California* (2014), the United States Supreme Court ruled the police cannot seize cameras or cell phones unless they have a warrant or probable cause. [Note that law enforcement may seize these items incident to an arrest.] Furthermore, the police cannot search through the photographs [cameras or cell phones] without a warrant or [warrant exception].
- (3) The Fourteenth Amendment prohibits the destruction of property without due process. In the case of *Sharp v. Baltimore City Police Department* (2012), an officer seized Sharp’s cell phone and deleted several recordings from the cell phone, including the two of his friend’s arrest and at least 20 personal videos of sentimental value. The U.S. Supreme Court decided that such material could not be destroyed without due process.”²²

Handout: (Optional) “[City of Raleigh; Parade/Demonstration Permit Policy and Procedures](#).”²³

HANDOUT: (Optional) “[City of Raleigh; Parade/Demonstration Permit Policy and Procedures](#).” This handout gives the instructor an excellent example of applying time, place, and manner of speech restrictions for parades and/or demonstrations.

2. Fourth Amendment

SLIDE: “Fourth Amendment.”

- a) “The Fourth Amendment provides the basis on when and where a person can be arrested or searched. The key issues of the Fourth Amendment are people, their homes, and their belongings cannot be seized or searched unless there is probable cause, exigent circumstances, or a warrant has been issued. During a civil disorder event, the rules for search and seizure do not change.
- b) Seizure. [Most] arrests and seizures are based on probable cause that an unlawful act was committed. [An example when a seizure occurs without suspicion of criminal activity would be a motorist stopped at the DWI checkpoint.] Planning with local prosecutors and city officials prior to an event is recommended. This helps identify possible violations that could occur, many may not be readily recognized as being applicable unless researched and discussed (e.g., the wearing of a mask while committing a crime may be a separate violation itself).
- c) Search. The rules for searching a person do not change during a civil disorder event. A person can be searched if the individual is under arrest, a warrant is secured, or one of the court-recognized exigent circumstances occurs.”²⁴

d) Use of force

We will discuss the Constitutional and North Carolina specific laws applicable to using non-deadly force, use of deadly force, and duty to intervene in greater detail later in this training block.

3. Fourteenth Amendment

SLIDE: “Fourteenth Amendment.”

- a) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- b) The application of due process during a civil disorder must be followed. Individuals arrested during a civil disorder event are afforded due process, which may be difficult during a mass arrest situation, unless policies are developed, and responders are trained in a standardized process. Furthermore, all individuals, regardless of race, creed, religion, ethnicity, social status, etc., are to be treated the same.
- c) It is imperative that local and state protocols and procedures dealing with due process for protesters be followed (or local policies be created about such). The application of due process during a civil disorder does not change. Individuals arrested during a civil disorder event must be afforded due process protection. This may be difficult to do during a mass arrest situation unless policies are developed, and responders are trained in a standardized process.

4. Other federal legal considerations

- a) “Freedom of Access to Clinic Entrance (FACE) Act of 1994—Title 18, U.S.C. § 248— prohibits the use of physical force, threat of physical force, or physical obstruction to intentionally injure, intimidate, interfere with, or attempt to do so to any person who obtaining reproductive health services, or trying to exercise their right to religious freedom at a place of worship. It also prohibits the intentional damage or destruction of a reproductive health care facility or place of worship.

- b) Buffer zones (often an issue with abortion clinic), are valid as long as they allow for alternative channels for communication of the information. In *McCullen v. Coakley* (2014), The Supreme Court Ruled [sic] that the Massachusetts statute that imposed a 35- foot-fixed buffer zone; to include sidewalks, driveways, and roadways; violated the First Amendment. While the state had a valid concern to maintain public safety on the streets and sidewalks, the state could not close these off from protesters because the sidewalks and streets have always been a traditional public forum for speakers.”²⁵

C. Methodology for Crowd Management and Law Enforcement's Role

Law enforcement agencies should have internal policies and procedures that identify specific expectations by their officers regarding crowd management, and those policies and procedures should be followed at all times.

1. Crowd Management, Intervention, and Control

SLIDE: “Managing Crowds.”

A common approach to handling crowd-related civil actions is “a tiered level of intervention and response strategies, as a situation escalates,”²⁶ from crowd management to crowd intervention to crowd control.

a) “Crowd Management

At the lowest level of response, law enforcement responds to all forms of public [assemblies], including to strategies and tactics employed before, during, and after a gathering to maintain the event’s lawful activities.

b) Crowd Intervention

In the middle of response, law enforcement responds to pre-planned or spontaneous activities to isolate unlawful behavior that impacts public safety while allowing the event, activity, or occurrence to continue.”²⁷

c) Crowd Control

“At the highest level of response, law enforcement responds to preplanned or spontaneous activities that have become unlawful or violent and may require arrests and dispersal of the crowd.”²⁸

We will discuss public safety techniques in greater detail, based on the crowd's actions, shortly.

2. The Role of Law Enforcement's Response

SLIDE: “Law Enforcement's Role.”

Law enforcement's primary objective is to protect and serve the public at large. This remains the objective in the event of lawful civil protest or unlawful civil disorder and riot. However, “failures in crowd management, in both planned and unplanned protests, occur for a variety of reasons; including [law enforcement] overreaction, underreaction, improper use of force including less lethal munitions, anarchist infiltration, undesignated escape routes, and a general lack of pre-event planning and training. Successes in crowd management often occur through professional skills exhibited before and during a protest by law enforcement officers.”²⁹

“Law enforcement executives have found success with the following key crowd management principles. Although not all the principles are appropriate in every protest situation, the more that can be incorporated often allows for greater cooperation with the public.

- a) Safeguard the public's fundamental rights to free speech and peaceful assembly at a protest.
- b) Treat everyone with respect regardless of race, gender, national origin, political beliefs, religious practices, sexual orientation, or economic status.
- c) Know the community and type of crowd being managed.

- d) Explain law enforcement's role to the crowd and outline expectations for behavior."³⁰
- e) If safe to do so, consider avoiding the donning of [law enforcement] tactical and riot gear as a first step.³¹ Also, avoid the appearance of militarizing law enforcement unless intelligence-gathering indicates that the protest has transformed into a riotous crowd.
- f) "Avoid increased crowd tensions through aggressive law enforcement appearance or behavior if unnecessary.
- g) Coordinate with demonstration organizers prior to an event to reinforce law enforcement's role as facilitators rather than confronters.
- h) Isolate, arrest, and remove law violators from a crowd as quickly as possible.
- i) Separate opposing factions and establish escape routes so protesters can safely exit the area."³²
- j) Only use force that is reasonable and necessary, including less-lethal weapons when appropriate.³³
- k) Exercise discretion in regard to arrests - deciding ahead of time which behaviors will or will not be accepted.³⁴ This will often be influenced by agency policy and procedure.
- l) "Mutual-aid agencies should receive proper training prior to deployment to the field."³⁵ Mutual aid statutes that govern North Carolina agencies may be found under N.C.G.S. § 160A-288 and N.C.G.S. § 160D-1107.

D. General Types of Protestors and Their Common Behavior Patterns

SLIDE: "Types of Protesters."

1. Types of protestors

"Not every protester is the same nor should be viewed the same by law enforcement. By better understanding protestors, law

enforcement officers can make better choices on how to respond. A small group of unruly protesters can stand out from the peaceful majority—often comprised of others who just want to be there along with innocent bystanders accidentally caught in the melee.”³⁶ As we have previously discussed, protestors are protected by the First Amendment during their demonstrations and should be allowed to exercise those rights unless it transitions into unlawful or riotous assemblies.

a) Everyday citizens

“Most protests include everyday citizens gathering through their First Amendment right to peaceably make their voices heard.”³⁷

b) Professional protesters

“These people train or are trained in protester tactics often by direct action organizations that promote two universal messages: First, intervention demands responsibility. Second, a smaller harm is acceptable if it prevents a greater harm. One interpretation of this second message is that it is acceptable for protesters to break laws they consider less important like vandalism to prevent a greater harm like environmental damage. Some activism organizations may produce booklets that demonstrate use or construction of devices...”³⁸

c) Anarchists

“These people aim to disrupt, often seeking to challenge authority and capitalism at any cost. They are frequently young college students who express themselves through the destruction of property. Anarchists may mix into peaceful protests despite the efforts of the non-violent protesters to limit destructive activities - leading to fighting sometimes between protesters. One common anarchist technique is the black bloc (violent, destructive activity), demonstrated at the Occupy Seattle protests.”³⁹

2. Protestor Ideology

SLIDE: “Protester Ideology.”

In general, people protest due to perceived unfairness around hot-button issues, from politics to the economy to race relations to sporting rivalries. However, the majority of U.S. protesters are peaceful everyday citizens rather than criminals like terrorists; terrorists do not have a place in protests.

“Several ideologies often engage in legitimate activities like letter-writing campaigns or work stoppages and not criminal activities like sabotage and arson that disrupt civil order.”⁴⁰ Law enforcement must consider this since those with motives to create anarchy may intentionally insert themselves into otherwise peaceful demonstrations or protests to create an unlawful civil action in anonymity.

“The primary terrorist threat inside the United States will stem from lone offenders and small cells of individuals, including Domestic Violent Extremists (DVEs) and foreign terrorist-inspired Homegrown Violent Extremists (HVEs).”⁴¹ “Violent extremists will continue to target individuals or institutions that represent symbols of their grievances, as well as grievances based on political affiliation or perceived policy positions.”⁴²

Some ideologies that might threaten the peace can include but are not limited to:

SLIDE: “Potential Threatening Ideologies.”

a) “Animal Rights

The term animal rights extremism covers criminal acts committed in the name of animal rights. Participants often engage in vandalism, theft, property destruction, and arson.

b) Environmental

This threat, often referred to as eco-terrorism, includes criminal acts committed in the name of the environment. Participants often engage in vandalism, theft, property destruction, and arson.

c) Anarchist

This threat involves those who believe individual autonomy and collective equality are fundamental and necessary for a functional, civilized society. They resist the existing hierarchical structure of society that gives some people authority and management over others. According to anarchists, authority instills power, and power is always used in illegitimate and self-serving ways by those who have it.

d) White Supremacist

The term white supremacist extremism describes people or groups who commit criminal acts in the name of white supremacist ideology. White supremacist ideology purports that the white race ranks above all others, especially Jews and African Americans."⁴³

e) "Anti-government

Those against the government, such as Sovereign Citizens, believe they are separate or sovereign from the nation even though they physically reside in the United States.

Unauthorized militias and sovereign citizens are considered anti-government extremists."⁴⁴

"Although Sovereign Citizens is not a true protest group by the strictest definition, it is an anti-government group commonly encountered by law enforcement."⁴⁵

f) "Black Separatist

A threat or movement to create separate institutions for black people in societies historically dominated by whites, particularly in the United States.

g) Anti-abortion

Anti-abortion extremism involves crime committed in the name of the anti-abortion movement. Their objective is to limit access to abortion services."⁴⁶

Additional information regarding extremist ideologies and law enforcement's strategy to identify potential threats is discussed in the **Homeland Security** lesson.

3. Common Protestor Behavior Patterns

SLIDE: "Protester Behavior Patterns."

"Psychologically, it's important for law enforcement to identify an established pattern to a group's behavior, which includes acquisitive, escapist, expressive, and aggressive approaches.

(1) Aggressive

This type of crowd behavior describes the type of situation that involves a crowd intent on causing some type of destructive action. Crowd Goal: Seeks a target.

(2) Escapist

In a panic situation, this dynamic is often apparent. At times, the dynamic is caused by [law enforcement] action—such as the use of less-lethal munitions or the presence of arrest teams. At other times, it is caused by uncontrollable occurrences. Individuals displaying the escape pattern are driven by fear and often by emotions caused by this irrational or perceived fear. Events or circumstances at the scene may cause this escapist type of behavior. For example, serious fires, explosions, flooding, or other natural disasters could occur, changing people's behavior from passive to frightened. Crowd Goal: Seeks an exit or means for resolving the crisis.

(3) Acquisitive

In some riotous crowds, the main purpose of the emotional, irrational behavior is the acquisition of desired objects. Law enforcement responders have seen cases in which incidents that started as a riot suddenly change into a wild and uncontrollable looting spree. Crowd Goal: Seeks some

type of economic good.

