

252. PUBLIC ASSEMBLY



RICHFIELD POLICE DEPARTMENT POLICY

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Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I.PURPOSE

Mobile Field Force (M.F.F.) is a specially trained team of officers capable of responding to incidents of member agencies in which large numbers of people require management for public safety reasons and to protect First Amendment rights and peaceful protesting.

II.SCOPE

The team is designed to respond to public assembly where there is a risk of life and personal safety, property damage or criminal behavior.

III.DEFINITIONS:

MEMBER AGENCY: A police department within greater Hennepin County that has dedicated sworn staff to be specially trained and equipped in the tactics of the Mobile Field Force and are available to respond in that capacity to the needs of any of the other member agencies upon request.

INCIDENT COMMANDER: Chief of Police or designee from the member agency requesting the assistance of the Mobile Field Force. This individual is responsible for overall decision making and direction of resources and tactics used for the duration of the event.

MOBILE FIELD FORCE COMMANDER: Chief of Police or designee from a member agency that consults in a unified command structure with and receives direction from the Incident Commander on overall operations of the Mobile Field Force.

FIELD COMMANDER: Member agency command staff level officer that specifically guides and directs the tactics and operations of the platoon leaders and their Mobile Filed Force members.

PLATOON LEADER: A specially trained supervisor from a member agency that specifically guides and directs the tactics and operations of Mobile Field Force members.

UNLAWFUL ASSEMBLY: (Minnesota Statute 609.705). When three or more persons assemble with the intent to commit any unlawful act by force; or with intent to carry out any purpose in such manner as will disturb or threaten the public peace; or without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.

RIOT: (Minnesota Statute 609.71). When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to a person or property.

IV.PROCEDURE:

ORGANIZATION

The responsibility of the M.F.F. function rests with the Chief of Police of that jurisdiction who may delegate the operational authority to a ranking officer in charge, hereinafter referred to as the M.F.F. Commander.

M.F.F. COMMANDER'S/PLATOON LEADERS RESPONSIBILITIES & DUTIES

- 1) To restore order in the most reasonable manner possible by using sound tactics and equipment necessary to protect life and personal safety, deter criminal behavior and prevent property damage.
- 2) All incidents requiring the deployment of M.F.F. assets will be thoroughly documented in a general report filed in the records management system.
- 3) The Platoon Leader will ensure reports of members are submitted to their home agency detailing M.F.F. activities and actions taken.
- 4) The M.F.F. Commander will maintain competency relating to operational methods and tactics. These methods and tactics will be included in regularly scheduled training for all M.F.F. team members.
- 5) Upon activation of M.F.F. for a particular incident, the scene responsibility shall rest with the incident commander. The incident commander will work with the M.F.F. Commander to coordinate their activities. The M.F.F. Commander shall determine and control the tactical operation of the M.F.F. while working under the command of the incident commander to resolve the issue(s) at hand.
- 6) Unless exigent circumstances are present, the M.F.F. Commander shall coordinate tactical decisions with the incident commander. These decisions could include but are not limited to:
 - a) Ensuring the protection of 1st amendment rights
 - b) Crowd management tactics and goals
 - c) Security goals
 - d) Road closures
 - e) Critical infrastructure
 - f) Exclusion zones
 - g) Use of riot control munitions
 - h) Mass arrest

RESPONSIBILITIES OF M.F.F. MEMBERS

- 1) Officers designated as M.F.F. members during their normal tour of duty at their home agencies will be immediately responsible to their duty supervisor and will function under their direction and control unless an incident occurs that requires a full or partial deployment of the M.F.F. at which time they will report to the Platoon Leader/or their designee.
- 2) If non M.F.F. officers are deployed as part of a M.F.F. incident, these officers will report to the M.F.F. commander until released from an incident by the M.F.F. Commander. All other police personnel at the scene will function at the direction of their supervisors who will coordinate activities with the incident commander.
- 3) Individual officers assigned to M.F.F. will complete their individual reports at the end of shift.

DISPERSAL OF UNLAWFUL ASSEMBLY/RIOT

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event. Should the Incident Commander decide that public safety is presently in jeopardy or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord.

Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group. When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized

announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants.

The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

Dispersal Orders

Unlawful Assembly

May I have your attention please? I am (Rank and Last Name) of the the Richfield Police Department. The police department has declared this assembly unlawful under the State of Minnesota. Minnesota State Statute 609.715 prohibits remaining present at an unlawful assembly. You are hereby ordered to immediately disperse. Please do so quickly by (Directions). If you do not cease your unlawful behavior and disperse, you will be arrested. You have (Time) minutes to leave the area. Thank you for your cooperation.

Trespass

May I have your attention please? I am (Rank and Last Name), the [owner/authorized agent] of the property located at [address]. Minnesota Statutes section § 609.605 provides that no person shall intentionally trespass on the land of another and refuse to depart from that land, without a legal basis, when a demand to do so is made by the lawful possessor or his/her agent. As the [owner/authorized agent] of this property, I am hereby ordering you to depart from this property immediately; this property includes the interior of this building and extends to [insert boundaries of property here]. Again, please depart from this property immediately. If you refuse to leave, you will be trespassing and subject to arrest. Thank you for your cooperation.

