



Lexington Police Department

Lexington, Kentucky

GENERAL ORDER

BY THE AUTHORITY OF THE CHIEF OF POLICE

G.O. 2016-05

Rescinds: SO 1993-16B;
SO 1993-17

Effective Date: 03/02/17

Originally Issued:
1993; 1993

Crowd Management and Crowd Control

References: CALEA Chapter(s)

Distribution: | All Sworn Officers and Forensic Services Unit Employees

I. PURPOSE

The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during demonstrations and civil disturbances.

II. POLICY

It shall be the policy of the Lexington Police Department to strive to effectively manage crowds during demonstrations or civil disturbances to prevent loss of life, injury, or property damage and minimize disruption to persons who are uninvolved. Officers encountering such incidents shall adhere to this policy to protect life, property, and the exercise of First Amendment rights. In rare circumstances involving emergencies, and in widespread highly volatile civil unrest with the potential for widespread violence, the incident commander (IC) may temporarily suspend any policy, provision, or guideline contained herein when such action is determined to be the only reasonable alternative for the prevention of loss of life or major property damage.

III. DEFINITIONS

Civil Disturbance: A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.

Crowd Management Equipment: Equipment that has been issued to officers by the Technical Services Unit for use during crowd management and crowd control. Equipment includes 36" batons, protective ballistic helmets with face shields and protective forearm and shin pads. Gas masks will be issued to all sworn officers who are medically approved to wear them.

Crowd Control: Techniques used to address civil disturbances, to include a show of force, crowd containment, dispersal equipment and tactics, and preparations for multiple arrests.

Crowd Management: Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining their lawful status through event planning, pre-event contact with group leaders, issuance of permits when applicable, information gathering, employee training and other means.

Demonstration: A lawful assembly of persons organized primarily to engage in First Amendment activity. These may be scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Lawful

demonstrations can devolve into civil disturbances that necessitate enforcement action.

Large-Scale Celebration: Most commonly associated with celebratory crowds before and after high profile sports games. These events can occur in different locations within our jurisdiction, at the same time.

IV. GENERAL PROCEDURE

A. Supervisor Evaluation

1. Supervisory officers within the Lexington Police Department shall evaluate each situation, determine potential threat to life and property, and determine the appropriate department response. Potential threat(s) shall determine department response, state of preparedness, and relative priority alert of the situation. Upon request by a supervisor, a member of the Command Staff shall be notified and shall respond to the scene and assume the role of Incident Commander.

Note: The priority alert system is outlined in GO series 2015-05 Emergency Mobilization Plan.

B. General Management and Organization Principles

1. Government may impose reasonable restrictions on the time, place, and manner in which persons engage in First Amendment activity. The department shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, facilitate uninhibited commerce and freedom of movement.

C. Response to Resistance

Note: Also refer to GO series 1991-02 Response to Resistance.

1. Unless exigent circumstances justify immediate action, officers shall not independently make arrests or employ force without supervisory approval.
2. The following restrictions and limitations on the response to resistance shall be observed during demonstrations, large-scale celebrations and civil disturbances. In all cases, weapons should be carried and deployed only by trained and authorized officers.
 - a. Canine teams may respond as backup when appropriate, but shall not be deployed for crowd control (i.e., containment or dispersal). Canines shall remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of the crowd. Canines may be deployed in appropriate circumstances related to bomb detection, pursuit of suspects in buildings, and related situations.
 - b. Mounted Unit horses may be used to surround and control groups of nonviolent demonstrations or large-scale celebrations as appropriate. They shall not be used against passively resistant demonstrators who are sitting or lying down. Mounted Unit horses shall not be utilized when the use of chemical agents is anticipated or deployed, nor shall they be used in icy or snow conditions or when similar lack of footing may

jeopardize the animal, rider, or others.

c. Motor vehicles may be used to surround and move persons as appropriate but shall not be brought into contact with them.

d. Impact projectiles shall not be fired indiscriminately into crowds.

1. Less-lethal munitions other than less-lethal shotgun munitions may be deployed only by ERU members, and in accordance with their training, in civil disturbances where life is in immediate jeopardy, or the need to use the devices outweighs the potential risks involved.