(4) Expressive

The behavior of people in highly charged situations is not necessarily associated with any of the foregoing but is simply expressive in nature. People attending lawful gatherings may contain elements of expressive behavior, but this expression can be easily converted into one of the previously described behaviors. The expressive riotous crowd may be trying to express either fervor or revelry. The occasion allows the participants to release pent-up emotions and escape from normalcy. Crowd Goal: Does not have one clear external goal.”⁴⁷

E. Understanding the Evolution and Extent of Non-Violent and Violent Tactics Commonly Used by Crowds Engaged in Civil Actions.

Often, citizens will form law-abiding groups who desire to protest or demonstrate against social or economic issues. These lawful groups will seek local permits to hold rallies, demonstrations, protests, or march along a designated street or thoroughfare. Typically, these types of tactics remain lawful, but as previously identified, outside inferences may sometimes infiltrate the demonstrating group resulting in disorder and disobedience. Law enforcement must be aware of the protestor tactics utilized to promote civil disorder in these unlawful moments.

“A protester tactic can be anything that impedes normal activity at a public place, often in violation of the law, thereby, creating civil disorder. Tactics range from banners to occupation to locking devices to the marking of law enforcement. Protesters rely on tactics to make their presence known to occupy or block key areas, such as buildings and roadways. Tactics assist protesters during demonstrations by acting as force multipliers, by intimidating responders, and by garnering lasting media attention.”⁴⁸

1. Evolution of Tactics

SLIDE: “Evolution of Tactics.”

“Protesters rely on tactics to make their presence known to occupy key areas, such as buildings and roadways, to block

bystanders from entry or exit from public areas, to tax public safety resources, and to create a space for debate. As demonstrations have evolved, so have protests and protester tactics. Spontaneous 'sit in' demonstrations of the 1960s peace movement now equate to organized political opposition at every democratic and republican national convention. In recent years, activists have learned how to create and design sophisticated tactics through direct action organization and training entities."⁴⁹

"Despite the fact the majority of protests are performed without incident, responding law enforcement must assess the situation at all times. A protester tactic may not be visible or, if it is visible, it may not be known if it demands safety precautions. Law enforcement should make their personal safety [and the safety of the public and other public safety personnel] the first priority and not attempt to defeat a protester device unless specifically trained to do so. Understanding protest situations will assist public safety officials in developing response plans and strategies for dealing with a civil action involving protester tactics."⁵⁰

Law enforcement's preparation and tactical responses to civil acts involving crowds will be discussed later in this lesson.

2. Typical Crowd Tactics

SLIDE: "Typical Crowd Tactics."

"During a civil disturbance, individuals and small groups within a crowd use any number of tactics to resist authority, disrupt, and add turmoil to achieve their goals. The more organized and purposeful a crowd becomes, the more likely that a tactic will be used. These tactics can be planned or unplanned and violent or non-violent.

Commanders and leaders must be aware that highly organized groups of protesters and demonstrators have developed tactics to disrupt [public safety efforts]... the Internet contains sites that are devoted to sharing these and other tactics with the general public and various protest groups. Although some of these tactics are outdated, [law enforcement] must be aware of them and their potential consequences."⁵¹

a) "Non-violent tactics

SLIDE: “Non-violent Tactics.”

Most gatherings of individuals and small groups in a crowd do not involve violent behavior. A public disorder or disturbance usually involves some name-calling, demonstrations to express views, corporate yelling, and chanting, and even singing and dancing. Non-violent actions of a crowd are disruptive because they are in direct conflict with what authorities want them to do, such as refusing to leave when directed, locking arms, and sitting in front of or around areas and buildings that the authorities are attempting to clear.”⁵²

(1) Street Marches

The most common non-violent protest occurs when crowds gather and conduct a street march. This may be done legally by filing the appropriate permits with local jurisdictions. However, they may also be spontaneous and involve seemingly unplanned paths that splinter into several different directions, which could be unlawful.⁵³

(2) Interlocking Protestors

To disrupt peace, protestors will commonly form human chains to interlock each other. Some examples of these non-violent tactics include:

(a) “Sleeping Dragon

In this common device, protestors lock themselves together or to a fixed object. Protesters place their limbs inside a pipe and latch onto a mounted bolt anchored in the center of the pipe. Several individuals can be locked together to form a human chain or to surround an object or to block access to a building. In most cases, individuals have the ability to release the device.”⁵⁴

(b) "Tripod

- i) The basic design uses three legs to form a tripod in which a person is suspended from the apex by a seat made of rope or board, or a climbing harness. (For effect, a noose may be attached, giving the appearance that the protester could be hung if extrication is attempted.)
- ii) The tripod's legs, which can be metal or wood, vary in length from 10 feet to more than 30 feet in some cases and can be tied together using rope, nails, or metal forms. Several variations, such as spiking the legs, add a degree of difficulty to defeating the device, requiring responders to assess the device before beginning extrication and to continually monitor operations. Tripods are used for the same reason as the other devices—to block a building or an area. A common use is to block an entrance or a road."⁵⁵
- iii) "Tripods can be very intimidating because of the apparent hazard to the individual suspended from the device. If a noose has been added around the protester's neck, responders must proceed with caution until they can determine the validity of the threat. Variations of the tripod: Bipods can be incorporated between two tripods by linking with a rope via the apex of each structure to obstruct a larger area than separate tripods."⁵⁶

(3) Constructing barricades

“By constructing barricades, the rioters are trying to disrupt the movement of the control force. If [law enforcement] does advance toward the barricade, the rioters want the obstacle to split [law enforcement teams] and leave it vulnerable to [riotous crowd] actions.”⁵⁷

(4) “Participating in verbal abuse

In almost every instance of a civil disturbance or riot, verbal abuse will be an aggressive tool.

(a) Obscene language, racial remarks, taunts, ridicules [sic], and jeers should always be expected. It is apparent that the purpose for using verbal abuse is to anger, demoralize, and provoke a physical response. Additionally, in *State v. Ellis*, 97 N.C. 447 (2020), the North Carolina Supreme Court ruled that an obscene gesture made in the direction of a law enforcement officer is not disorderly conduct within the meaning of N.C.G.S. 14-288.4(a)(2).

(b) Undisciplined, untrained [law enforcement officers] who face such an attack could cause the situation to escalate.”⁵⁸

(5) Softer Front Line

SLIDE: “Softer Front Line.”

“Women, children, and the elderly are often used as pawns in civil disturbance events. On many occasions, the innocent and the weak are moved to the front of the crowd and used as a barrier.

(a) With the innocent and the weak directly facing authorities, aggressive and violence-prone individuals or groups behind them attempt to provoke authorities to react. Often, this tactic is to exploit the situation in the eyes of the media for propaganda value.

- (b) Despite the perception of sometimes being weaker, women, children, and the elderly can be just as committed to the cause as those behind them.”⁵⁹

(6) Nonlocking and Nonviolent Protester Tactics

SLIDE: “Nonlocking Protestors.”

- (a) “Nonlocking tactics can be used to block access to an area or conceal locking devices or weapons. Jurisdictions can pass local ordinances to restrict the materials or dimensions of protest devices if those restrictions are narrowly tailored to serve a specific government interest.”⁶⁰
- (b) “Nonlocking tactics and devices include:
 - i) Occupation,
 - ii) Banners,
 - iii) Street puppets,
 - iv) Trojan horse,
 - v) Rope suspension,
 - vi) The marking of law enforcement, and
 - vii) Monitoring of [law enforcement] communications.”⁶¹
 - viii) Reporting false calls to 911 in hopes to disperse public safety agencies such as law enforcement, fire departments, etc. This act also establishes the misuse of 911, a misdemeanor, per N.C.G.S § 14-111.4.⁶²
- (c) “Passive resistance

SLIDE: “Passive Resistance.”

Also referred to as horizontal occupation, passive resistance can describe protesters lying down in public. Passive resistance allows the body to go limp, and protesters provide no assistance in movement during the arrest process.

- (d) Personal space

SLIDE: “Encroachment of Personal Space.”

Protesters can stand in an emergency responder’s personal space and will not leave while displaying passive resistance. As a form of intimidation, the protester might stare, be verbally abusive, take photographs, or use other tactics to distract responders or make them feel uncomfortable, often eliciting an inappropriate physical or verbal response.”⁶³

Law enforcement officers must remain cognizant that citizens may record video or take photographs of public safety officials while in a public setting. “Every Circuit Court of Appeals to address this issue (First, [Fourth,] Fifth, Seventh, Ninth, and Eleventh) has held that there is a First Amendment right to record [law enforcement] activity in public.”⁶⁴

- (7) Disorderly Conduct

SLIDE: “Disorderly Conduct.”

“Disorderly conduct is a public disturbance intentionally caused by any person who does any of the following:

- (a) Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence.

- (b) Makes or uses any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace.
- (c) Takes possession of, exercises control over, or seizes any building or facility of any public or private educational institution without the specific authority of the chief administrative officer of the institution, or his authorized representative.
- (d) Refuses to vacate any building or facility of any public or private educational institution in obedience to any of the following:
 - i) An order of the chief administrative officer of the institution, or the officer's representative, who shall include for colleges and universities the vice chancellor for student affairs or the vice-chancellor's equivalent for the institution, the dean of students or the dean's equivalent for the institution, the director of the law enforcement or security department for the institution, and the chief of the law enforcement or security department for the institution.
 - ii) An order given by any fireman or public health officer acting within the scope of the fireman's or officer's authority.
 - iii) If an emergency is occurring or is imminent within the institution, an order given by any law-enforcement officer acting within the scope of the officer's authority.
- (e) Shall, after being forbidden to do so by the chief administrative officer, or the officer's

authorized representative, of any public or private educational institution:

- i) Engage in any sitting, kneeling, lying down, or inclining so as to obstruct the ingress or egress of any person entitled to the use of any building or facility of the institution in its normal and intended use; or
 - ii) Congregate, assemble, form groups or formations (whether organized or not), block, or in any manner otherwise interfere with the operation or functioning of any building or facility of the institution so as to interfere with the customary or normal use of the building or facility.
- (f) Disrupts, disturbs or interferes with the teaching of students at any public or private educational institution or engages in conduct which disturbs the peace, order or discipline at any public or private educational institution or on the grounds adjacent thereto.
- (g) Engages in conduct which disturbs the peace, order, or discipline on any public school bus or public school activity bus.
- (h) Except as provided in subdivision (8) of this subsection, disrupts, disturbs, or interferes with a religious service or assembly or engages in conduct which disturbs the peace or order at any religious service or assembly.
- (i) Engages in conduct with the intent to impede, disrupt, disturb, or interfere with the orderly administration of any funeral, memorial service, or family processional to the funeral or memorial service, including a military funeral, service, or family processional, or with the

normal activities and functions occurring in the facilities or buildings where a funeral or memorial service, including a military funeral or memorial service, is taking place. Any of the following conduct that occurs within two hours preceding, during, or within two hours after a funeral or memorial service shall constitute disorderly conduct under this subdivision:

- i) Displaying, within 500 feet of the ceremonial site, location being used for the funeral or memorial, or the family's processional route to the funeral or memorial service, any visual image that conveys fighting words or actual or imminent threats of harm directed to any person or property associated with the funeral, memorial service, or processional route.
- ii) Uttering, within 500 feet of the ceremonial site, location being used for the funeral or memorial service, or the family's processional route to the funeral or memorial service, loud, threatening, or abusive language or singing, chanting, whistling, or yelling with or without noise amplification in a manner that would tend to impede, disrupt, disturb, or interfere with a funeral, memorial service, or processional route.
- iii) Attempting to block or blocking pedestrian or vehicular access to the ceremonial site or location being used for a funeral or memorial.”⁶⁵

- b) “Violent tactics

SLIDE: “Violent Tactics.”

A crowd that becomes [riotous] can be very violent and

destructive. Although some non-violent activities occur, violent crowds strike out physically at bystanders, others in the crowd, or members of [public safety] on the scene. They destroy private and government property, set fires, employ bombs (in extreme cases), or use other weapons or tools at their disposal.”⁶⁶

- (1) “Some violent tactics, such as setting fires, are done to create confusion or as a diversion from another activity. The only limitations for violent crowds are their own imaginations, the training of their leaders, and the materials readily available.
- (2) Riots vary considerably in targets and players. A communal riot, for instance, deals with deep-seated ethnic, religious, and language differences. Commodity riots involve an attack on property by acts of vandalism, looting, and arson.”⁶⁷

- (3) Violent riotous tactics

Organized riotous crowds typically strive to disrupt, confuse, or deter efforts by public safety personnel by using aggressive tactics. In some cases, the intent can be injurious. Examples of these tactics include but are not limited to:

SLIDE: “Riotous Tactics.”

