

PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS

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CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	380.08	5/24/2023	5/26/2023
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
First Amendment Activities		8/6/2021; Supersedes G.O. 380.06 Series 2021: 12/17/2017; 5/2/2017; 3/28/2014; Supersedes G.O. #44 Series 1996	
REFERENCE		RE-EVALUATION DATE	
N/A		5/28/2025	
SUBJECT AREA		DISTRIBUTION	
Law Enforcement Operations		All Sworn Personnel	

PURPOSE

This Department procedure establishes guidelines for the coordination, facilitation and management of First Amendment Activities.

POLICY

The goal of police involvement at peaceful First Amendment Activities is to preserve the peace, prevent criminal activity, control traffic, and facilitate the safe exercise of an individual or group's First Amendment rights.

In furtherance of these rights, and to facilitate the safe and peaceful exercise of an individual or group's First Amendment rights, the Department will act swiftly and with resolve to protect human life, property, and maintain peace when confronted with violence, threats of violence, assaults, or other criminal acts.

I. DEFINITIONS

- A. Crowd Control - Crowd control is defined as those techniques used to address unlawful public assemblies, including crowd containment or movement, dispersal tactics, and arrests.
- B. Crowd Management - Techniques used to manage public assemblies before, during, and after an event, to maintain public safety, preserve the peace, prevent criminal activity, and facilitate the event's lawful status.
- C. Designee - A Designee is a Department member designated by the Incident Commander to carry out a specific task. The Incident Commander(s) may delegate their authority, but not their responsibility.

- D. First Amendment Activity/Activities - First Amendment Activities include all forms of speech and expressive conduct used to convey ideas or information, express grievances, or otherwise communicate with others, including verbal and non-verbal expression. First Amendment Activities may include public displays of a group's or individual's feeling(s) toward a person(s), idea, or cause, and includes, but is not limited to, marches, protests, student walk-outs, demonstrations, assemblies, and sit-ins. Such events and activities usually attract a crowd of persons, including participants, onlookers, observers, media, and other persons who may agree or disagree with the activity's point of view.

All persons have the right to peacefully march, demonstrate, protest, rally, or perform the other activities protected by the First Amendment of the United States Constitution.

The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are content-neutral, without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

- E. Incident Commander - The Incident Commander is responsible for all incident/event activities. The Incident Commander should be of the rank appropriate for the event. The Incident Commander may change throughout an evolving incident.
- F. Lawful Assembly - A First Amendment Activity, involving two or more persons, which abides by relevant statutory laws and does not involve violence or criminal acts.
- G. Riot - Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by the immediate power of execution, by two or more persons acting together, and without the authority of law.
- H. Unified Command - Unified Command is a procedure that allows all agencies with the significant geographical, legal or functional responsibility over an incident to avoid operational conflicts, economize resources by collocating at a single Incident Command Post or communicate their operational goals and strategies to each other during structured planning meetings.
- I. Unlawful Assembly - Whenever two or more persons assemble to do an unlawful act or do a lawful act in a violent, boisterous, or tumultuous manner.

II. PLANNING FOR FIRST AMENDMENT ACTIVITIES:

A. Pre-planned events

1. When appropriate the Incident Commander or designee shall be responsible for developing a written contingency or incident action plan.
2. The Incident Commander or designee shall notify the affected Divisions of potential First Amendment Activities.
3. Consider engaging allied outside agencies if the First Amendment Activity could likely affect other jurisdictions or if assistance may become necessary.
4. The incident Commander or designee may consider attempting to establish and maintain communication and cooperation with representatives or the First Amendment Activity leaders or representatives.
5. In planning for First Amendment Activity, Incident Commander, or their designee, should consider the following factors in determining the appropriate resources and level of preparation necessary:
 - a. What type of First Amendment Activity is expected to occur?
 - b. What is the goal of the First Amendment Activity? (Raise awareness, disrupt a target location, counter another demonstration, engage in criminal activity, etc.)
 - c. When will the First Amendment Activity occur? (Day of the week, holiday, time of day/traffic patterns, daytime/nighttime, conflict with other events at the same time.)
 - d. Will there be an organizing individual/group, or will this be a crowd without identified leadership?
 - e. Has the Department previously worked with the organizers? Have prior First Amendment Activities been lawful?
 - f. Where will the First Amendment Activity likely occur? Will the event affect critical infrastructure like police stations, courthouses, freeways, government buildings, etc.? Will the effect be deliberate or collateral?
 - g. If the group intends to be mobile, what will the predicted or planned route(s) be? (First Amendment Activity participants may not provide their own traffic control.)