2. Less-lethal shotgun munitions can generally be used during civil disturbances by trained employees with supervisor approval against specific individuals who are engaged in conduct that poses an immediate threat of death or serious injury or significant levels of property damage.

3. In accordance with policy, a verbal warning should be given prior to the use of impact projectiles when reasonably possible.

e. Conducted Electrical Weapons (CEWs) shall be used only for purposes of restraint or arrest of actively resistant individuals when alternative less forceful means of control are not available or are unsuitable and only when the individual can be accurately targeted. CEWs shall not be fired indiscriminately into crowds.

f. OC may be used against specific individuals engaged in unlawful conduct or actively resisting arrest, or as necessary in a defensive capacity when appropriate. OC spray shall not be used indiscriminately against groups of people where bystanders would be unreasonably affected, or against passively resistant individuals. High-volume OC delivery systems (such as MK-9 and MK-46) are designed for and may be used against groups of people engaged in unlawful acts or endangering public safety and security when approved by the IC. Whenever reasonably possible, a warning shall be issued prior to the use of these systems.

g. Chemical munitions may be deployed defensively only by ERU members, and in accordance with their training to prevent injury when lesser force options are either not available or would likely be ineffective. Such munitions shall be deployed at the direction of the IC and only when avenues of escape are available to the crowd. When reasonably possible, their use shall be announced to the crowd in advance.

h. Response to Resistance Reporting and Investigation

1. Because of the unique logistical and safety concerns presented by civil disturbances and large-scale celebration, the Public Integrity Unit shall have a representative assigned to the command post of the IC during a declared civil disturbance or large-scale celebration.

- a. The role of the PIU representative shall be to provide oversight and to

serve as a liaison for officers to ensure department policies and procedures, particularly those involving Response to Resistance and complaints, are properly handled.

b. Response to Resistance reports and complaints from civil disturbances and large-scale celebrations shall be completed by the involved officer's chain of command in accordance with the current reporting policy and procedure.

c. PIU shall review all reports from the event in accordance with current policy and procedures.

d. In the event there is a serious injury or death involving an officer's response to resistance or actions, PIU shall conduct an inquiry in accordance with current policy and procedures.

D. Mass Arrest

1. It may be necessary to make arrests of numerous individuals over a relatively short period of time. For this process to be handled efficiently, safely, and legally, the following shall be observed:

a. Mass arrests should be conducted by designated arrest teams and at the direction of a supervisor.

b. An adequate secure area shall be designated for holding prisoners after initial booking and while awaiting transportation.

c. Arrest teams shall be advised of the basic offenses to be charged in all arrests, and all arrestees shall be advised of these charges.

d. Prisoners who are sitting or lying down but agree to walk shall be escorted to the transportation vehicle for processing; two or more officers shall carry those who refuse to walk.

e. Prisoners shall be searched incident to arrest for weapons, evidence of the crime of arrest, and contraband.

f. Photographs and/or video shall be taken of the prisoner, arresting officer and any prisoner property and a uniform citation shall be completed.

g. Transporting officers shall not accept prisoners without a properly prepared uniform citation and ensuring photographs were taken, and shall ensure that all property is properly processed.

h. Injured prisoners and those who request medical attention shall be provided medical attention prior to transportation to the detention facility. Photographs shall be taken of all injuries.

V. CIVIL DISTURBANCES

A. The Chief of Police will designate an incident commander (IC) responsible for overall control of a civil disturbance. In accordance with the National Incident Management System (NIMS), the IC shall implement an incident action plan.

B. In the case of a widely dispersed civil disturbance, or civil disturbances with multiple locations, multiple ICs may be assigned at the discretion of the Chief.