- (a) Using weapons and projectiles

“[Riotous crowds] will often use various types of weapons and projectiles against authorities to achieve their agendas and goals.”⁶⁸

While the actual devices, weapons, and projectiles used by unlawful protestors could be almost anything, some typical examples include but are not limited to:

- i) “Firearms

- ii) Molotov cocktails
- iii) Explosives
- iv) Blades
- v) Baseball bats
- vi) Axes
- vii) Bottles
- viii) Rocks⁶⁹
- ix) Catapult (To launch hefty objects, such as bowling balls and cinder blocks.)⁷⁰
- x) Harassing weapons (such as smoke grenades, caltrops, slingshots, and mirrors to reflect law enforcement spotlights)⁷¹

(b) "Deception and flanking

Organized [riotous crowds] may attempt to disrupt the movement of [law enforcement teams] by [deceptively portraying] an assault. When [law enforcement] moves to blunt the assault, the [riotous crowds] will assault the exposed flanks in an attempt to split the [law enforcement teams] and envelop a portion of it."⁷²

(c) Using vehicles or other objects

- i) "Vehicles and other objects can be placed on higher ground (atop a hill or in a building) to disrupt [public safety efforts].
- ii) For example, a vehicle or tire can be set on fire and rolled down a hill."⁷³ And, in

some severe cases, “carts or barrels filled with hazardous or flammable materials can be pushed down a hill, or burning furniture and [gasoline] bombs can be thrown from two-story or higher buildings toward a formation of [public safety officials].”⁷⁴

- iii) As previously identified, rocks, frozen water/soda bottles, and canned foods may be used as projectiles to throw at law enforcement or public safety. Even urine and feces may be hurled at officers in water balloons. Ultimately, the intent is to disrupt public safety efforts. Therefore, the use of personal protective equipment is critical, and we will discuss protective equipment later.

(d) Setting fires

“Rioters have set buildings, vehicles, and other structures on fire to block the advances of authorities and to create confusion and diversions. If property damage is the goal of a crowd, fire is an effective tool.”⁷⁵

F. Use of Force Considerations for Riotous Unlawful Assemblies

SLIDE: “The Use of Force.”

As every law enforcement officer and agency administrator is acutely aware, tensions over law enforcement's perceived use of force have produced large-scale social justice movements and protests over the last several years. While some rogue cases of inappropriate or unlawful use of force have occurred, an overwhelming majority of officers across this country operate well within their legal limitations every day and on every call. Regardless, law enforcement officers must never lose sight of the trust and faith that citizens place in us to protect society and ensure the sanctity of life for every officer and citizen.

This section will revisit the use of force considerations that pertain to effecting an arrest or the right to use deadly force.

a) Use of force standard

First, as we have already learned under the First Amendment discussion, officers must be acutely aware of the legal basis for being on-site and interacting with the crowd during crowd management calls for service. The First Amendment protects the right to peaceable assembly and freedom of speech, but the courts have set time, place, and manner of speech restrictions on both the right to assemble and the right to free speech. As an example, a parade permit may authorize a picket line on the sidewalk, but demonstrators may not impede vehicular or pedestrian traffic.

Presuming legal authority exists, the officer's level of intervention must now be weighed as *reasonable*. "Because officers must make 'split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving,' courts evaluate the reasonableness of an officer's determination from the perspective of a reasonable officer on the scene and without the benefit of hindsight. *Graham v. Connor*, 490 U.S. 386, 397 (1989). The Constitution 'does not require [law enforcement] to gamble with their lives in the face of a serious threat of harm.' *Elliott v. Leavitt*, 99 F.3d 640, 641 (4th Cir. 1996)."⁷⁶

b) Factors related to law enforcement's use of force during an arrest

SLIDE: "Factors Related to Law Enforcement's Use of Force."

"Factors critical to evaluating the reasonableness of an officer's use of force to effectuate a seizure include:

- (1) The severity of the crime at issue;
- (2) Whether the suspect poses an immediate threat to the safety of the officers or others; and
- (3) Whether the suspect is actively resisting arrest or attempting to evade arrest by fleeing. *Graham*, 490 U.S. at 396. An officer's subjective intent or motivation is not relevant to the inquiry, nor is the reasonableness of the officer's actions in

creating the dangerous situation. *Waterman v. Batton*, 393 F.3d 471, 477 (4th Cir. 2005)”⁷⁷

- (4) Force should be applied only long enough to overcome the resistance of another person’s force.”⁷⁸
- (5) In dealing with crowds, officers should keep the following case law in mind. *Scott v. Henrich* 39F.3d912 (9th Cir. 1994) reads in part, “Officers need not use the least intrusive force, but must not exceed that force which is reasonable under the totality of the circumstances.”⁷⁹

For example, a violent assaultive riot may require an officer to use a baton, chemical agents, or special impact munitions to move or disperse a crowd or while effecting arrests. On the other hand, non-violent passive/resistant demonstrations may only require officers to carry the demonstrators away physically.

- (6) Communication and De-escalation

SLIDE: “Communication and De-escalation.”

As we discussed previously in **Communication and De-escalation Skills**, the use of de-escalation may prove beneficial and prevent the need for force. While not all circumstances may be appropriate to attempt de-escalation techniques, the tactic should be used before force if safe to do so.

- (7) Duty to Intervene and Report Excessive Use of Force

SLIDE: “N.C. Duty to Intervene Law.”

“A law enforcement officer, while in the line of duty, who observes another law enforcement officer use force against another person that the observing officer reasonably believes exceeds the amount of force... and who possesses a reasonable opportunity to intervene, shall, if it is safe to do so, attempt to intervene to prevent the use of excessive force.”⁸⁰

“Additionally, the observing officer shall, within a reasonable period of time not to exceed 72 hours thereafter, report what the officer reasonably believes to be an unauthorized use of force to a superior law enforcement officer within the agency of the observing officer, even if the observing officer did not have a reasonable opportunity to intervene.”⁸¹

- c) Considerations on the use of deadly force at violent riotous protests or civil disorder scenes

SLIDE: “The Use of Deadly Force.”

- (1) “The threat to the officer or others must be immediate to justify the use of deadly force.

Once the threat abates, so does the authorization to use deadly force. See *Williams v. Strickland*, 917 F.3d 763 (4th Cir. 2019) (concluding that if officers started or continued to fire on the plaintiff as he was attempting to flee in his car after they were no longer in the trajectory of the car, they violated the suspect’s right to be free from excessive force); see also *Waterman v. Batton*, 393 F.3d 471 (4th Cir. 2005) (officers did not violate the Fourth Amendment when they shot the driver of a car as he accelerated toward them following a high-speed chase during which the driver had reportedly tried to run an officer off the road; same officers violated the Fourth Amendment to the extent they continued to use deadly force once the car had driven by them such that it was no longer reasonable for them to believe that the car was about to run them or their fellow officers over.) Force justified when an encounter begins “is not justified even second later” if the danger that justified the initial use of force has been eliminated. *Waterman*, 393 F.3d at 481. See also *Abraham v. Raso*, 183 F.3d 279, 294 (3d Cir.1999) (finding issue of fact regarding whether officer was justified in firing on vehicle from side after stepping out of the way to avoid being run over, and explaining that “[a] passing risk to a [law enforcement] officer is not an ongoing license to kill an otherwise unthreatening suspect”)⁸²

- (2) “A suspect may not be deemed dangerous merely because he or she has a weapon.

SLIDE: “Armed and *NOT* Dangerous??”

See *Cooper v. Sheehan*, 735 F.3d 153 (4th Cir. 2013) (explaining that an officer does not “possess the unfettered authority to shoot a member of the public simply because that person is carrying a weapon. Instead deadly force may only be used by a [law enforcement officer] when, based on a reasonable assessment, the officer or another person is threatened with the weapon.”); *Hensley v. Price*, 876 F.3d 573, 583 (4th Cir. 2017) (finding that a jury could reasonably conclude that because the suspect never raised the gun he carried toward the officers and never threatened them, the officers shot the suspect merely because he held a firearm, which would violate the Fourth Amendment).⁸³

- (3) “Officers may not use deadly force to apprehend a fleeing suspect who poses no threat.”

SLIDE: “Deadly Force and Fleeing Suspects.”

See *Tennessee v. Garner*, 471 U.S. 1 (1985) (holding that “[a] [law enforcement] officer may not seize an unarmed, non-dangerous suspect by shooting him dead” and striking down as unconstitutional that part of a Tennessee statute that authorized the use of deadly force against fleeing suspects without regard to whether they were armed or dangerous).⁸⁴

G. Personal Protective Equipment (PPE) for Civil Disorders and Riots

SLIDE: “Personal Protective Equipment (PPE).”

“...There is personal protective equipment for the eyes, face, head, arms, hands, legs, and extremities. There are respiratory devices, protective shields, and fire-resistant clothing that can be worn. Although there is a lot of equipment available, be cautious of ‘overdressing’ because too much equipment will restrict movement and increase physiological stress. Also, extreme heat or cold will limit the time officers can remain in such equipment. The best practice is to wear only the PPE that is necessary, for the protection of hazards that are present, or are most likely to be present.”⁸⁵

“The selection factors for PPE include fit, comfort, and flexibility. Also, PPE should be easy to put on and provide proper protection from blunt force trauma.”⁸⁶

1. Helmet⁸⁷

SLIDE: “Helmet.”

A helmet is a head protector that protects the top and side of the head from projectiles and falling injuries. It is the most common and important piece of PPE for use in protest situations.

The main components of a helmet are:

a) Helmet (shell)

There are two basic types of helmets. The first type has a full brim, not less than 1¼ inches wide. The second type is brimless, with a peak extending forward from the crown. The sizes of helmets are adjustable, and they must be pre-adjusted to fit an individual.

b) Chin strap

An adjustable strap attached to the helmet. It fits under the chin and thus holds the helmet in place during a fall, when struck on the head by objects, and while performing physical tasks. You must be able to manipulate the chin strap fastener with gloves on.

c) Face shield

A permanently attached or removable transparent high-impact plastic or other durable material which hangs down from the front of the helmet, providing protection from eye and face injuries. They come in various thicknesses.

d) Neck protector

A guard that is built-in to the back of the helmet or worn around the neck to prevent injury to the neck.

e) Drip guard

A strip of soft material between the Helmet and face shield to prevent liquids from running down into the eyes.

We will discuss uses for the helmet in great detail later in this training.

2. Shield⁸⁸**SLIDE: "Shield."**

A shield is a handheld guard that protects the body from debris. It acts as a barrier between the officers and protesters. Your Basic Law Enforcement Training will not include training on using the shield during the practical exercises. This is primarily due to an assortment of different shields being used by agencies across the state, while many agencies do not issue shields at all. Meanwhile, the Field Force Operations (FFO) training through the Center for Domestic Preparedness also does not include shields as part of the practical training. However, it is helpful to understand the basic components and uses of the shield. Therefore, content is provided at the awareness level.

The main components of a typical shield are:

a) Shield

A thin and transparent piece of durable high-impact plastic or other durable material. It comes in various shapes and sizes. A typical shield is typically 2 feet in diameter and 3 feet long.

b) Handles

A shield has at least one vertical ring or handle secured to the back of it, which enables the shield to be carried with one arm. Some shields have two or even three handles.

c) Locking mechanism.

Some shields have a link on both sides, so they can be joined together. This feature allows a team of officers to lock

their shields together to form a protective barrier between responders and protesters.

3. Respiratory Protection

SLIDE: “Respiratory Protection.”

Air-Purifying Respirator (APR), also called gas masks, are the most common type of respiratory equipment used by law enforcement officers. Responders utilizing APRs must understand the equipment’s usage, maintenance, and components. Law enforcement officers should have APRs assigned to them individually to ensure proper fit testing is performed. It is also important to realize that APRs do not replace oxygen and are not appropriate in any oxygen-deficient atmosphere such as a fire. All APRs must meet standards found in OSHA regulations 29 CFR § 1910.120 and 29 CFR § 1910.134.