- h. What will be the projected size of the First Amendment Activity event?
 - i. What will the composition of the group be? (juveniles, students, labor unions, known local groups, known groups from outside the area, unified to a single cause, or diverse causes and points of view within the group, etc.)
 - j. Will the hosting group provide its own marshals or monitors?
 - k. Will an opposing group attend the First Amendment Activity event?
 - l. Is there a likelihood of improvised or conventional weapons?
 - m. Are arrests likely? Will prisoner processing be necessary?
 - n. Is civil disobedience planned or likely?
 - o. Is unlawful assembly planned or likely?
 - p. Is a riot planned or likely?
6. The Incident Commander shall balance any anticipated level of disruption to traffic against the goal of facilitating First Amendment Activity, including the practicality of relegating the crowd to sidewalks or an alternate route, the expected duration of the disruption, and the traffic disruption expected in making a mass arrest if demonstrators refuse to leave the street. This balancing does not mean First Amendment Activity participants will be allowed to disrupt commuter traffic and bridge approaches deliberately.

B. Spontaneous Events

1. Spontaneous First Amendment Activities, which occur without prior planning or prior notice to the police, present less opportunity for planning and mitigation efforts. The same policies and procedures concerning crowd management, crowd control, and police responses to criminal activity described below apply to a spontaneous First Amendment Activity.
2. Unless unavailable, a supervisor shall respond to the scene of spontaneous events and assume the role of Incident Commander until relieved by a ranking officer.
3. An immediate assessment of the situation is essential for an effective police response. The Incident Commander should evaluate the spontaneous First Amendment Activity using the factors listed above for planned events.

III. LAWFUL ASSEMBLY, DEMONSTRATION OR PROTEST

- A. The goal of police involvement at peaceful First Amendment Activities is to preserve the peace, prevent criminal activity, control traffic, and facilitate the safe exercise of an individual or group's First Amendment rights.
- B. Officers shall remain professional when exposed to the content of the opinions being expressed regardless of the race, gender, sexual orientation, physical disabilities, appearances, or affiliation of anyone exercising their lawful rights.
- C. During peaceful First Amendment Activity, officers may find the occasional individual who engages in criminal conduct that is not reflective of the larger group. In these cases, when feasible, officers should address the individual offender in compliance with other Department procedures while minimally disrupting the larger assembly.

IV. UNLAWFUL ASSEMBLY

- A. When First Amendment Activity results in unlawful acts or violence, the Incident Commander shall consider the following in determining whether to declare the assembly unlawful:
 - 1. The threat to people or property.
 - 2. The number and nature of unlawful acts within the crowd.
 - 3. The number and nature of violent acts within the crowd.
 - 4. Whether the unlawful or violent acts result from one or two individuals or the larger crowd in general.
 - 5. Whether separate crowds have merged and now the group has internal conflict between participants.
 - 6. Whether contact with the event leaders to negotiate a resolution of the situation is appropriate.
 - 7. Evaluation of whether arresting individuals will be more appropriate than dispersing the entire crowd.
 - 8. Determination if sufficient police resources are available on-scene to manage the incident effectively.

9. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.
10. The sole fact that some of the demonstrators or organizing groups have previously engaged in violent or unlawful acts is not grounds for declaring an assembly unlawful.

