
Civil Disturbances

430.1 PURPOSE AND SCOPE

The Port Orchard Police Department is charged with protecting the constitutional rights of all persons. The Port Orchard Police Department recognizes the rights of all citizens to free speech and assembly, while ensuring that public order is maintained and the lives and property of others is protected. The Port Orchard Police Department, in striving to uphold its responsibilities, shall monitor, analyze, and evaluate such special events as:

- (a) Block parties.
- (b) Labor-management controversies.
- (c) Open air public meetings.
- (d) Parades.
- (e) Picketing situations.
- (f) Public demonstrations.
- (g) Races.
- (h) Strikes.
- (i) Processions.
- (j) Other special events/activities occupying or marching on any street or public place.

The manner in which law enforcement officers deal with unruly crowds and unlawful assemblies has a direct bearing on their ability to control and defuse the incident. The purpose of this policy is to establish guidelines to effectively deal with unruly crowds and illegal gatherings that are engaged in or pose a significant threat of engaging in violence, property damage, or a breach of the peace.

This policy should be considered in conjunction with the Department's First Amendment Assemblies policy.

430.2 POLICY

The Port Orchard Police Department will protect the rights of free speech and peaceful assembly until the actions of such an assembly threatens the rights of others or substantially disturbs the peace. When this occurs, the Department will take action to discourage unlawful conduct, control crowds and maintain order.

430.3 PLANNING

Oftentimes a civil disturbance will stem from incidents or situations that are known in advance to the Police Department. When the Department has warning of any such event, a point person or persons shall be identified to draw up written plans to address potential problems to include personnel assignments, the identification of staging areas, transportation needs, mass arrests, locations for mass arrest holding areas, and all other requirements identified in this section. Special

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schedules for all departmental employees may be necessary to ensure that adequate personnel resources are available to carry out the Department's mission. Such special schedules could include mandatory 12-hour shifts through the duration of the incident.

430.4 STATUTORY PROVISIONS

The Washington State statutes in regards to unlawful assemblies can be found within

1. RCW 9A.84 - Public Disturbances.
2. PMC 9.80.80 - Disorderly person.
3. PMC 9.80.120 - Public disturbance noises.

430.5 INITIAL RESPONSE

Lawful assemblies may require monitoring to ensure that they remain lawful. Consideration should be given to other factors or organizations that may wish to infringe upon the rights of those who wish to assemble lawfully. On-scene officers should be alert for the following conditions:

- (a) Pedestrian and vehicular movement are not impaired.
- (b) The public right-of-way is not impeded.
- (c) Private property is not damaged or violated.
- (d) No City, state, or federal statutes are violated.

If an event or lawful assembly becomes a civil disturbance or an unlawful assembly where public order, civil rights, life or property are threatened or violations of law occur, officers of the Port Orchard Police Department will take action to include but not limited to:

- (a) Observe the situation from a safe distance to determine the type of gathering and the appropriate response.
- (b) Communicate this assessment to a supervisor.
- (c) Approach the crowd and instruct them to disperse only if reasonably safe to do so.
- (d) Attempt to identify crowd leaders and individual(s) engaging in criminal acts.
- (e) Remain neutral.
- (f) The ranking supervisor or officer on-duty will:
 1. Assume responsibility to assess and coordinate the Department's response.
 2. Establish an incident command post.
 3. Determine manpower needs.
 4. Establish a staging area.
 5. Attempt to resolve the matter as peacefully as possible.

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430.6 INCIDENT COMMAND

The incident commander, after assessing the situation, shall make assignments to areas of responsibility in accordance to the size and scope of the incident. Depending on the size of the incident, the incident commander may initiate the Emergency Operation Plan. In smaller incidents, the incident commander will simply ensure the following responsibilities are considered during the course of the incident.

430.6.1 COMMAND OPTIONS

When adequate personnel and resources are in place, communications should be established with leaders of the disturbance regarding dispersal of the crowd. Should the crowd fail to disperse, the following options should be considered:

- (a) Containment and dialogue. The objective of containment and dialogue is to disperse the crowd.
- (b) Physical arrest. When appropriate, the order should be given to arrest crowd leaders, agitators, or other engaged in unlawful conduct.
 - 1. Ensure the appropriate use of tactical formations and that officers are equipped with available protective equipment.
 - 2. Ensure the availability of transportation for those arrested.
 - 3. Ensure that a backup team of officers is readily available, should assistance be required.

430.7 MASS ARREST

To expedite the handling and processing of persons under arrest while safeguarding their constitutional rights, a field booking facility may be established.