We will discuss the uses for the APR in greater detail later in this training.

4. Upper Body Protection

SLIDE: “Upper Body Protection.”

Protection to the upper body can prevent injury from thrown projectiles, assaults, etc. Some components of upper body protection include:

a) Chest and shoulder protector

Shoulder pads and protective vests are used to protect the upper body and shoulder from projectiles and blunt impacts. They are typically made of durable foam padding encased in black nylon. Most come with adjustable shoulder and waist straps.

b) Forearm Protectors

A guard typically made of hard plastic and foam. It is worn on the forearm to protect the forearm, elbow, and wrist from blows delivered by blunt objects. The size of a forearm

protector is a significant consideration because if it is too short, it will not provide adequate protection, and if it is too long, it will inhibit movement by the officer.

c) Elbow Pad

A guard made of plastic, rubber, or foam. Provides protection for the elbow against impact injury during a fall or strike.

d) Gloves

A glove made of flexible yet durable material (e.g., leather, vortex) with hard knuckle and finger guards made of plastic, rubber, or foam.

5. Lower Body Protection

SLIDE: “Lower Body Protection.”

Protection to the lower body can prevent injury from thrown projectiles, assaults, etc. Some components of lower body protection include:

a) Waist, Groin, and Thigh Protection

A lightweight protective outer or undergarment that protects the waist and sensitive groin area. The three methods for protecting the groin are:

- (1) Crowd management suits that provide a lower flap covering the area,
- (2) Heavy padding strapped over the groin area, and
- (3) A good quality athletic cup.

b) Knee Pad/Shin Guard

A guard with a hard plastic shell and interior leg brace. It is worn on the shin and/or knee to protect the knee, leg, and ankle. Knee pads can also be worn separately.

c) Shoes/Boots

Protective footwear, including leather and rubber boots and shoes. Steel toe boots provide protection against blunt force trauma and crushing injuries. Boots with thick soles provide protection against objects, such as caltrops (spikes) penetrating into the foot. It is a best practice to select protective footwear that complies with the Occupational Safety and Health Administration Code of Federal Regulations (C.F.R.) § 1910.136.

H. Crowd Management Techniques within Tiered Approaches

"When operating in an environment where civil disturbances occur, [public safety officials] must be aware of the various tactics that are used in managing a crowd. Sometimes there is ample time for planning and preparing, especially if there is a scheduled demonstration coming up, and there is also good communication with protest leaders. Other times, a civil disturbance may erupt without any prior warning, and the response is conducted in a hasty manner."⁸⁹

1. Law Enforcement Response to Lawful Assemblies**SLIDE: "Handling Lawful Assemblies."**a) Lawful assemblies are considered protected activities that include:⁹⁰

- (1) Speeches
- (2) Marches
- (3) Demonstrations
- (4) Rallies
- (5) Picketing
- (6) Public assemblies
- (7) Protests

- (8) Celebratory events
- (9) Specifics of lawful assemblies

SLIDE: “Assembly Advice the Public is Given.”

The American Civil Liberties Union (ACLU) of North Carolina is a legal resource for advising citizens on inquiries related to their civil liberties. Regarding First Amendment and free speech activities, the ACLU has published a frequently asked questions (FAQ) page for the public to review regarding their rights pertaining to free speech activities, such as pickets and demonstrations.

While your agency policy will supersede this FAQ advice, this section will provide you with insight into what legal advice the ACLU offers to the citizens. Consider the following FAQ and answers:

- (a) “Can my free speech be restricted because of what I say—even if it is controversial?”

No. The First Amendment prohibits restrictions based on the content of speech. However, this does not mean that the Constitution completely protects all types of free speech activity in every circumstance. [law enforcement] and government officials are allowed to place certain nondiscriminatory and narrowly drawn "time, place and manner" restrictions on the exercise of First Amendment rights. Any such restrictions must apply to all speech regardless of its point of view.

- (b) Where can I engage in free speech activity?

Generally, all types of expression are constitutionally protected in traditional "public forums" such as streets, sidewalks, and parks. In addition, your speech activity may be permitted to take place at other public locations

that the government has opened up to similar speech activities, such as the plazas in front of government buildings.

What about free speech activity on private property? The general rule is that the owners of private property may set rules limiting your free speech. If you disobey the property owner's rules, they can order you off their property (and have you arrested for trespassing if you do not comply).

- (c) Do I need a permit before I engage in free speech activity?

Not usually. However, certain types of events require permits. Generally, these events are:

- i) A march or parade that does not stay on the sidewalk and other events that require blocking traffic or street closure
- ii) A large rally requiring the use of sound-amplifying devices; or
- iii) A rally at certain designated parks or plazas

Many permit procedures require that the application be filed several weeks in advance of the event. However, the First Amendment prohibits such an advance notice requirement from being used to prevent rallies or demonstrations that are rapid responses to unforeseeable and recent events. Also, many permit ordinances give a lot of discretion to the [law enforcement] or city officials to impose conditions on the event, such as the route of a march or the sound levels of amplification equipment. Such restrictions may violate the First Amendment if they are unnecessary for traffic control or public safety or if they interfere

significantly with effective communication with the intended audience. A permit cannot be denied because the event is controversial or will express unpopular views.

- (d) If organizers have not obtained a permit, where can a march take place?

If marchers stay on the sidewalks and obey traffic and pedestrian signals, their activity is constitutionally protected even without a permit. Marchers may be required to allow enough space on the sidewalk for normal pedestrian traffic and may not maliciously obstruct or detain passers-by.

- (e) May I distribute leaflets and other literature on public sidewalks?

Yes. You may approach pedestrians on public sidewalks with leaflets, newspapers, petitions, and solicitations for donations without a permit. You may also be allowed to set up a table for this purpose, but a permit may be required to do so. These types of free speech activities are legal as long as entrances to buildings are not blocked and passers-by are not physically blocked or maliciously detained.

- (f) Do I have a right to picket on public sidewalks?

Yes, and this is also an activity for which a permit is not required. However, picketing must be done in an orderly, non-disruptive fashion so that pedestrians can pass by and entrances to buildings are not blocked.⁹¹

- b) Crowd management techniques for lawful assemblies:⁹²

SLIDE: “Lawful Assembly - Management.”

- (1) Meet with event organizers and stakeholders
 - (2) Determine crowd history and risk
 - (3) Check permit limitations
 - (4) Observe and assess crowd behavior
 - (5) Separate opposing factions
 - (6) Maintain a video log
 - (7) Interact with organizers and gain cooperation
 - (8) Use facilitation, not confrontation
 - (9) Provide direction and expectations at [the] mission briefing
- c) Law enforcement handling *isolated unlawful behavior* within a lawful assembly:
- (1) It is important for law enforcement officers to remember that isolated unlawful behavior by individuals or small groups should not cause the declaration that the entire assembly is unlawful.⁹³

Some examples of unlawful behavior might include but are not limited to:

SLIDE: “Isolated Unlawful Behavior in a Lawful Assembly.”

- (a) Destruction of personal or real property^{94 95}
- (b) Violence involving assaultive behavior that could injure or kill persons or certain animals.⁹⁶
⁹⁷
- (c) Blocking access and travel way
 - i) N.C.G.S. §14-277.4 pertains to obstruction of Health Care Facilities – A

lawful protest becomes unlawful when protesters move onto the premises and begin to block entrances.

- ii) N.C.G.S. § 20-174.1 states that “no person shall willfully stand, sit, or lie upon the highway or street in such a manner as to impede the regular flow of traffic.”⁹⁸

(d) Trespassing

Unlawfully entering and remaining on the premises may also be a violation of N.C.G.S. §14-159.12 or §14-159.13 (1st and 2nd degree trespass).⁹⁹

- i) Officers should keep in mind that citizens may intentionally test law enforcement on their adherence to first amendment protections. These are often called ‘First Amendment Auditors,’ where citizens stage in public areas while videoing or picturing locations to test law enforcement’s response.
- ii) “Some amendment auditors simply record buildings or officer interactions. They may film the exterior of a building, enter the lobby, record employees at the front counter, or approach and record any law enforcement/civilian interaction. Their goal in the recording is to provoke a response in which an officer forces them to leave or makes an arrest. The officer may violate their First Amendment rights by interfering with their recording.”¹⁰⁰
- iii) ‘First Amendment Auditors’ will be covered thoroughly during the **Homeland Security** block of training.

(e) Communicating threats

N.C.G.S. §14-277.1 states that a person is guilty if, without legal authority, threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another; The threat is communicated to the other person, orally, in writing, or by any other means; The threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and The person threatened believes that the threat will be carried out.¹⁰¹

(f) Failure to disperse when commanded

SLIDE: "Failure to Disperse."

- i) N.C.G.S. §14-288.5 states that "any law-enforcement officer or public official responsible for keeping the peace may issue a command to disperse in accordance with this section if he reasonably believes that a riot, or disorderly conduct by an assemblage of three or more persons, is occurring."¹⁰²
- ii) "The command to disperse shall be given in a manner reasonably calculated to be communicated to the assemblage."¹⁰³
- iii) "If any person remains at the scene of any riot, or disorderly conduct by an assemblage of three or more persons, following a command to disperse and after a reasonable time for dispersal has elapsed, it is prima facie evidence that the person so remaining is willfully

engaging in the riot or disorderly conduct, as the case may be.”¹⁰⁴

iv) Dispersal order application

“The goal of a dispersal order is to give those involved in an unlawful assembly an opportunity to peacefully leave.”¹⁰⁵

- o “Before giving the order, declare the assembly unlawful. Ensure officers are in place to support or direct the crowd’s movement. The incident commander makes sure there are two or more officers at the rear of the crowd to ensure the dispersal order is audible.”¹⁰⁶ This procedure should warrant caution by the platoon leader before sending small groups of officers within the unlawful assembly. Use best practices according to agency policy and only when an order can be executed safely.
- o “When possible, give the dispersal order from multiple locations.
- o When possible, give dispersal orders in English and in other languages that are appropriate for the audience.
- o Specify egress or escape routes.
- o Repeat the dispersal order before any action is taken.

- o Record the times, dates, and locations of the dispersal order.”¹⁰⁷
- o “Below is an example of a dispersal order taken from the Mobile Field Force Formations and Commands Field Guide:

My name is _____. I am _____
(title) with the _____ (department).
You are occupying these
premises unlawfully and without
permission in violation of _____
(state [or] local [statute]). I am
ordering you to leave the
premises (give directions). If
you do not leave, you will be
arrested.”¹⁰⁸

- (g) Criminal use of laser devices

SLIDE: “Criminal Use of Laser Devices.”

N.C.G.S. § 14-34.8 states that a person is guilty of this offense if they intentionally point a laser device at a law enforcement officer or at the head or face of another person while the device is emitting a laser beam.¹⁰⁹ However, this offense is an infraction and not arrestable.

“This section does not apply to a law enforcement officer who uses a laser device in discharging or attempting to discharge the officer's official duties. This section does not apply to a health care professional who uses a laser device in providing services within the scope of practice of that professional nor to any other person who is licensed or authorized by law to use a laser device or uses it in the performance of the person's official duties. (e) This section does not apply to laser tag,

paintball guns, and other similar games and devices using light emitting diode (LED) technology.”¹¹⁰

- (2) Law enforcement techniques for handling *isolated unlawful behavior* within a lawful assembly.¹¹¹

SLIDE: “Techniques for Handling Isolated Unlawful Behavior.”

- (a) Use organizers to gain voluntary compliance
- (b) Isolate, apprehend, and remove law violators as quickly as possible
- (c) Video [public safety official] and violator actions
- (d) Use amplified communication equipment to gain compliance
- (e) Use low-profile tactics, do not increase tensions by unnecessary aggressive appearance or behavior

2. Law Enforcement Response to Unlawful and/or Riotous Assemblies

SLIDE: “Riotous Assemblies.”

- a) Assemblies may be dispersed when they are violent, pose a clear danger of violence, or when they are breaking another law in the process.¹¹² Action may be taken to stop a crime before giving an order to disperse.¹¹³
- b) Some crowds may also participate in disorderly conduct or move away from the time, place, and manner of restrictions we previously identified in this training.
- c) Crowd management techniques for unlawful and/or riotous assemblies.¹¹⁴

SLIDE: “Techniques for Handling Riotous Assemblies.”

