

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 26-02

EFFECTIVE:	DECEMBER 24, 2014	CANCELS:	GO 21-07
TO:	ALL PERSONNEL	INDEX AS:	CIVIL DISTURBANCE MASS ARREST
SUBJECT:	CIVIL DISTURBANCES		RIOT

I. PURPOSE

To respond quickly and effectively to civil disturbances and other mass disorders. This Department's goal will be to safeguard persons and property, restore and maintain order, and protect the constitutional rights of all parties involved.

II. PROCEDURE

While it is accepted that incidents of Civil Disturbance or Unrest do not normally follow a well scripted schedule, law enforcement officials involved in such incidents must conform to established rules and procedures. Flexibility within the realm of policy guidelines is permissible while operating outside them is not.

Large scale events such as incidents of Civil Disturbance or Unrest typically consume vast amounts of resources. The demand for resources can easily surpass the ability of individual agencies. As a result the resolution of a large scale event usually involves a combination of resources from several agencies. Coordination of effort and resources is most efficient and effective when operating protocols such as Incident Command System (ICS) and Unified Command (UC) are utilized. When possible the ICS and UC structures will be utilized during the occurrence of large scale events.

A. Planning:

Many civil disturbances are of a spontaneous nature; however, when advance information of an incident has been received, the Chief of Police, or his designee, will meet with all involved supervisory personnel. The purpose of this meeting is to:

1. Estimate the scope of the anticipated event.
2. Determine the resources that may be required to respond.
3. Assign specific duties to command staff and supervisors.
4. If time permits a plan of action will be prepared.

B. Command:

The Chief of Police or his designee will be the incident commander with the Incident Command System (ICS) used for chain of command. The Ballwin Emergency Operations

Manual and the St. Louis Area Police Chief's Association Code 1000 Manual will be utilized for planning.

C. Civil Rights of Lawful Assembly:

First Amendment: *"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."*

The First Amendment of the Constitution of the United States will be the scale of justice against which all of our actions are measured. This Amendment will have a direct influence on how police departments approach and resolve issues. When it is possible, legal guidance will be sought to guide our actions. We should ensure that our actions do not deprive citizens of any rights, particularly the rights guaranteed under the First Amendment.

1. The Department will not intervene to prevent or interfere with lawful conduct of persons in the exercise of their constitutional rights.
2. Intervention will occur only when violations of the law and threat to public safety require law enforcement response.

D. Response Strategies:

1. Field Responsibilities

- a. If an officer would encounter the initial stages of a civil disorder, he should:
 - 1) Monitor the situation from a secure and secluded location if possible.
 - 2) Immediately radio the location and scope of the disorder.
 - 3) Notify the on-duty supervisor and/or watch commander.
- b. The supervisor/watch commander will request any additional manpower needed and designate an assembly/staging area.
- c. Established procedure will be utilized if a Code 1000 needs activation.
- d. Procedures for civil disturbance response shall be followed in all large scale protest and civil disorder.

2. Surveillance

If the situation warrants, surveillance should be established to provide intelligence information about the disorder, such as crowd estimates, public safety hazards, etc. Surveillance may include the use of undercover personnel, with the use of video or still photography.

3. Mass Arrest Situations/Unlawful Assembly

Under RSMo 574.040 a person commits the crime of Unlawful Assembly if he/she knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence. Note: Ballwin municipal ordinances may be applicable in some incidents.

The decision to declare a crowd unlawful must be based upon reasonable and articulable facts under this statute. Dispersal orders should be clear, loud and given multiple times, and the crowd must be given clear pathways to leave the area. The Dispersal Order process of declaring an unlawful assembly and the manner in which the officers order and enforce crowd dispersal should be recorded.

If the possibility of mass arrests exists, the City Prosecutor will be notified for his/her assistance. In addition, if a Code 1000 is initiated then the County Prosecuting Attorney will be notified.

A mass arrest situation exists when the number of persons to be arrested in a single incident exceeds the Department's ability to perform normal arrest, booking, and reporting procedures. The following procedures shall be followed:

- a. The scene commander must approve, coordinate, and direct all incidents involving mass arrest, to include arrest teams.
- b. It is the scene commander's responsibility to notify the St. Louis County Justice Intake Center that mass arrests are possible.
- c. Sufficient personnel will be gathered before any enforcement action is taken.
- d. Police vehicles should be parked and secured at one location with at least one officer remaining with the vehicles.
- e. The scene commander will select a location to set up a field processing center and assign officers to man it. In choosing a location, consideration should be given to distance from the disturbance and security of the site.
- f. Arrestees will be removed from the arrest scene and taken to the field processing center as quickly as possible.

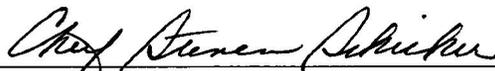
GENERAL ORDER 26-02
CIVIL DISTURBANCES
PAGE 4

- g. Arrestees will be transported directly to jail or cited and released as soon as possible. In releasing prisoners, consideration will be given so that they are not allowed to re-engage in the disturbance. Department vehicles and/or St. Louis County Police Department, St. Louis County Department of Justice Services and Metro Public Transportation vehicles should be considered when mass transportation becomes necessary
- h. In the event that buses or other mass transit is used, care should be taken to ensure that all prisoners are secured with handcuffs or flex cuffs and a sufficient number of officers are present to maintain security.
- i. Juvenile offenders detained will be kept separate from adult offenders. The detaining officer will, as soon as possible, transport the juvenile to Police Headquarters and contact St. Louis County Family Court for a disposition of the juvenile. Current established juvenile procedures will be followed.
- j. The scene commander will monitor the situation for the potential of injured or ill prisoners. Emergency medical services should be on standby at the field processing area.
- k. Field Processing Mass Arrests:
 - 1) A digital photo will be taken of the prisoner along with the arresting officer and logged for future reference.
 - 2) Complete field booking form or complete summons.
 - 3) Removal of prisoner's property per established policy. The property packaged with the field booking form attached to the property.
 - 4) Any evidence seized as a result of a mass arrest incident will be turned over by the arresting officer to a designated property control officer at the field processing center.
 - 5) The property control officer will ensure that a property report is prepared per established policy for the evidence seized. The evidence will be stored and conveyed to the Department property room at an appropriate time.
 - 6) The field processing officers will obtain a case number for each arrest and ensure that the case number is on all reports.
 - 7) Upon completion of field processing, the prisoners will be taken to a place for release or confinement. When releasing prisoners,

consideration must be given to ensure that they will not re-engage in the disturbance.

- 8) Arrestees will not be allowed visitation from defense counsel until they have been lodged in the detention facility.
- 9) Food, water, sanitation and immediate medical needs of the prisoners shall be met.
- l. Once prisoners arrive at the detention facility, established booking procedures will be followed. After a wanted check, prisoners will be booked in the EPIC system.
- m. Anytime that a mass arrest situation occurs, as established by this Order, detention will be coordinated with the St. Louis County Justice services through their intake center.
- n. Personnel and logistics will be assigned for mass arrest situations as established in the Code 1000 manual.
- o. Once a civil disturbance has been brought under control, equipment and manpower will be returned to normal operating status.
- p. An after action report will be prepared by the incident commander. This report will include a summary of the incident, including this Department's response and positive and negative aspects of that response.

BY ORDER OF:


Steven Schicker, Chief of Police

12/24/14
Date

ATTESTED BY:


Robert Kuntz, City Administrator

1/30/15
Date

cc: City Attorney

MPCCF REFERENCE

26.1, 26.2, 26.6, 26.9