C. The primary objectives of the IC at a civil disturbance will be as follows:

1. Protect persons, regardless of their participation in the disturbance; and protect property.
2. Disperse disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence.
3. Ensure officers involved are wearing proper crowd management equipment as directed by the IC.
4. Arrest law violators and remove or isolate persons inciting violent behavior.
5. Officers shall be briefed on what to expect and appropriate responses. They shall be informed that the IC or designee(s) shall be responsible for ordering any response deemed appropriate.
6. Unless necessary, officers should avoid making mass arrests.
7. All event proceedings should be photographed and/or audio and video recorded.
8. Should the mayor proclaim that a civil emergency exists under Article II of the Lexington-Fayette County Code of Ordinances (Sec.5A-12), the department will abide by said proclamation and any orders issued by the mayor (Sec. 5A-14) in the interest of public safety and welfare.

D. Disturbance at correctional facilities, specifically: Fayette County Community Corrections, Blackburn Correctional Complex, Fayette Regional Juvenile Detention Center, and Eastern State Hospital.

1. Upon request of the facility's chief executive, or designee, to assist with a disturbance within the facility, the Patrol Duty Commander shall respond to the scene and assess the situation.
2. If a police response is needed, the Patrol Duty Commander will activate the Emergency Response Unit as appropriate, provide for perimeter security and request that a member of the Command Staff respond to the scene.
3. Department assistance within the facility should be carried out by officers under department command only.

4. If the Patrol Duty Commander believes that a disorder at the Regional Juvenile Detention Center is of a scale small enough to be controlled with available patrol units, the Patrol Duty Commander may direct such assistance. Department officers are not to enter the secure area without Patrol Duty Commander approval and approval from the Detention Program Administrator or Juvenile Justice Branch Manager.

5. Contingency plans for civil disorder or hostage and barricaded persons situations at Blackburn Correctional Complex call for the facility to receive special operations assistance from the Northpoint Training Center in Danville. Blackburn's plans call for the department and/or the Kentucky State Police to maintain security of an outer perimeter around the institution.

E. Disturbance at Federal Medical Center (Bureau of Prisons)

1. Department officers do not have jurisdiction on this Federal property.
2. The responding duty commander may arrange for perimeter security until the arrival of Federal personnel.

F. Response to Spontaneous Civil Disturbances

1. The first officer to arrive on the scene of a spontaneous civil disturbance shall:
 - a. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent;
 - b. Notify E911 of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons, the location and estimated number of participants, current activities (e.g., blocking traffic), direction of movement, and ingress and egress routes for emergency vehicles;
 - c. Request the assistance of a supervisor and necessary backup;
 - d. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse; and
 - e. Attempt to identify crowd leaders and agitators engaged in criminal acts.
2. The first officer or supervisor in charge at the scene shall:
 - a. Act as Incident Commander (IC) until relieved by a higher authority.
 - b. Deploy officers at vantage points to report on crowd actions;
 - c. Ensure officers involved are wearing proper crowd management equipment as directed by the IC.
 - d. Establish a perimeter sufficient to contain the disturbance and prohibit entrance into

the affected area;

e. Ensure that, to the degree possible, uninvolved people are evacuated from the immediate area of the disturbance;

f. Establish a temporary command post; and

g. Provide ongoing assessment to E911.

3. In the area outside the perimeter, the IC shall ensure that the following actions are taken:

a. Move and reroute pedestrian and vehicular traffic around the disorder.

b. Control unauthorized ingress and egress by participants.

c. Prevent attempts to assist or reinforce the incident participants from outside the area.

4. The IC should also ensure that:

a. Adequate security is provided to fire and EMS personnel in the performance of emergency tasks;

b. Support and relief of employees are available;

c. A secure staging area for emergency responders and equipment is designated;

d. Liaison and staging points for media representatives are established and available information is provided as appropriate;

e. The IC event log is staffed for documenting activities and actions taken during the course of the incident;

f. Photographs are taken and video recordings of event proceedings are made;

g. Photographs are taken of any injuries sustained by law enforcement officers or the public; and

h. The need for full mobilization of sworn officers and the recall of off-duty officers is determined.

G. Crowd Dispersal

1. Before ordering forced dispersal of a civil disturbance, the IC shall determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:

a. Establish contact with crowd leaders to assess their intentions and motivations and

develop a mutually acceptable plan for de-escalation and dispersal.

b. Communicate to the participants that their assembly is a violation of the law and that the department wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively.

c. Negotiate with crowd leaders for voluntary dispersal, or target specific violent or disruptive individuals for arrest.