- (1) Put arrest teams in place.

- (2) Identify dispersal routes.
- (3) Use amplified communication to give dispersal proclamation.
- (4) Disperse unlawful crowd.
- (5) Video actions of public safety officials and violators.
- (6) Apprehend those who fail to disperse or those conducting illegal activity.
- (7) Ensure proper escalation of force by public safety officials on the scene.
- (8) Deploy nonlethal munitions as needed to defend public safety officials or to disperse the crowd.

SLIDE: "Discussion."

NOTE: This open discussion exercise will take 5-10 minutes. Instruct students to read the scenario on the slide. Students can solve the problem individually or in small groups using the C.D.M. problem-solving model.

Discussion: During a demonstration or protest of 40 people, a small group of three protestors sit and interlock arms to block access to City Hall. Some demonstrators are urging the small group to stop blocking access to the building. A fellow officer recommends immediately deploying tear gas and oleoresin capsicum grenades upon the entire group of 40 demonstrators.

What will you do? Use **C.D.M.** to solve the problem.

I. Defensive Equipment and its Utilization for Crowd Management

Protecting the peace is a staple in the law enforcement mission. Law enforcement must constantly reassess the actions of crowds to ensure this objective is maintained. Only in those circumstances where peaceful protests and lawful demonstrations transcend into violence and unlawful acts should law enforcement deploy means of physical force against a demonstrator to effect arrests and restore peace once again.

1. Baton

The baton can be an effective defensive weapon to defend against attacks. We will discuss the uses of the baton in greater detail later in this lesson.

2. Air-Purifying Respirator (APR)

SLIDE: “Air-Purifying Respirator.”

“The current environment of protests and riots has led to many officers being injured while engaged in crowd control. Having access to protective face masks is key to ensuring officer safety.”¹¹⁵

“Most basic masks, when properly applied, will protect an officer from traditional crowd control chemical agents, some toxic chemicals and dust, including radioactive dust.”¹¹⁶

APRs provide the following purposes:¹¹⁷

- a) Protects the eyes, nose, mouth, and throat from irritants commonly found in the air during a civil disturbance.
- b) Has a wide field of vision. This includes the ability to see peripherally and to be able to sight your weapon.
- c) Allows for fast application and removal without hair tangling and pulling.
- d) Provides a nose cup to prevent fogging.
- e) Has at least the standard mechanized speaking diaphragm allowing communication.

Your training will include demonstrations on putting on, sealing, wearing, and removing your APR correctly.

3. Riot Control Agents (RCA) and Less Lethal Munitions (LLM)

SLIDE: “Riot Control Agents (RCA) and Less Lethal Munitions (LLM).”

Riot Control Agents (RCAs) and Less Lethal Munitions (LLMs) are used by law enforcement to control crowds and protect life and property. According to law enforcement best practices, RCAs and LLMs are only used after peaceable methods have failed or an escalation of force is justified following the law and individual [law enforcement] department policy. Also, personnel must receive formal initial training and annual recurring training on RCA and LLM deployment before being authorized to carry or use them. These personnel, called grenadiers, should be the only ones to deploy RCAs or LLMs. This course introduces you to the basic equipment but does not substitute formal grenadier training nor qualify you as one.

a) RCA and LLM provide the following purposes:¹¹⁸

(1) Disrupt

Prevent the targets from completing their intended task or mission.

(2) Disorient

Cause the targets to become physically lost or lose their sense of direction.

(3) Disable

Physically disable the targets or cause perpetrators of criminal acts to become physically incapacitated.

(4) Distract

Cause targets to lose their focus and crowds to lose cohesion.

(5) Disperse

Cause the crowd or targets to scatter and people involved leave the area.

Optional Video: [“Tear Gas Deployed over Hundreds of Protestors in Downtown Portland.”](#) (1:13 minutes)

SLIDE/VIDEO: “[Tear Gas Deployed over Hundreds of Protestors in Downtown Portland](#).” Instructors may show the optional 1:13 minute video and ask students to notice the physical reactions of the large group of protestors to the Riot Control Agents (RCA). Some are coughing, others are wiping their eyes, but most disperse from the area. Instructors must stress that dispersal of the crowd from the area is the ideal objective – not mass arrest.

b) Types of RCA and LLM and deployment considerations

(1) Types of RCA and LLM¹¹⁹

SLIDE: “Types of RCA and LLM.”

(a) Chloroacetophenone (CN)

A white, crystalline solid resembling granulated sugar or salt; in cloud form, CN has a faint apple blossom odor. It is generally dispersed by a pyrotechnic charge that heats the material to a vapor form. It can also be dispersed by an explosive charge that spreads the material as a cloud of fine particles.

Today, CN is rarely used by law enforcement. It has been replaced by CS and OC. However, some manufacturers of personal protective spray still offer CN in small spray containers.

(b) Orthochlorobenzalidene Malononitrile (CS)

A white, crystalline solid resembling talcum powder. It is more effective but less toxic than CN; the lower toxicity is due to the lower concentrations needed to achieve the desired results. It is dispersed as an aerosol generated by heating the crystalline material with a pyrotechnic device or by spraying a solution created by dissolving the CS in a solvent. The canisters for CS are color-coded red.

(c) Oleoresin Capsaicin (OC)

Commonly known as “pepper spray,” it is made from crushed capsicum (i.e., chili peppers). When mixed with oil and water, it can be sprayed from various dispensers and dispersed as a powder or aerosol. The canisters for OC are color-coded orange.

(2) Common types of RCA and LLM delivery systems

NOTE: Instructors are encouraged to demonstrate these devices, if possible, to the students. Instructors doing so must be properly trained, competent, and experienced in the handling, utilization, and disposal of chemical agents, RCA, and LLM munitions. Always follow manufacturer recommendations and ensure the safety of students and staff throughout the demonstration.

(a) Compressed Air Delivery Systems¹²⁰

SLIDE: “Compressed Air Delivery Systems.”

[Law enforcement] compressed air weapons are similar to the weapons produced for the sport of paintball. However, these types of weapons are designed to fire projectiles loaded with RCA. The following are examples of less lethal compressed air launchers used by law enforcement:

i) PepperBall™ Launcher

The PepperBall™ launchers are similar to civilian-type Tippmann™ paintball markers. The standard system for the PepperBall™ can launch OC rounds at a high rate of fire. The launchers can accurately strike a target up to about ten yards.

ii) FN 303 Less Lethal Launcher

It is a semi-automatic compressed air rifle with a 15-round magazine that fires 18mm fin-stabilized OC rounds.

Independent tests have found the FN303 to be accurate at over 50 yards. However, it may cause serious injury or death if fired at distances closer than 12 feet, and even beyond 12 feet, the torso should be the point of aim to prevent injuries.

(b) 37 or 40 Millimeter Launcher System¹²¹

SLIDE: “37 or 40 MM Launchers.”

A 37 or 40-millimeter launcher consists of either a single-shot, breech-loading launcher or a multiple-shot launcher capable of delivering multiple RCA and LLM 37 or 40-millimeter rounds to ranges up to 150 yards. There are many types of munitions for the 37-Millimeter and 40-Millimeter Launch Systems.

The following are examples of the most common 37/40 millimeter munitions used by law enforcement today:

i) Stinger® Round

A munition containing multiple projectiles consisting of either 32 or 60-caliber rubber balls. It is effective up to 20 meters. Defense Technology Corporation manufactures the Stinger®.

ii) Bean Bag Round

A silica sand-filled nylon bag or ballistic bag. The 37/40-mm bean bag round is a direct-fire projectile designed for single-target engagement. This round has an effective range of approximately 20 to 50 feet.

iii) Foam Baton Round

A close-range munitions cartridge with three or five rubber foam batons.

iv) Riot Control Rounds

Projectiles containing riot control agents.

(c) 12-Gauge Launchers¹²²**SLIDE: "12-Gauge Launchers."**

Since most agencies already have one for normal use, the 12-gauge shotgun is the most commonly used weapon to fire LLM, and it requires a minimal amount of training to employ. There are many types of less lethal munitions for 12-gauge shotguns.

i) 12-Gauge Bean Bag Rounds

A bean bag round is a small bag filled with up to an ounce of birdshot lead and encased in a shotgun shell. The bag is typically made of double-weaved cotton, nylon cloth, or ballistic bags. There are several different types of 12-gauge beanbag munitions manufactured for riot control.

ii) 12-Gauge Rubber Rounds

Commonly known as rubber buckshot or stinger® rounds, they are shotgun shells loaded with small rubber balls that are projected when the round is fired. Some shells are loaded with as many as 15 pellets, and others have only one pellet. For example, Defense Technology Corporation manufactures a single, double, and triple stinger® round.

Stinger rounds have a range of approximately 21 to 60 feet. A rubber projectile is intended to be direct or skip-fired, but it is necessary to keep the trajectory low to avoid striking the subject above the breast line. Mud, snow, and soft grassy terrain will reduce the effectiveness of skip firing this round.

(d) Hand Tossed Munitions

SLIDE: “Hand Tossed Munitions.”

“A small canister filled with a pelletized or pulverized RCA designed to disperse after a set amount of time. It can either be thrown by hand or launched from a weapon.”¹²³ There are a variety of pyrotechnic and non-pyrotechnic RCA grenades, including the *Stinger Ball*.

Additional examples of hand-tossed munitions include:

i) Smoke Grenades

In some circumstances, law enforcement may have the need to conceal their activity, such as developing formations, officer locations, etc. This is often done through the deployment of non-toxic smoke screens. The impact of deploying these devices include hampering the vision, disorientation, and confusion of violent protestors.

The smoke screen released from this device can cover a large area and may be purchased in various colors.

ii) Flash Bangs

A common device law enforcement utilizes to create disorientation and confusion among a group of suspects or violent protestors includes the deployment of flash-bangs. Like smoke grenades, flash bangs are typically handheld munitions thrown by officers into an area where it releases its munitions to create a very loud concussion bang – thereby causing disorientation among people standing near the location of the detonation of the device.

(e) RCA Dispersers¹²⁴

A chemical disperser unit used for spraying a stream of chemicals. These may be streams or fog-like patterns. A common application of this type of RCA and LLM dispenser is the 'OC Foggers.'

(3) RCA Meteorological Factors

SLIDE: "RCA Meteorological Factors."

"The behavior and tactical effectiveness of RCAs in support of law enforcement operations are affected by the wind, temperature, and precipitation. Therefore, meteorological factors are a major consideration when planning for the use of RCAs.

(a) Wind.

A steady wind speed of three to five miles per hour is most favorable for the deployment of RCAs. In contrast, wind speeds of more than five miles per hour, and gusts of wind that vary in direction will either blow the agent out of the area before it can affect the crowd or push the RCA back into [law enforcement] lines. If the

wind speed is less than three miles per hour, the RCA will not spread, and the crowd will move out of the target area.

(b) Temperature and Humidity.

Humidity does not have a significant effect on RCAs. However, heavy humidity coupled with high temperatures, can increase the burning and stinging effects on the skin from RCA exposure. Also, the rate of evaporation of liquid RCAs increases with increasing temperatures. In lower temperatures personnel may be wearing multi-layered clothing that provides a more effective barrier to skin exposure.

(c) Precipitation.

Rain can have a dramatic effect on RCAs and can seriously impede its use. Although light rains will not seriously degrade the effectiveness of RCAs, heavy rains will wash it out of the air and off surfaces. Therefore, RCA use during a heavy rainstorm is not recommended as an effective means of controlling the crowd.”¹²⁵

(4) RCA and LLM Decontamination

SLIDE: “RCA Decon.”

(a) “Although the deployment of RCA is intended to stop a potential threat, it can also contaminate people who are not involved. Law enforcement agencies have/should develop local procedures on properly decontaminating staff, other first responders, arrestees, and community members.”¹²⁶

(b) Failure to decontaminate persons exposed to munitions with effective steps to alleviate its effects within a reasonable time after exposure

can create liability for the law enforcement agency, grenadier, and officers.