B. Declaration of Unlawful Assembly

1. If the Incident Commander deems it is appropriate to declare an unlawful assembly, dispersal orders must be given.
2. For a dispersal order to be valid, a public officer must direct the persons assembled to disperse. The officer is not required to use any particular words. However, the terms used must be sufficient to inform a reasonable person that the officer is acting in an official capacity and ordering people to leave the area in a loud and clear manner.
3. When feasible officers should be positioned at the furthest reaches of the crowd in order to document that the order could be heard.
4. When dispersal orders are given, consideration of the positioning of additional officers should be taken into account to support/direct crowd movement. Members of the crowd should be given ample means of egress.
5. Staging of Providence Fire Rescue personnel should be considered before the use of crowd dispersal techniques defined below unless exigent circumstances exist.
6. Unless exigent circumstances exist, crowd dispersal techniques shall not be initiated until the Incident Commander has ensured dispersal announcements have been made to the crowd.
7. The Incident Commander should ensure that the name of the individual making the dispersal order and the date, time(s), and location(s) each order was given is recorded.
8. Unless an immediate risk to public safety exists or significant property damage occurs, a reasonable time will be allowed for a crowd to comply with police commands before taking action.
9. If orders to disperse do not result in voluntary movement/compliance by the crowd, the Incident Commander may elect to use crowd dispersal techniques.

C. Protester Device Release Warning

1. In the event a device is utilized to block or obstruct an area the public has access to ie. roadway, any individual and/or group who has attached themselves to the device shall be given a warning to release themselves from the device. (see Appendix A).
2. When tactically feasible, minus exigent circumstances, the commanding officer or their designee shall at a minimum give the warning twice to the individual and/or group to comply prior to them being removed from the attached device, at the commanding officer's discretion.

V. **RIOT**

- A. It is imperative that the Incident Commander assesses the situation on an ongoing basis to determine if the level of behavior of the crowd rises to the level of a riot.
- B. If the Incident Commander determines the elements of a riot have been met, the Incident Commander shall, as reasonable circumstances permit, implement strategies as described in Section IV- Unlawful Assembly, as well as Section VI- Crowd Dispersal Strategies, Objectives and Techniques.
- C. Some factors to consider when responding to a riot include, but are not limited to: the size of the riotous crowd versus available officers, weapons being used by those involved in the riot as compared to those possessed by officers, and capable defensive measures officers may be able to use while interacting with the riotous crowd.

VI. **CROWD DISPERSAL STRATEGIES, OBJECTIVES AND TECHNIQUES**

- A. Should negotiation and verbal announcements to disperse not result in the crowd's voluntary movement, officers may employ additional crowd dispersal techniques, but only after orders from the Incident Commander or their designees.
- B. Reasonable force under the totality of the circumstances will be used consistent with "G.O. 300.01 – Use of Force."

Some of the permissible techniques to disperse or control a non-compliant crowd includes the following (not in any specific order of use):

1. Display of police officers
 - a. A police formation may be moved as a unit to an area within the crowd's view to assist with crowd management. If a display of

police officers, combined with a dispersal order, is ineffective, other techniques may be employed.

- b. Generally, officers should be assigned to teams of sufficient size to be effective.

2. Containment and Arrest for Violent Criminal Activity

- a. If violent criminal activity is occurring, and the crowd has failed to disperse after the required announcements, officers may contain the crowd or a portion of the crowd for purposes of making multiple, simultaneous arrests.
- b. Officers should not penetrate a crowd for an individual arrest unless the targeted individual is involved in criminal conduct which endangers persons or property. The decision to move into the crowd should generally be under the direction of the Incident Commander or designee.
- c. Persons who make it clear that they seek to be arrested (e.g., sitting down, locking arms) shall be arrested and not subjected to other dispersal techniques.

3. Police Formations and Use of Batons

- a. If a crowd refuses to disperse after the required announcements, field force formations may be used to move or disperse the crowd.
- b. Batons may be visibly displayed and held in a ready position during formations.

