

**POLICY
316**

**EFFECTIVE
DATE
10-15-21**

**Eugene
Police Department**



Public Assemblies and Demonstrations

316.1 PURPOSE AND SCOPE

This policy is intended to be used in conjunction with other General Operations to manage public assemblies and demonstrations which do not rise to the level of a civil disturbance, as defined in *Policy 317 – Civil Disturbances*. Proper handling of such events is important to reduce the possibility of escalation into a more serious incident. Whether there is a police presence, and the nature of any police presence deemed necessary, will be determined based on an assessment of factors such as information about the nature of the event and past experience with similar types of events.

People in the City of Eugene are entitled to safely exercise their constitutional rights of free speech and peaceable assembly without interference, harassment, intimidation, or fear of retaliation by any individual or group. Those who choose to exercise these rights have a corresponding responsibility to do so in a peaceful and respectful manner. The Eugene Police Department has a responsibility to maintain the safety and security of all community members using community-based prevention and law enforcement strategies. Any enforcement should be conducted in a manner proportional to the behavior of the offender and the threat to public safety.

316.2 GENERAL RESPONSIBILITIES FOR SWORN PERSONNEL

- a. Sworn personnel have a duty to:
 - Protect life and prevent personal injury
 - Protect the statutory and constitutional rights of all parties Involved
 - Protect personal and public property, and
 - Maintain public peace.

- b. Actions prior to and during an event
 1. Maintain a neutral posture regarding the issues that are the subject of the gathering.

 2. Attempt to establish a liaison with leaders or representatives of the involved group(s) as much in advance of the event as possible.

 3. Advise the group leaders of EPD's policy regarding enforcement and protection

of individual and community rights and safety.

4. Emphasize that the group's rights to legally assemble will not be interfered with, and will be protected, if the gathering is conducted legally.
5. If possible, obtain the names of responsible parties and how to contact them.
 - a. Document any unlawful conduct.

c. Enforcement Action

In deciding whether to take enforcement action, these points should be considered:

1. The availability of adequate numbers of suitably equipped officers to provide back-up
2. The seriousness of the offense relative to the potential negative effects an arrest/citation may have as an incitement to violence or other unlawful behavior
3. Whether, considering all the circumstances, it would be more advantageous to take the enforcement action at the time of the offense or at a later time, and
4. What the department's normal enforcement posture for a similar offense would be.
 - a. Follow supervisory direction regarding our enforcement posture.
 - b. Verbal abuse against officers, unaccompanied by threats, should not be the sole reason for arrest.
 - c. Language that incites others to violence or to commit other unlawful acts may form the basis for enforcement action.
 - d. Ensure that enforcement actions taken are appropriate to the situation and conduct of the individual(s) involved.

316.3 SUPERVISORS AND COMMAND PERSONNEL

a. Preparation

1. A command officer will be designated to be in charge of police operations related to the assembly or demonstration.
2. As soon as possible, the command officer should ensure that a liaison is established with leaders or representatives of the group(s) involved in the event. They should be advised of what legal requirements must be met and the procedures for doing so.
3. Prior to and during the event, information gathering and monitoring needed to make decisions about police involvement should be done in the least obtrusive manner reasonably possible. The intent of gathering information is to assist in making decisions as to the appropriate type and level of police involvement. The information obtained should be communicated to the command officer in charge as soon as possible.

4. Determine staffing and equipment needs, along with a strategy which will carry out the intent of this policy.
- b. During the event
1. If the event is spontaneous, the Command Officer may initiate an escort, initiate traffic control measures, or take other appropriate and necessary steps to mitigate any negative impact on the community. Contact should be made with representatives of the group(s) involved, if this has not already been done.
 2. Provide officers with guidelines regarding when to issue citations and make arrests.
 3. Request additional resources as needed. Consider the use of community-based resources to help keep the event from escalating to a civil disturbance.
 4. Determine when the incident becomes a civil disturbance, as defined in *Policy 317 – Civil Disturbances*, and invoke the procedures in that policy.
 - a. In making a decision that the incident has become a civil disturbance such factors should be considered:
 - information known about the event
 - the behavior and intent of those present (including the number of people and their mobility)
 - the nature of the unlawful conduct involved
 - whether there is actual or imminent danger to persons or property
 - the event’s impact on non-participants.
 - b. The fact that a gathering does not have a required permit will not, by itself, cause the event to be categorized as a civil disturbance.

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Chief of Police