- (c) *LaLonde v. County of Riverside 204 F.3d 947; 2000 U.S. App. LEXIS 2778*

In this case, two officers utilized oleoresin capsicum (OC) spray on an individual they deemed as resisting arrest by a warrant. The officers, after deploying the OC spray on the plaintiff, were able to handcuff him and sat him on the couch in his living room where he remained for 20 to 30 minutes without any decontamination efforts by the officers. The plaintiff requested relief and was ignored. While not a case relative to crowd management, the application of a munition and the lack of decontamination within a reasonable period is germane to crowd management considerations.

In the court's disposition of this case, they stated, "the use of such weapons (e.g., pepper sprays; police dogs) may be reasonable as a general policy to bring an arrestee under control, but in a situation in which an arrestee surrenders and is rendered helpless, any reasonable officer would know that a continued use of the weapon or a refusal without cause to alleviate its harmful effects constitutes excessive force."¹²⁷

5. Conducted Energy Devices

Officers may be equipped with conducted energy devices (CED). These devices, sometimes referred to as Stun Guns or Taser®, utilize conducted energy to stun and immobilize subjects making it easier for officers to subdue them.

SLIDE: "Conducted Energy Devices."

NOTE: Instructors should advise students that additional discussion on the use of conducted energy devices will be in the Compliance and Control Techniques lesson plan.

- a) “Notwithstanding close scrutiny from medical researchers and defendants’ rights groups, science has yet to yield conclusive evidence that CEDs — when used properly — cause any lasting cognitive, physiological, or physical damage to individuals in nonvulnerable categories.”¹²⁸ “Although proponents of CEDs have emphasized a reduced incidence of injury and death, critics have spotlighted serious harm or fatalities from CEDs in certain cases. Research has revealed that improper use of a CED — for instance, too many activations of the device, prolonged exposure, or use on the chest, thus risking heart abnormalities — can cause significant injury or be a factor in those statistically rare occasions when death follows CED exposure.”¹²⁹
- b) However, law enforcement must also be acutely aware of the court’s opinion on the proper use of CEDs. For example, “consistent with emerging awareness of the danger of CED misuse, federal courts began moving toward a stricter constitutional standard for CED use, clarifying that a subject’s mere physical resistance or failure to comply physically with [law enforcement] commands did not warrant being shocked by a CED.”¹³⁰ “This trend culminated in the Fourth Circuit’s 2016 decision in [North Carolina case: *Armstrong v. Pinehurst*, 810 F.3d 892 (2016)], which drew a line in the sand against [law enforcement’s] use of a CED for ‘pain control,’ that is, using CED-induced pain to physically control a subject, as opposed to CED use to protect an officer or third party from an immediate threat of harm. *Armstrong* effectively banned CED use by law enforcement absent immediate danger to officers or others.”¹³¹

6. Firearms

SLIDE: “Firearms.”

While adhering to state and federal laws, if a protestor presents an imminent threat of deadly force, officers may be required to utilize a

firearm to stop the threat, if reasonable. Officers should only carry firearms they are qualified to use, as required through initial and annual agency firearms qualifications. You will receive extensive training on the use of firearms during the **Firearms Training** block and will receive specialized training from your agency on any agency-issued weapons, if applicable.

J. Utilizing Formations and Batons in Crowd Management

“The most effective way to respond to civil actions, restore order, and arrest large groups of people is through the coordination of a cadre of well-trained, disciplined team of officers. A variety of tactical responses utilized to move crowds, rescue victims, and isolate problem areas can be accomplished through the use of mobile field forces. Appropriately trained teams, such as the MFF units, can greatly affect the outcome of a civil disturbance event.”¹³²

SLIDE: “Crowd Management Team Tactics.”

1. Advantages of Utilizing Team Tactics

“The very concept of team tactics implies supervised and controlled conduct within a group of officers.

- a) Working as a team builds confidence and reinforces correct reaction.
- b) The presence of organization intimidates the opposition.
- c) Team tactics can also counteract militaristic tactics used by some protesters.
- d) Team tactics can also be used to prevent the escalation of events.
- e) Team tactics allow officers to target specific individuals or groups.
- f) Using a team approach demands a higher level of training for all [law enforcement] ranks. This training enables the quick restoration of order and provides protection of citizens’

property and constitutional rights. Law enforcement officers should also be aware that protesters study team tactics.”¹³³

2. Public Safety Team Formation Considerations

a) Terms related to team formations

SLIDE: “Formation Terms.”

“The most effective way to respond to civil actions, restore order, and arrest large groups of people is through the coordination of a cadre of well-trained, disciplined team of officers. A variety of tactical responses utilized to move crowds, rescue victims, and isolate problem areas can be accomplished through the use of *mobile field forces*. Appropriately trained teams, such as the MFF units, can greatly affect the outcome of a civil disturbance event.”¹³⁴

“A MFF is a well-trained, disciplined, organized demonstration of [law enforcement] force that emphasizes unity of command and can be rapidly deployed in civil disorder situations. The most important aspect of a MFF is discipline. The emphasis should be on group action, rather than individual action.”¹³⁵

(1) Mobile Field Force (MFF) Squad¹³⁶

While variations exist, an example of a mobile field force squad is a basic element of an MFF. A MFF squad consists of the following:

- (a) One squad leader and seven officers. One of the seven officers serves as the point person or base element for MFF formations. A different officer may serve as a grenadier if needed. The grenadier deploys riot control agents and less lethal munitions after an authorized authority, such as the on-scene commander or incident commander determines there is a need for the deployment of such force.

- (b) The MFF squad uses two fully marked vehicles.
- (c) Three officers accompany the squad leader, with the remaining squad members traveling in a second car.
- (d) Of these officers, one may be designated as a grenadier. The squad leader makes assignments within the squad based on size, abilities, and experience.

(2) Mobile Field Force Platoon¹³⁷

While variations exist, an example of a mobile field force platoon is essentially comprised of four mobile field force squads combined into one larger response team.

- (a) Composed of one platoon leader
- (b) Four squad leaders
- (c) 28 enforcement officers in 10 fully marked units

Depending on agency policy and crowd actions, riotous crowds may require multiple platoons to manage the crowd effectively. In these circumstances, the local law enforcement agency may request mutual aid assistance from other law enforcement agencies and the North Carolina National Guard.

(3) Arrest Teams

Arrest teams are a team of officers designated explicitly to perform the arrest function of crowd management. We will discuss the application of arrest teams later in the lesson.

- b) Formation commands (verbal and hand-and-arm)

SLIDE: "Formation Commands."

Due to various circumstances, the use of verbal commands and hand-and-arm signals may be necessary for each member of the formation to clearly understand what formation the squad or platoon leader is instructing the column to execute.

- (1) Purposes and considerations for verbal commands and hand-and-arm signals
 - (a) "It will be difficult to see and hear during a civil disorder, and the misinterpretation could lead to confusion.
 - (b) During a civil action/disorder, noise can prohibit responders from hearing verbal commands.
 - (c) Hand signals are used with both preparatory commands and commands of execution."¹³⁸

- (2) Types of commands/signals

- (a) Verbal commands

Each maneuver has a specific verbal command that the Squad Leader (SL) or Platoon Leader (PL) will issue with a hand-and-arm signal. With each illustration and description for the formations, the content will include the commands/signals for that maneuver. Students will be expected to demonstrate an understanding of the verbal commands through a practical exercise.

"It may be difficult to hear verbal commands, so they must be combined with hand-and-arm signals.

- i) Preparatory Commands. These [verbal] commands alert the MFF members that

the *command of execution* will be forthcoming.”¹³⁹

- ii) The formation will then repeat the preparatory command by the Platoon Leader. At the same time, the Squad Leader(s) repeats the *hand-and-arm* signal for the command.
- iii) “Commands of Execution. Upon giving the [verbal] command of execution, the MFF members will immediately conduct the movement directed in the preparatory command.”¹⁴⁰

(b) “Hand-and-arm signals

Hand-and-arm signals are used in conjunction with verbal commands and must be given in a manner that is visible to the MFF.”¹⁴¹ With each illustration and description for the formations, the content will include the commands/signals for that maneuver. Students will be expected to demonstrate an understanding of the hand-and-arm signals through a practical exercise.

c) Squad and Platoon Formations

Whether transitioning from the staging area to the scene or while actively affecting crowd management on scene, the squads and platoons will require organization to remain efficient and protected. This section will discuss the various formations to achieve this objective.

(1) Transitioning (platoon command formation)

“Using commands to assemble squads are important for a polished team during civil disturbances. Movements and spacing within the team are also important factors for presenting that polished image.”¹⁴²

(a) Column¹⁴³

SLIDE: "Column Formation."

The squad leader is at the head of the squad. If several squads are moving together, they move in a double-column. The point person is directly behind the squad leader. All other members are lined up behind the point person. If there is a grenadier, this person is the last one in line. The first squad is on the left, and the second squad is on the right. If there are additional squads, odd-numbered squads are behind squad one and even-numbered squads are behind squad two.

Column commands/signals include:¹⁴⁴

i) Verbal command (column)

The verbal command for column formation is post.

ii) Hand-and-arm signal (column)

The hand-and-arm signal is one arm extended and raised high above one's head in a fist for forming a single column.

If a double column is to be formed, then both arms are raised high above one's head in a fist.

(b) Spacing

i) Tight spacing.

Tight formations require a larger number of officers but are very effective in presenting an intimidating show of force. They are also much more difficult for

protesters to breach. In tight spacing, the officers are almost shoulder-to-shoulder. There is just enough room between officers for them to move without interfering with those next to them.

ii) Tactical spacing

Tactical spacing allows fewer officers to cover a larger area and is the default spacing when deployed. It is used to cover a space between two stationary objects, such as a street from one building to another building. It can be used with all MFF formations.

(c) Column turning (including commands/signals)

SLIDE: "Column Turning."

i) "When columns move, they may have to turn. Keeping the concepts and commands simple is important in having the squads maintain a well-disciplined bearing.

ii) *Column Right* and *Column Left* work well as turning [verbal] commands for making 90-degree movements.

iii) The most difficult turning movement is reversing direction when the column is moving forward. The common *About Face* or *To the Rear, March* are functional, but it reverses the order of the squad. The grenadier would be in front and the squad leader in the rear.

iv) An easy movement for reversing the column is the *Counter Column*. It

appears confusing, but the concept is simple.

Squad one and three turn to the right, turn 180 degrees, and move to the opposite side of squads two and four.

- o Squads two and four turn a sharp 180 degrees.
- o Preparatory command—*Counter columns!*
- o Command of execution—*March!*¹⁴⁵

(2) Crowd Management Formations

The following formations are recommended while observing or in close quarters with the crowd. When officers are in position for each formation, they should consider taking a 'two-hand carry' position if they have a baton.

SLIDE: "Line Formation."

(a) Line formation¹⁴⁶

Line formations may be useful when crowds are straight ahead for some distance or stacked deep but not wide. As the name suggests, this is when the squad/platoon transitions from a column formation into a straight line shoulder to shoulder from left to right – while facing the crowd. Behind the primary line, squad leaders stand to coordinate actions.

Line formation commands/signals include:

- i) Verbal command (line formation)

- o Preparatory command: *Line Formation!*
- o Command of execution: *Move!*
- ii) Hand-and-arm signal (line formation)

The hand-and-arm signal is arms extended and held parallel to the ground; fingers extended.

- (b) Wedge formation¹⁴⁷

SLIDE: “Wedge Formation.”

A wedge formation may be useful when crowds are extremely wide. The point person for the first squad takes up a position at the point of the wedge. Each person from the first squad takes a position one step to the left and one step behind the officer in front of them. The point person from the second squad takes up a position one step to the right and one step behind the point person of the first squad point person. Each person from the second squad takes a position one step to the right and one step behind the officer in front of them. This methodology continues with the other teams until a definitive wedge formation is formed.

Wedge formation commands/signals include:

- i) Verbal command (wedge formation)
 - o Preparatory command: *Wedge Formation!*
 - o Command of execution: *Move!*
- ii) Hand-and-arm signal (wedge formation)

The hand-and-arm signal is arms extended and held in a “V” position above the shoulders, fingers extended.

(c) Encirclement formation¹⁴⁸

SLIDE: “Encirclement Formation.”

The squads form an encirclement around a person(s), typically to effect an arrest or perform a rescue. The group may be a small crowd, or it may be an arrest team making an arrest. With an encirclement formation, every other squad member turns into the circle while the others face outward from the circle. This way, the squads can monitor both the person(s) being encircled and the crowd outside.