2. Prior to issuing dispersal orders, the IC shall ensure that all potentially necessary law enforcement equipment and employees are on hand to successfully carry out tactical operations and that logistical needs are in place for making mass arrests.

3. When the IC has made a determination that an unruly gathering is present and crowd dispersal is required, the IC shall direct supervisors, where time and circumstances permit, to issue warnings prior to taking action to disperse the crowd.

a. The warning should consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes. A second and a third warning should be issued at reasonable time intervals before designated actions are taken to disperse the crowd. Where possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.

b. Specific crowd dispersal tactics should be ordered as necessary where the crowd does not heed warnings. These include, but are not limited to, any one or combination of the following:

1. Display of forceful presence to include police lines, combined with motorcycles, law enforcement vehicles, mounted units, and bicycle units

2. Crowd encirclement

3. Multiple simultaneous arrests

4. Use of crowd control chemical agents

5. Law enforcement formation forcing crowd movement

H. Deactivation

1. When the disturbance has been brought under control, the IC shall ensure that the following measures are taken:

a. All employees engaged in the incident shall be accounted for and an assessment and documentation made of personal injuries.

b. Witnesses, suspects, and others shall be interviewed or questioned.

- c. All necessary employees shall be debriefed as required.
- d. All written reports shall be completed as soon as possible after the incident. Comprehensive documentation of the basis for the incident, the department's response to the incident, with a statement of impact to include the costs of equipment, employees, and related items shall be completed.

VI. DEMONSTRATIONS

A. Preparation, Planning and Response

1. The on scene supervisor should make every effort to make advance contact with the leaders of a demonstration and to gather information about the event to ensure accurate assignment of employees and resources. Necessary information includes:
 - a. What type of event is involved?
 - b. When is it planned?
 - c. Will the event coincide with other routine large-scale events (e.g. sports events)?
 - d. Is opposition to the event expected?
 - e. How many participants are expected?
 - f. What are the assembly areas and movement routes?
 - g. What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest (e.g., dragon sleeves and u-locks)?
 - h. What if any critical infrastructures are in the proximity of the event?
 - i. Have other agencies such as Fire and EMS been notified?
 - j. Is there a need to request mutual aid?
 - k. Will off-duty employees be required?
 - l. What is the past history of conduct at such events and whether group leaders are cooperative?
2. If deployment of officers is necessary, officers shall wear their badges or "Police" tactical vest and nameplates or other identification in a visible location at all times.
3. Officers shall be positioned in such a manner as to minimize contact with the demonstration.
4. Officers shall not engage in conversations or be prompted to act in response to comments from demonstrators. Officers shall maintain a courteous and neutral demeanor.

5. Persons who reside, are employed, or have emergency business within the area marked off by a police line shall not be prevented from entering the area unless circumstances suggest that their safety would be jeopardized or their entry would interfere with law enforcement operations.
6. A designated supervisor, if possible, should establish and maintain communication with demonstration leaders and relay information on crowd mood and intent.
7. Supervisors shall maintain close contact with their assigned officers to ensure compliance with orders, monitor behavior and disposition, and ensure that they are aware of any changes in crowd behavior or intent.

B. Crowd Dispersal

1. Before ordering crowd dispersal of a demonstration, the on scene supervisor shall determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:
 - a. Establish contact with crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalation and dispersal.
 - b. Communicate to the participants that their assembly is a violation of the law and that the department wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively.
 - c. Negotiate with crowd leaders for voluntary dispersal, or target specific violent or disruptive individuals for arrest.
2. Prior to issuing dispersal orders, the on scene supervisor shall ensure that all potentially necessary law enforcement equipment and employees are on hand to successfully carry out tactical operations, and that logistical needs are in place for making mass arrests.
3. When the on scene supervisor has made a determination that a demonstration has become an unruly gathering and crowd dispersal is required, the supervisor shall direct officers, where time and circumstances permit, to issue warnings prior to taking action to disperse the crowd.
 - a. The warning should consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes. A second and a third warning should be issued at reasonable time intervals before designated actions are taken to disperse the crowd. Where possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the event log.
 - b. Specific crowd dispersal tactics should be ordered as necessary where the crowd does not heed warnings. These include, but are not limited to, any one or combination of the following:

1. Display of forceful presence to include police lines, combined with motorcycles, law enforcement vehicles, mounted units, and bicycle units
2. Crowd encirclement
3. Multiple simultaneous arrests
4. Use of crowd control chemical agents
5. Law enforcement formation forcing crowd movement

C. Deactivation

1. When the demonstration has been dispersed, the on scene supervisor shall ensure that the following measures are taken:
 - a. All employees engaged in the incident shall be accounted for and an assessment and documentation made of personal injuries.
 - b. Witnesses, suspects, and others shall be interviewed or questioned.
 - c. All necessary officers shall be debriefed as required.
 - d. All written reports shall be completed as soon as possible after the incident. Comprehensive documentation of the basis for the incident, the department's response to the incident, with a statement of impact to include the costs of equipment, employees, and related items shall be completed.

VII. LARGE-SCALE CELEBRATIONS

A. Preparation, Planning and Response

1. The IC or a designee shall prepare a written action plan subject to the approval of the Chief of Police or designee.
2. The action plan shall address provisions for the following and be distributed to all affected supervisors command and supervisory officers.
 - a. Command assignments and responsibilities
 - b. Liaison with outside agency partners
 - c. Release of information to the news media
 - d. Staging points for additional resources and equipment
 - e. Traffic management

- f. Transportation of prisoners and prisoner detention areas
 - g. Adequate security is provided to fire and EMS personnel in the performance of emergency tasks
3. If time permits, officers should be pre-deployed to the affected area of a large-scale celebration and do the following:
- a. Make contact with residents in the affected area and remind them of personal and property safety procedures as well as potential traffic impacts.
 - b. Coordinate with other government resources to ensure all flammable objects and materials are removed from the area prior to the large-scale celebration.
 - c. Post highly visible no parking signs throughout the affected area prior to the anticipated large-scale celebration.
 - d. Coordinate with affected residents to ensure their understanding of and compliance with the parking restrictions.
4. If deployment of officers is necessary, the IC will ensure officers involved are wearing proper crowd management equipment and officers shall wear their badges or “Police” tactical vest and nameplates or other identification in a visible location at all times.
5. Supervisors shall maintain close contact with their assigned officers to ensure compliance with orders, monitor behavior and disposition, and ensure that they are aware of any changes in crowd behavior or intent.

B. Crowd Dispersal

- 1. Before ordering crowd dispersal of a large-scale celebration, the IC shall determine whether lesser alternatives may be effective.
- 2. Prior to issuing dispersal orders, the on scene supervisor shall ensure that all potentially necessary law enforcement equipment and employees are on hand to successfully carry out tactical operations and that logistical needs are in place for making mass arrests.
- 3. When the IC has made a determination that a large-scale celebration has become an unruly gathering and crowd dispersal is required, the IC shall direct officers, where time and circumstances permit, to issue warnings prior to taking action to disperse the crowd.
 - a. The warning should consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes. A second and a third warning should be issued at reasonable time intervals before designated actions are taken to disperse the crowd. Where possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the event log.
 - b. Specific crowd dispersal tactics should be ordered as necessary where the crowd

does not heed warnings. These include, but are not limited to, any one or combination of the following:

1. Display of forceful presence to include police lines, combined with motorcycles, law enforcement vehicles, mounted units, and bicycle units
2. Crowd encirclement
3. Multiple simultaneous arrests
4. Law enforcement formation forcing crowd movement

C. Deactivation

1. When the large-scale celebration has been brought under control, the IC shall ensure that the following measures are taken:

- a. All employees engaged in the incident shall be accounted for and an assessment and documentation made of personal injuries.
- b. Witnesses, suspects, and others shall be interviewed or questioned.
- c. All necessary employees shall be debriefed as required.
- d. All written reports shall be completed as soon as possible after the incident. Comprehensive documentation of the basis for the incident, the department's response to the incident, with a statement of impact to include the costs of equipment, employees and related items shall be completed.