- (a) **Location Criteria:** The facility should be located out of sight of the scene of the mass arrest and be large enough to accommodate the anticipated number of prisoners, all processing procedures and the storage of necessary supplies. If transportation to jail is not immediately available, shelter, warmth, toilet facilities and security of the prisoners will be required.
- (b) **Arresting Officer Responsibilities:**
 - 1. Deliver the arrestee along with any relevant evidence to the field booking facility.
 - 2. Give Miranda Rights Warnings from a Department-issued card.
 - 3. Stand by with the prisoner for a photograph.
 - 4. Write a brief paragraph which states the probable cause for arrest.
 - 5. Search the arrested person and secure personal property and/or evidence in a secure envelope and/or bag.
 - 6. Return to field assignment as soon as possible.
 - 7. After completing all of the duties in conjunction with the incident, the officer shall return and complete a detailed offense report on each arrestee.

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(c) **Crime Scene Officer Responsibilities:**

1. Photograph the prisoner and arresting officer together with any evidence and property envelopes prominently displayed in the photograph. The case number shall be written on the envelopes in black pen large enough to be easily read.
2. Maintain the prisoner in custody until released to the transportation detail.
3. Assign a case number to each arresting officer and his/her arrestee unless all prisoners are in custody in relation to the same case.
4. Complete any charging documents and affix them to the probable cause statement written by the arresting officer.
5. Collect personal property from the prisoner and complete any other necessary paperwork. The Crime Scene Officer shall maintain control of personal property and evidence envelopes along with offense reports and identification photographs.
6. Keep the Incident Commander advised of the number and type of arrested persons processed.

(d) **Transportation Detail Responsibilities:**

1. Communicate with the Kitsap County Jail about the mass arrest probability and coordinate with that facility for booking procedures.
2. Procuring vehicles to transport the anticipated number of persons arrested.
3. Deliver cuffed or otherwise restrained prisoners to a detention facility or county jail along with the appropriate completed paperwork.
4. If the arrested individuals are to be released after processing, the transportation detail will be responsible for transporting those individuals away from the incident site prior to release.

(e) **Security at Field Booking Facility:** The appropriate number of officers shall be assigned to maintain exterior and interior security of the field booking facility. The security detail should provide assistance to arresting officers and those working in the field booking facility.

(f) **Medical Staff:** Fire Department aid crews will be at the booking facility to screen all arrested individuals for medical treatment. If the arrested individual requires hospitalization, he/she shall be transported to the hospital for medical release prior to being booked into the Kitsap County Jail. If an arrested individual requires prescribed medication while detained and that individual is in possession of the medication at the booking facility, the aid crew's recommendation concerning the prescribed medication will be obtained prior to dispensing such medication.

(g) **Defense Counsel Visitations:** All prisoners should be advised of their constitutional rights by the arresting officer. Officers should not allow attorneys to interfere with the process. The first opportunity for a detained person to consult legal counsel will be after the booking process has been completed at the Kitsap County Jail.

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- (h) **Liaison with Prosecutors:** When a mass arrest situation is anticipated but prior to its actual inception, an officer should be selected as liaison with the City/County Prosecuting Attorney's office. The liaison officer shall solicit legal advice from the attorney who will be available to give continued advice for the duration of the incident. When the mass arrest situation is spontaneous and without opportunity for prior planning, the City/Prosecuting Attorney should be contacted for legal guidance as soon as the circumstances permit.
- (i) **Food, Water and Sanitation:** When transportation to a jail facility cannot be accomplished within a reasonable time period, the field commander will initiate procedures to provide food, water and sanitation facilities for those arrestees waiting to be transported.

430.8 UNION STRIKE / LABOR DISPUTES

The intent of this procedure is to protect the rights of both the pickets and public during labor disputes. Generally, while monitoring the picket lines, arrests should be avoided whenever possible and efforts should be made to obtain voluntary compliance. It shall be the policy of this Department to act in a fair and objective manner when dealing with parties from either side of a labor dispute or strike. The Police Department's role should be to defuse potentially violent situations, protect life and property and minimize any inconvenience to the general public caused by such disputes.

- (a) Field supervisors will give specific instructions to their officers with regard to close patrols on the picket locations, vulnerable targets, potential trouble spots, etc. Patrol should be conducted in such a fashion as to not indicate favoritism for one side or the other. Field supervisors should be particularly sensitive in trying to maintain a balance between sufficient close patrols to indicate a police presence in the area but not so focused or high profile as to constitute or be considered as intimidating or inflammatory.
- (b) Wherever possible, citations will be issued by mail and summonses or arrest warrants will be served away from the scene of potential confrontation.
- (c) In the event that traffic is disrupted or blocked illegally, those responsible should be informed that the Department will take whatever action is necessary to clear the problem.