Encirclement formation commands/signals include:

- i) Verbal command (encirclement formation)
 - o Preparatory command: *Encirclement!*
 - o Command of execution: *Move!*
- ii) Hand-and-arm signal (encirclement formation)

The hand-and-arm signal is arms extended and held in a circular position above the shoulders, fingers apart.

(d) Separation formation¹⁴⁹

SLIDE: “Separation Formation.”

If two groups of crowds need to be separated, such as opposing activist groups, the platoon/squad may need to use the separation formation. In this formation, the column transition is quickly (double-time) marched into position between the two groups, stopped, and then ordered into the separation formation. To transition into the separation formation, the two columns of field force members perform a 'left or right face' movement to face the crowd.

Separation formation commands/signals include:

- i) Verbal command (separation formation)
 - o Preparatory command:
Separation!
 - o Command of execution: *Move!*
- ii) Hand-and-arm signal (separation formation)

The hand-and-arm signal is arms held straight out to the side with approximately a 90° bend at the elbows. The fingers are extended. The arms are moved forward until the elbows touch and then back out to the sides. This movement is repeated a minimum of three times.

NOTE: The class should be broken down into squads, and the formations/commands/signals should be practiced in an open area.

3. Baton Use in Crowd Management

SLIDE: "Baton Use in Crowd Management."

Batons can serve many purposes. In some cases, officers may utilize batons to strike when lawful. However, "[law enforcement

officers] must be properly trained in all blocking and striking techniques. Improper use of a... baton by an untrained [officer] may have the potential to cause greater injury than intended to the aggressor or to the [officer].”¹⁵⁰

Using a baton for striking is an advanced technique dependent upon varying agency policies. Because of these variables, we will not discuss or teach strikes and blocks using the baton for Basic Law Enforcement Training purposes. However, this training will discuss, and you will demonstrate your understanding of, the carrying positions and Field Force Operations (FFO) during crowd management activities.

- a) Carrying and Positioning for the Baton

SLIDE: “Carrying and Positioning for the Baton.”

NOTE: Instructors should demonstrate these baton carries safely while either in the classroom or just before the practical exercise delivery, or both.

The following carries and positions for the baton are utilized within the Mobile Field Force (MFF) training through the Center for Domestic Preparedness (CDP). “A MFF is a well-trained, disciplined, organized demonstration of [law enforcement] force that emphasizes unity of command and can be rapidly deployed in civil disorder situations. The most important aspect of a MFF is discipline. The emphasis should be on group action, rather than individual action.”¹⁵¹

- (1) Carrying and Positioning for the Baton

- (a) “Order Arms

The baton is carried in a standard manner on the officer’s belt with a baton ring on the opposite side of the officer’s weapon.

- (b) Port Arms Position

The port arms position is the most commonly used holding position for the baton. It can be used when squads are in any formation and

when marching at any speed. Port arms puts the officer in a ready position and thus able to react. From this position, officers can conduct a variety of offensive and defensive maneuvers. The port arms position adds to the impact of an officer's physical presence by deterring the protesters' actions. It demonstrates a well-disciplined team in which all members are trained, work together, and are ready to react. It is important for all officers to use the same port arms position. The right hand is to be positioned on the handle of the baton; an overhand grip is used. The left hand will be on the long portion; an underhand grip is used. It is done this way regardless of the officer's strong or weak hand. When the baton is brought to port arms, the left hand is positioned directly in front of the left shoulder, keeping the elbow close to the side. The right hand is positioned in front of the right hip, keeping it at belt level. The right elbow is kept close to the side. The baton should be at an approximately 45-degree angle to the belt. This is referred to as *right hand-right hip, left hand-left shoulder*.

(c) Port Arms Push

The port arms push is used to move a person who is too close to an officer when an officer intends to move. It can be used from a standing or moving position and is very effective when used with the verbal command "move back." The officer moves the baton straight out from the port arms position and pushes the baton against the person; it is a controlled push, not a sharp strike. Officers must be careful to keep the hands in the correct position when conducting a port arms push. It is very easy for the right hand to move up, putting the baton in a position more parallel to the ground. When this occurs, the baton comes up, and when it is pushed forward, it

can slide up into the protester's throat. How hard an officer needs to push will vary with the situation. The key is to use only reasonable and necessary force.

(d) On-guard Position

The on-guard position can be used with all the formations, much like port arms. It has a much more aggressive appearance to the protesters and is used when the threat level is increasing. From this position, officers can conduct a variety of offensive and defensive maneuvers. Normally, officers move from a port arms position to the on-guard position. The correct hand position is thus easy to visualize: the right hand will be on the handle portion and the left hand on the long portion. There are two differences between the port arms and on-guard positions. First, the officer will move the left foot slightly forward. Second, the long portion of the baton is rotated down until it is pointing forward. The left hand will be extended out, the elbow bent. The right hand will be at belt level on each officer's side.

(e) Raking

This technique is used to place an individual behind the MFF line so that the individual can be arrested. This technique is used when the MFF is in a tight formation, usually one line or in a wedge. It is important that an arrest team is ready to take control of the individual being raked in before the technique is used. The squad leader will designate two officers on the line to rake in the individual. One officer steps slightly to the right of the individual while the other officer steps slightly to the left of the individual. The two officers place their batons behind the individual and *rakes* the person

behind the line. The arrest team immediately takes control of the individual.”¹⁵²

Baton Position Quick Reference¹⁵³

Position	Description
Order Arms	▪ On belt in baton ring
Port Arms	▪ Right hand on handle (overhand) and left hand on long portion (underhand)
Port Arms Push	▪ Move baton straight out from port arms position ▪ Keep baton at 45° angle ▪ Push baton
On-guard	▪ Left foot forward and long portion of baton rotated down ▪ Left hand extended out and elbow bent ▪ Right hand at side
Raking	▪ Used to move protester behind police lines

4. Effecting an arrest during crowd management

SLIDE: “Effecting a Mass Arrest.”

There may be situations where several individuals must be arrested. Under normal [law enforcement] operations, one or two officers make an arrest and complete the booking process, which can be time-consuming. However, during a civil disturbance, having law enforcement officers leave the scene to process an arrestee can have an adverse effect on operations. Mass arrest procedures decrease the impact on operations by using predetermined arrest teams and transportation officers to complete the booking process.

a) Arrest Team Considerations

“What constitutes a mass arrest differs from jurisdiction to jurisdiction and situation to situation. There is no set number of arrestees that necessitates mass arrest procedures. A general rule is when the number of arrest may impact the Mobile Field Force (MFF) operations; mass arrests procedures should be used. Understanding the legal requirements that affect mass arrest is essential. Departments must establish written guidelines and periodically review legal decisions regarding arrests in civil disorder situation.”¹⁵⁴ Arrest teams are responsible for the following:

(1) Pre-arrest¹⁵⁵

SLIDE: “Pre-Arrest Considerations of a Mass Arrest.”

- (a) Ensure there are enough law enforcement officers at the scene.
- (b) Ensure arrest teams are available.
- (c) Consider the number of protesters and the safety of the officers.
- (d) Consider the severity of the violations. Arrests may escalate or aggravate the protest situation.
- (e) Consider the effect mass arrests will have on operations.
- (f) Consider the protesters' demeanor.
- (g) Consider if it is possible to remove only a small group of protesters to remove the problem.
- (h) Ensure transportation is available for arrestees. Depending on the number of arrestees, different forms of transportation are needed. For example, for a relatively large number of arrestees, buses may be used for transporting them to the booking facility.
- (i) Ensure mass arrest or booking facilities are available.
- (j) Have emergency medical service units staging in the area to help decontaminate protestors or treat any injuries.

(2) Arrest guidelines¹⁵⁶

SLIDE: “Arrest Guidelines.”

- (a) Remain professional—don't allow protesters to make you lose your cool.
- (b) Don't engage in dialogue—do not discuss the issues or get into a debate with protesters who will use any statement against you or in an effort to make you lose control.
- (c) Maintain control of the situation.
- (d) Keep it orderly—follow standard operating procedures for your department.
 - i) Use of force guidelines do not change because it is a civil disturbance.
 - ii) Normal procedures, such as restraining and searching arrestees, do not change because it is a civil disturbance.
 - iii) The need for logging of personal property and contraband does not change because it is a civil disturbance. The process must address the securing of personal property and the securing of contraband that will be used as evidence in later proceedings.
- (e) Regardless of race, creed, ethnicity, sex, age, social status, etc., everyone is treated the same.

b) Arrest Procedure

SLIDE: "Mass Arrest Procedure."

(1) Law enforcement recordings

If possible, officers should record the arrests using body-worn cameras or other audio and video recording equipment.

- (2) Talk and de-escalate the arrest (if appropriate)¹⁵⁷

Often, especially during passive-resistant protests, the individual will comply with requests from [law enforcement] officers. Officers should ask if the suspect is willing to cooperate and walk with them. It does not hurt to ask before using physical force to remove the individual. A second consideration is to ask about medical issues and any physical limitations individuals may have.

- (3) Approach, restrain, and search the arrestee

- (a) The arrest team approaches the arrestee(s) and initiates the arrest procedure. This may require no force at all or multitudes in levels of force, including soft hands, strikes, or weapons, depending on the resistance level of the crowd. Use the least amount of force necessary to arrest, and strictly follow agency policy, training, and use of force laws when conducting each physical arrest. Handcuff and search arrestees using techniques learned in the **Compliance and Control Techniques** lesson plan.
- (b) While the arrest team is performing the arrest, the crowd management formation will provide cover by transitioning into the most appropriate formation for the circumstance. For example, the platoon may move from a line formation into the encirclement formation around the arrest team. This will ultimately be directed by the platoon or squad leader.
- (c) Arrest team must ensure proper processing of each arrestee, including securing personal property and contraband for evidentiary purposes.

- c) Arrestee removal¹⁵⁸

SLIDE: “Person Carries.” Instructors should demonstrate these carries in a safe manner while either in the classroom or just prior to the practical exercise delivery, or both.

Some arrestees will simply walk to the transportation van once the arrest is complete. On some occasions, however, the arrestee may refuse to cooperate. In these circumstances, the arrestee may need to be carried to the awaiting transportation van.

- (1) Two-officer carry (suspect handcuffed)

SLIDE: “Two Officer Carry.”

Two officers, one on each side of the arrestee, facing the opposite direction of the individual. This will place one officer’s left side against the left side of the arrestee and the other officer’s right side against the arrestee’s right side.

Using the officer's legs to lift the suspect's weight, the arrestee is lifted and forced to walk back as the officers walk forward and move the arrestee to a more secure location.

- (2) Three-officer carry (suspect handcuffed)

SLIDE: “Three Officer Carry.”

The first two officers assume the same position as the two-officer carry. The arrestee’s legs are crossed. The third officer faces the arrestee and wraps his or her arms around the arrestee’s legs to secure them. The officer who is processing this particular arrest assumes the role as the lead officer. Upon command and using the officer's legs to lift, all three officers lift the arrestee at the same time and move the individual to a more secure location.

SLIDE: “Practical Exercises.” Instructors will discuss the practical exercises, guidelines, and requirements with students. Instructors will find instructions

related to delivering and evaluating the practical exercises and the demonstration in the instructor notes section of the academic checklist.

III. Conclusion

A. Summary

SLIDE: "In Summary..."

Our country was founded on the Constitution and its amendments. The First Amendment guarantees rights that citizens may express discontent through lawful means. During this training block, we identified the different classes of crowds and many of the ideologies that can cause a crowd to protest lawfully and unlawfully. We also discussed managing lawful and unlawful crowds and identified the personal protective equipment commonly used for these circumstances. Additionally, we reviewed the limitations of using force and practiced using standard personal safety equipment and line formations to enforce public safety tasks. We all hope we never have to use these types of responses but remember it is better to have a plan and training and not need it than to need it and not have it.

B. Learning Objectives

SLIDE: "Learning Objectives." Emphasize to students that end-of-topic test questions for this lesson and the final State certification exam are directly related to learning objectives.