Crowd Control Measures

Upon a determination by the Chief, or designee, that public safety is at risk or an assembly is deemed to be an unlawful assembly or a riot, the crowd may be disbursed. Before ordering forced dispersal, lesser alternatives will be considered, and when possible or practical, implemented.

1) Display of Police Officers/Show of Force.

Unless exigent circumstances justify immediate action; officers shall not independently make arrests or employ force without supervisor authorization.

2) Barricades.

3) Crowd Control Equipment

Only the following equipment may be used for crowd control during a civil disturbance: large chemical aerosol canisters (>10 ounces), chemical munitions or projectiles (CS, OC, CN), smoke munitions or projectiles, pepper balls, marking rounds (40mm direct, exact or blunt impact projectiles or rounds), wood batons (as impact weapons), and light sound distraction devices (inert, CS, OC or CN blast balls).

Only officers who have been trained and qualified in the use of specific crowd control equipment may be assigned and use this equipment in accordance with this policy. All use and authorizations must comply with this policy.

Use of any crowd control equipment shall be documented in a police report and a Special Incident Review.

Authorization for crowd control equipment use

- 1) During civil disturbances authorization for crowd control equipment deployment and use shall only come from the Chief of Police, or if the Chief is unavailable, the Chief's designee.
 - a) Such authorization shall be given over the police radio via radio transmission to personnel on scene, whenever possible.
 - b) The incident commander shall ensure that any authorization for crowd control equipment (which must come from the Chief of Police or if the Chief is unavailable, his designee) is documented in the police report, including the person who authorized the use of crowd control equipment.
 - c) Sworn Richfield Police officers shall not deploy crowd-control equipment in a civil disturbance or an assembly until they have been authorized under this policy, **unless there is an immediate need to protect oneself or another from imminent physical harm.** In these circumstances, crowd control equipment may only be used against specific persons who are posing a threat of imminent physical harm to the officer or another, in compliance with applicable use of force policy. The sworn officer using crowd control equipment under such circumstances must notify their supervisor of the use of crowd control equipment as soon as it is safe to do so. The supervisor shall notify the Incident Commander as soon as it is safe to do so.

Any sworn officer who uses crowd control equipment under this section (against specific persons in an assembly without prior authorization) shall document and detail in the police report the specific circumstances establishing that there was an immediate need to protect themselves or another from objectively imminent physical harm.

Mass Arrest and Booking

- 1) The timely arrest of those committing crimes is one key to the resolution of crowd management situations which have evolved into a large group civil disturbance. Experience has shown that the process of arresting significant numbers of people can quickly overwhelm the ability of law enforcement to deal with them.
- 2) Hennepin County Sheriff's Office is a partner in mass arrest and booking situations. The Hennepin County Sheriff's Office should be utilized for transport and booking whenever possible. The Incident Commander should be prepared to staff and coordinate mass arrests with the local jurisdiction or assisting agencies if the HCSO is not available to assist.
- 3) Prior to a mass arrest, adequate verbal warnings shall be given to those who may be subject to arrest. A supervisor shall be appointed by the M.F.F. Commander. This person should come from the M.F.F. team whenever possible. This person should coordinate the department's implementation of mass arrest procedures and establish contact with the Hennepin County Sheriff's Office. He or she will be responsible to the incident commander to ensure that appropriate resources are identified to process and transport prisoners from the field to a holding or booking site. That site may be at a location different from the Hennepin County Jail. It shall be the supervisor's duty to arrange prisoner transportation and ensure that appropriate paperwork tracks with arrested parties.
- 4) Procedures to ensure that sufficient information is collected at the booking point to establish a basis for arrest and prosecution. This would include but not be limited to:
 - a) Information establishing that a crime was committed and the arrested party committed the crime
 - b) The date and time of occurrence
 - c) Victim
 - d) Witnesses

- e) Location
 - f) Property taken or damaged
- 5) A system to collect and transport evidence associated with these arrested parties must also be established so that fruits of the crime, weapons, etc. are appropriately handled so that the chain-of-custody is maintained.

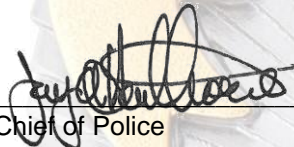
TRANSPORTATION

In the event of a large group civil disturbance, police vehicles will be at a premium. A supervisor designated by the incident commander is responsible for providing an assessment to the incident commander of the vehicle inventory and should be prepared to provide vehicles to M.F.F. at the direction of the incident commander.

MEDIA RELATIONS

The designated Public Information Officer (PIO) shall maintain close contact with the incident commander or the Emergency Operations Center (EOC), when activated and act as the department's point of contact for the media.

By Order Of:



Chief of Police