4. Use of Less-Lethal Munitions

- a. Unlawful assemblies pose a unique situation for law enforcement to potentially control or arrest a large group of people, acting in concert.
- b. In these situations, less lethal tools may be a force multiplier, making it safer for all involved following the declaration of an unlawful assembly in moving/dispersing the riotous crowd and/or making arrests.
- c. Use of Less-lethal Munitions should be a coordinated effort directed by the Incident Commander, unless exigency exists.
- d. This directive does not prohibit officers' abilities to use appropriate force options to defend themselves or others in accordance with "G.O.300.01- Use of Force."

5. Arrests

- a. BCI should be consulted before the event if mass arrests may be anticipated.
- b. All arrests shall be based upon probable cause and conducted in compliance with existing Department Procedure.
- c. Each unit involved in detention or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available. When arrestees complain of pain from overly tight flex-cuffs, members shall examine the cuffs to ensure proper fit.

6. Video Recording by Department Members

- a. The goal of police involvement at peaceful First Amendment activities is to preserve the peace, prevent criminal activity, control traffic, and facilitate the safe exercise of an individual or group's First Amendment rights.
- b. During lawful First Amendment Activity, officers should operate Body-Worn Cameras (BWCs) in the buffering/stand-by mode. If officers witness crimes occurring among the demonstrators or believe an arrest is likely, they should begin recording.
- c. If the Incident Commander or designee determines that a lawful assembly has turned into an unlawful assembly, officers should be directed to begin recording with their BWCs.
- d. Any video captured by Body Worn Camera will be properly preserved in accordance with "G.O. Body-Worn Camera (BWC) Program."

VII. PUBLIC INFORMATION AND THE MEDIA

- A. The media have a right to cover First Amendment Activity, including the right to record the event on video, film, photographs, and other mediums.
- B. The media shall never be targeted for dispersal or enforcement action because of their media status.
- C. Police Department members shall accommodate the media, to the extent possible and reasonable, per "G.O. 520.01 News Media Access."

VIII. GENERAL PROVISIONS

In additional to all relevant state statutes and federal laws, the following ordinances may apply:

1. *Demonstrations generally*: Code of Ordinances, City of Providence Sections 16-3, 16-13, 16-13.1, 16-13.2, 16-21, and 23-24.
2. *Demonstrations in parks*: Code of Ordinances, City of Providence Sections 18-2, 18-7, 18-10, 18-11, 18-13, 18-14, 18-15, 18-16, 18-17, 18-18, and 18-21.
3. *Noise and nuisance*: Code of Ordinances, City of Providence Sections 16-3, 16-10, 16-11, 16-12, 16-21, 16-91, 16-92, 16-93, 16-95, and 16-100.
4. *Leaflets*: Code of Ordinances, City of Providence Sections 3-1, 3-3, 3-4, and 3-5.

IX. MUTUAL AID REQUESTS

- A. Refer to G.O.110.01 - Agency Jurisdiction and Mutual Aid.

APPROVED:



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Appendix A

Protester Device Release Warning

I am _____ TITLE and NAME _____ of the Providence Police Department. You are hereby under arrest. You are

A: Alone or with others blocking or obstructing a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway, or hallway to which the public or a substance group of the public has access; in violation of **RIGL 11-45-1(a)(4)**.

AND/OR

B: Obstructing a lawful business in violation of **RIGL 11-44-1**.

AND/OR

C: Obstructing an officer while in execution of his or her duties in violation of **RIGL 11-32-1**.

Will you release yourself from the device on your own?

I have experience with these devices and know that you are able to release from the device on your own. If you do not release on your own, you will be removed from the device. During this process, if you incur any injuries, they are a result of your own failure to comply with my order. Failure to release may result in additional charges to include Resisting Arrest. Will you release?

I repeat, I have experience with these devices and know that you are able to release from the device on your own. During this process, if you incur any injuries, they are a result of your own failure to comply with my order. Failure to release may result in additional charges to include Resisting Arrest. Will you release?

The process to remove you from the device will begin now.