1. In writing, correctly explain the following three (3) types of crowds:
 - a) [Lawful assembly](#)
 - b) [Unlawful assembly](#)
 - c) [Riotous assembly](#)
2. Correctly identify, in your own words, how the following constitutional protections impact citizens' rights to demonstrate or protest:
 - a) [First Amendment](#)
 - b) [Fourth Amendment](#)

- c) [Fourteenth Amendment](#)
3. Accurately identify, in your own words, [law enforcement's role](#) in crowd management duties.
4. In writing, correctly list the three (3) general [types of protestors](#) and explain the four (4) common [behavior patterns](#) during civil actions.
5. Correctly explain, in your own words, the common tactics used during the following:
- a) [Non-violent tactics](#)
- b) [Violent tactics](#)
6. In writing, correctly identify the crowd management use of force considerations related to the following:
- a) [Use of force standard](#) in crowd management
- b) [De-escalation](#)
- c) [Duty to intervene](#)
- d) [Use of deadly force](#)
7. Correctly identify, in your own words, the five (5) pieces of [personal protective equipment](#) used in crowd management and state the purposes of each piece of equipment.
8. Correctly list, in writing, the proper crowd management techniques for the following:
- a) [Lawful assemblies](#)
- b) [Unlawful and/or riotous assemblies](#)
9. In your own words, accurately explain the purpose of the following crowd management equipment:
- a) [Air Purifying Respirator \(APR\)](#)

- b) [Riot Control Agents \(RCA\) and Less Lethal Munitions \(LLM\)](#)
- 10. Through practical exercises, correctly demonstrate the ability to perform the following:
 - a) Understanding [verbal and hand-and-arm signals](#) for formations
 - b) Proper [line](#) and [wedge](#) formations
 - c) Proper [baton carrying and positioning](#)
 - d) [Effecting an arrest](#) during crowd management
 - e) Proper [removal of an arrestee](#) with a two-officer carry

End-of-topic test questions for this lesson and the comprehensive state examination directly relate to the objectives.

C. Questions from Class

SLIDE: “Questions.”

D. Closing Statement

SLIDE: “In Closing.”

Crowd management is an experience you may not encounter very often; however, you must be ready when law enforcement must mobilize. The actions we take or fail to take will impact the outcome of a crowd encounter. By employing the progressive steps, using effective verbalization skills, diplomacy, and employing reasonable tactical approaches and other tools and tactics discussed here, when necessary, officers should be able to work effectively towards containing, managing, and, if necessary, dispersing most crowds encountered.

Notes

- ¹ Federal Emergency Management Agency, 32.
- ² Federal Emergency Management Agency, 33.
- ³ Federal Emergency Management Agency, 35.
- ⁴ Federal Emergency Management Agency, 33.
- ⁵ Federal Emergency Management Agency, 37.
- ⁶ Federal Emergency Management Agency, 37.
- ⁷ Federal Emergency Management Agency, 38.
- ⁸ Federal Emergency Management Agency, 38.
- ⁹ Federal Emergency Management Agency, 39.
- ¹⁰ Federal Emergency Management Agency, 39.
- ¹¹ Federal Emergency Management Agency, 41-42.
- ¹² Federal Emergency Management Agency, 41-42.
- ¹³ Federal Emergency Management Agency, 30.
- ¹⁴ Federal Emergency Management Agency, 54-55.
- ¹⁵ Federal Emergency Management Agency, 22.
- ¹⁶ Federal Emergency Management Agency, 22.
- ¹⁷ Federal Emergency Management Agency, 23-24.
- ¹⁸ Riot, N.C.G.S. § 14-288.2 (2022).
- ¹⁹ Federal Emergency Management Agency, 8.
- ²⁰ Riot, N.C.G.S. § 14-288.2 (2022).
- ²¹ Federal Emergency Management Agency, 59-60.

²² Federal Emergency Management Agency, 60.

²³ City of Raleigh, Parades, Demonstrations, and Street Events, City Ordinances, Article C, Section 12-1051,

²⁴ Federal Emergency Management Agency, 60-61.

²⁵ Federal Emergency Management Agency, 59-60.

²⁶ Federal Emergency Management Agency, 9.

²⁷ Federal Emergency Management Agency, 9.

²⁸ Federal Emergency Management Agency, 9.

²⁹ Federal Emergency Management Agency, 11.

³⁰ Federal Emergency Management Agency, 11.

³¹ Federal Emergency Management Agency, 11.

³² Federal Emergency Management Agency, 11.

³³ Federal Emergency Management Agency, 11.

³⁴ Federal Emergency Management Agency, 11.

³⁵ Federal Emergency Management Agency, 11.

³⁶ Federal Emergency Management Agency, 106.

³⁷ Federal Emergency Management Agency, 106.

³⁸ Federal Emergency Management Agency, 106.

³⁹ Federal Emergency Management Agency, 106.

⁴⁰ Federal Emergency Management Agency, 107.

⁴¹ United States Department of Homeland Security, Homeland Threat Assessment, 17.

⁴² United States Department of Homeland Security, Homeland Threat Assessment, 17.

⁴³ Federal Emergency Management Agency, 107.

⁴⁴ Federal Emergency Management Agency, 107.

⁴⁵ Federal Emergency Management Agency, 107.

⁴⁶ Federal Emergency Management Agency, 107.

⁴⁷ Federal Emergency Management Agency, 110.

⁴⁸ Federal Emergency Management Agency, 86.

⁴⁹ Federal Emergency Management Agency, 87.

⁵⁰ Federal Emergency Management Agency, 87.

⁵¹ Department of the Army, 1-7.

⁵² Department of the Army, 1-7.

⁵³ Federal Emergency Management Agency, 93.

⁵⁴ Federal Emergency Management Agency, 89.

⁵⁵ Federal Emergency Management Agency, 90.

⁵⁶ Federal Emergency Management Agency, 90.

⁵⁷ Department of the Army, 1-8.

⁵⁸ Department of the Army, 1-9.

⁵⁹ Department of the Army, 1-9.

⁶⁰ Federal Emergency Management Agency, 91.

⁶¹ Federal Emergency Management Agency, 91.

⁶² Misuse of 911 system, N.C.G.S. § 14-111.4.

⁶³ Federal Emergency Management Agency, 92.

⁶⁴ Fields v. City of Philadelphia, D.C. Civil Action Nos. 2-14-cv-04424/05264 (2017)

⁶⁵ Disorderly Conduct, N.C.G.S. § 14-288.4.

⁶⁶ Department of the Army, 1-7.

⁶⁷ Department of the Army, 1-7.

⁶⁸ Department of the Army, 1-8.

⁶⁹ Department of the Army, 1-8.

⁷⁰ Federal Emergency Management Agency, 99.

⁷¹ Federal Emergency Management Agency, 99.

⁷² Department of the Army, 1-9.

⁷³ Department of the Army, 1-9.

⁷⁴ Department of the Army, 1-9.

⁷⁵ Department of the Army, 1-9.

⁷⁶ Denning, 2021, para 1.

⁷⁷ Denning, 2021, para 2.

⁷⁸ International Association of Chiefs of Police, 7.

⁷⁹ *Scott v. Henrich*, 39F.3d912, (9th Cir. 1994).

⁸⁰ Duty to Intervene and Report Excessive Use of Force, N.C.G.S. § 15A-401(d1) (2022).

⁸¹ Duty to Intervene and Report Excessive Use of Force, N.C.G.S. § 15A-401(d1) (2022).

⁸² Denning, 2021, para 7.

⁸³ Denning, 2021, para 5.

⁸⁴ Denning, 2021, para 4.

⁸⁵ Federal Emergency Management Agency, 115.

⁸⁶ Federal Emergency Management Agency, 120.

⁸⁷ Federal Emergency Management Agency, 116.

⁸⁸ Federal Emergency Management Agency, 116-117.

⁸⁹ Department of the Army, 2-14.

⁹⁰ Department of the Army, 2-14.

⁹¹ American Civil Liberties Union (ACLU) of North Carolina, para 3-10.

⁹² Department of the Army, 2-14.

⁹³ Department of the Army, 2-14.

⁹⁴ Willful and wanton injury to personal property, N.C.G.S. § 14-160 (2022).

⁹⁵ Willful and wanton injury to real property, N.C.G.S. § 14-127 (2022).

⁹⁶ Assaults, N.C.G.S. Chapter 14 Article 8 (2022).

⁹⁷ Homicide, N.C.G.S. Chapter 14 Article 6 (2022).

⁹⁸ Standing, sitting or lying upon highways or streets prohibited, N.C.G.S. § 20-174.1 (2022).

⁹⁹ First degree trespass, N.C.G.S. § 14-159.12, and second degree trespass, N.C.G.S. § 14-159.13 (2022).

¹⁰⁰ Grossi, 22.

¹⁰¹ Communicating Threats, N.C.G.S. § 14-277.1 (2022).

¹⁰² Failure to disperse when commanded a misdemeanor; prima facie evidence, N.C.G.S. §14-288.5(a) (2022).

¹⁰³ Failure to disperse when commanded a misdemeanor; prima facie evidence, N.C.G.S. §14-288.5(a) (2022).

¹⁰⁴ Failure to disperse when commanded a misdemeanor; prima facie evidence, N.C.G.S. §14-288.5(c) (2022).

¹⁰⁵ Federal Emergency Management Agency, 26.

¹⁰⁶ Federal Emergency Management Agency, 26.

¹⁰⁷ Federal Emergency Management Agency, 26.

¹⁰⁸ Federal Emergency Management Agency, 26.

¹⁰⁹ Criminal use of laser device, N.C.G.S. § 14-34.8 (2022).

¹¹⁰ Criminal use of laser device, N.C.G.S. § 14-34.8 (2022).

¹¹¹ Department of the Army, 2-14.

¹¹² Department of the Army, 2-14.

¹¹³ Department of the Army, 2-14.

¹¹⁴ Department of the Army, 2-14.

¹¹⁵ PoliceOne, para 1.

¹¹⁶ PoliceOne, para 4.

¹¹⁷ PoliceOne, para 3.

¹¹⁸ Federal Emergency Management Agency, 123.

¹¹⁹ Federal Emergency Management Agency, 124.

¹²⁰ Federal Emergency Management Agency, 124-125.

¹²¹ Federal Emergency Management Agency, 126-127.

¹²² Federal Emergency Management Agency, 127.

¹²³ Federal Emergency Management Agency, 128.

¹²⁴ Federal Emergency Management Agency, 129-130.

¹²⁵ Federal Emergency Management Agency, 130.

¹²⁶ Federal Emergency Management Agency, 131.

¹²⁷ LaLonde v. County of Riverside 204 F.3d 947; 2000 U.S. App. LEXIS 2778, para 38.

¹²⁸ Haskins, para 5.

¹²⁹ Haskins, para 6.

¹³⁰ Haskins, para 14.

¹³¹ Haskins, para 15.

¹³² Federal Emergency Management Agency, 29.

¹³³ Federal Emergency Management Agency, 29-30.

¹³⁴ Federal Emergency Management Agency, 29.

¹³⁵ Federal Emergency Management Agency, 30.

¹³⁶ Federal Emergency Management Agency, 31.

¹³⁷ Federal Emergency Management Agency, 31.

¹³⁸ Federal Emergency Management Agency, 32.

¹³⁹ Federal Emergency Management Agency, 32.

¹⁴⁰ Federal Emergency Management Agency, 32.

¹⁴¹ Federal Emergency Management Agency, 32.

¹⁴² Federal Emergency Management Agency, 33.

- ¹⁴³ Federal Emergency Management Agency, 33.
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- ¹⁴⁵ Federal Emergency Management Agency, 35.
- ¹⁴⁶ Federal Emergency Management Agency, 37.
- ¹⁴⁷ Federal Emergency Management Agency, 38.
- ¹⁴⁸ Federal Emergency Management Agency, 39.
- ¹⁴⁹ Federal Emergency Management Agency, 41-42.
- ¹⁵⁰ Department of the Army, 3-5.
- ¹⁵¹ Federal Emergency Management Agency, 30.
- ¹⁵² Federal Emergency Management Agency, 54-55.
- ¹⁵³ Federal Emergency Management Agency, 54.
- ¹⁵⁴ Federal Emergency Management Agency, 19.
- ¹⁵⁵ Federal Emergency Management Agency, 20.
- ¹⁵⁶ Federal Emergency Management Agency, 20-21.
- ¹⁵⁷ Federal Emergency Management Agency, 22.
- ¹⁵⁸ Federal Emergency Management Agency, 22-24.