

**POLICY  
317**

**EFFECTIVE  
DATE  
10-15-21**

**Eugene  
Police Department**



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## **Civil Disturbance**

This policy relates specifically to civil disturbances, and should be used in conjunction with *Policy 316 Public Assemblies and Demonstrations and Procedure 3.17 Video Recording and Monitoring of Events*, as well as department policies related to use of force. In determining the appropriate course of action, we will consider the rights and safety of participants in the event and the rights and safety of others.

### **317.1 Definition**

A civil disturbance is an unlawful assembly that constitutes a breach of the peace, or any assembly of persons where there is an imminent danger of collective violence, destruction of property, or other unlawful acts.

### **317.2 Generally**

1. Employees must be neutral and impartial.
2. Demonstrations are covered under the free speech and assembly portions of the Constitution, although there is no constitutional protection for committing unlawful acts.
3. The Eugene Police Department respects lawful civil activity such as demonstrations and picketing. EPD has a responsibility to do what is necessary to preserve rights of free speech, assembly, petition, association, and passage over public ways, to ensure compliance with law, and to maintain order.

### **317.3 Specific situations**

1. Blocking of public ways
  - a. We will attempt to preserve the public's use of public ways (e.g., sidewalks, streets.) The Incident Commander may deviate from this if it conflicts with established command objectives.
  - b. Officers should warn demonstrators, then cite or arrest at the direction of the Incident Commander.
2. Trespassing on private property

- a. Officers should rely on owners or agents of private property to initiate a trespassing complaint prior to taking enforcement action. Enforcement action could also be taken after confirming a trespass letter of consent.
  - b. There is on-going debate about the exclusivity of private property open to the public (e.g., malls, clinics). Check with the city attorney.
3. Disruption of lawful assemblies
- At the direction of the Incident Commander, officers may cite or arrest people interfering with the right of the demonstrators to lawfully speak or assemble.
4. Relevant statutes
- Some statutes that might be used for necessary enforcement include:
- Disorderly Conduct (*ORS 166.025; EC 4.725*)
  - Criminal Trespass (*ORS 164.245, 164.255; EC 4.807, 4.808*)
  - Riot (*ORS 166.015*)

#### **317.4 First officer(s) at the scene**

In addition to responsibilities outlined in *Policy 316 Public Assemblies and Demonstrations*, officers should:

1. Observe the situation from a safe distance and gather information as to number of participants, their demeanor, presence of weapons, and other relevant information.
2. Attempt to identify crowd leaders and any individuals personally engaged in unlawful acts.
3. Once adequate assistance is present, and if doing so would not create an unnecessary risk, advise those present what action(s) they must take to either bring the event into compliance with the law, or to disperse.

#### **317.5 Incident Commander**

In addition to the responsibilities outlined in *Policy 316 Public Assemblies and Demonstrations*, the Incident Commander should:

1. Attempt to establish liaison with the principal parties involved. (For example, in a labor dispute, this would include management, union leadership, and/or strike or picket captains.) Some groups may have no designated leaders.
2. When possible, inform the parties involved what conduct is unacceptable, what must be done to bring the event within acceptable parameters, and what action(s) we will take if this is not done. Any necessary warnings or orders to disperse should be clear and issued using an amplification system.

3. Ensure that surveillance points are established to identify agitators, leaders, and persons committing unlawful acts.
4. Ensure video documentation of crowd actions and officers' actions, (refer also to Policy(s): 1202 – *Audio and Video Recordings*, 1203 – *Body Worn Video and Procedure 3.17 Video Recording and Monitoring of Events*.)
5. Record warnings given to the crowd, preferably by ensuring they are captured on video. Another possibility would be to simultaneously broadcast the warning on a recorded radio channel. (NOTE: It is generally not advisable to include specific time limits or parameters in warnings given.)

### **317.6 Command options**

If, after talking with leaders and taking other reasonable steps, the crowd fails to disperse in the prescribed manner, be prepared to implement one of the following options:

1. *Containment and Dialogue:* Containment and dialogue measures are designed to bring the assembly within acceptable parameters or to disperse the crowd, depending on the circumstances. If feasible, contact should be made with crowd leaders to assess their intentions and motivations, and develop a trust relationship. Communicate to the participants that their assembly is in violation of the law and will not be tolerated, and that the department wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively.
2. *Physical Arrest:* When appropriate, order the arrest of crowd leaders, agitators, or others engaged in unlawful conduct when probable cause exists for a criminal act. In determining whether to make arrests, consider the nature and seriousness of the disturbance, the likely effect that arrests will have on resolving the incident, and the availability of adequate personnel and resources to safely and effectively make arrests. If arrests are made, ensure the appropriate use of crowd control formations and availability of protective equipment for officers engaged in arrest procedures. Ensure also the availability of transportation for arrestees and that a backup team of officers is readily available should assistance be required.
3. Officers involved in crowd control activity should wear appropriate protective equipment which is clearly labeled. The back of the uniform shall be labeled "POLICE" and display a unique identifier. The unique Department of Public Safety Standards and Training (DPSST) number assigned to each sworn employee will be displayed on the back of the uniform. The officer's first initial and last name should be on the front of the uniform, as well as Department patches affixed on both shoulders of the uniform. If wearing a tactical helmet, the officer's unique identifier (DPSST number) should be affixed to the back of the helmet. At no time shall an officer intentionally obscure any identifiable uniform labels or marking.

4. *Less-Lethal Force*: If the crowd fails to disperse, you may use less-lethal force consistent with department policy. In doing so, ensure that:
  - a. A clear path of escape is available for those who wish to flee the area; and
  - b. The use of tear gas, smoke, or other less-lethal devices is coordinated and controlled.
5. *Deadly Force*: The use of deadly force is governed by other department policies (refer to the 800 series of Use of Force policies.)
  - a. Particular caution should be taken when using firearms during civil disturbances. The arbitrary use of return fire in crowds is prohibited.

### **317.7 Mass arrests**

If mass arrests are necessary, ensure that:

1. an arrest team is designated to process all prisoners for purposes of transportation;
2. enough vehicles are made available to remove the prisoners to the detention area
3. an adequate secure area is available for processing of prisoners;
4. all arrestees are searched and properly identified prior to transportation to jail;
5. all injured prisoners are provided medical attention;
6. all arrested juveniles are handled in accordance with department policy; and
7. all evidence and weapons taken from arrestees are processed in accordance with department policy.

### **317.8 Deactivation**

Once the disturbance has been brought under control, the Incident Commander or designee should ensure that the following tasks are done (in addition to steps outlined in *Policy 316 Public Assemblies and Demonstrations*):

1. Remove civil disturbance equipment from the area.
2. Gradually remove extra staffing from the area as circumstances allow, but keep sufficient patrols in the area to prevent recurrence of the problem.

3. Ensure that witnesses, suspects, and others are interviewed.
4. Request assistance from Public Works as needed to repair damage to city property and/or for clean-up.
5. Coordinate with the Investigations Lieutenant to determine the assignment of an investigative case manager.

**317.9 Use of police canines**

1. Police service dogs will not be used for crowd control activities.
2. Police service dogs may be used in support roles (e.g., staging area security), in situations where their expertise (e.g., tracking, scenting) is needed to apprehend criminals, and in patrol activities.

**Chris Skinner  
Chief of Police**