



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 46.02.1

TITLE: FIRST AMENDMENT ASSEMBLIES, MASS DEMONSTRATIONS, AND CIVIL DISTURBANCES

EFFECTIVE: 10/18/2020

REVISED: 8/13/2023

PURPOSE

The guidelines in this policy (**with chapter 1.3 - Use of Force and Chapter 1.3.6 - Reporting Use of Force**) are to ensure that this department is prepared to respond effectively and efficiently in accordance with applicable law to any unlawful conduct occurring in the context of First Amendment assemblies, demonstrations, rallies, marches, picket lines, or other similar gatherings conducted by persons expressing their political, social, or religious views.

POLICY STATEMENT

1. This Chapter established general policy and shall serve as the framework for all standard operating procedures for members in dealing with all demonstrations, rallies, marches, picket lines, or other similar gatherings conducted for the purpose of persons expressing their political, social, or religious views. This Chapter may exceed constitutional requirements and attempts to satisfy heightened requirements of statutory law and best practices.
2. The Chapter recognizes the concept of operational flexibility within the requirements of the National Incident Management System (NIMS). It is impossible to devise specific standard procedures for handling all possible situations, for each has its own characteristics and problems. The overarching philosophy is one of moderation, flexibility, and controlled response. Since each situation is unique, commanders and supervisors must plan to respond according to the nature and size of the crowd. The tactical procedures established within this Chapter are a guide, and not a substitute for

the exercise of sound judgment and proper command, control, and supervision within the context of general departmental policy.

3. It is imperative that members of the New Orleans Police Department understand their role during mass demonstrations and major disturbances in our city and how the department prepares itself to fulfill this role.
4. The New Orleans Police Department recognizes that persons and groups have a right to organize and participate in peaceful First Amendment assemblies on the streets, sidewalks, other public ways, and in the parks of the City of New Orleans. To engage in First Amendment assembly near the object of their protest so they may be seen and heard, subject to reasonable restrictions designed to protect public safety, persons, property, and to accommodate the interest of persons not participating in the assemblies to use the streets, sidewalks, and other public ways to travel to their intended destinations, and use the parks for recreational purposes.
5. It is the statutory responsibility of the New Orleans Police Department to preserve the public peace, to prevent crime, arrest offenders, and to protect the rights of persons and of property. As part of this responsibility, the department provides trained personnel to respond to the scene of First Amendment assemblies in our city to preserve peace while protecting the constitutional and statutory rights of people to assemble peacefully and exercise free speech. In fulfilling these responsibilities, the department will make reasonable efforts to employ methods of crowd management that do not involve custodial arrests as the primary means of maintaining order. Should such methods prove unsuccessful, custodial arrests shall be made of individuals for specific violations of the law. To the extent possible under the circumstances, arrests shall be made in an organized manner by units at the direction of the Superintendent of Police or his/her designee.

DEFINITIONS

Definitions related to this Chapter include:

Civil Disturbance—

A generic term for all forms of civil disobedience, demonstration, protest, march, or riot.

Civil Disobedience - the refusal to obey civil laws to affect change in government.

Civil Disorder - Group acts of violence and disorder prejudicial to public law and order.

Civil Protest/Demonstration—A person or persons who overtly take a public action to physically demonstrate their/his/her views concerning the support, contradiction or other statement or issue involving politics, government, law enforcement, etc.

Crowd Management - the monitoring and peaceful response to a civil disturbance to ensure public safety and the de-escalation of any agitators BEFORE an event becomes non-peaceful, as a means of ensuring the protection of First Amendment rights with minimal interference, while ensuring public safety for everyone.

Crowd Control the tactical response to civil disorder by law enforcement.

Event – a happening that was planned or anticipated in advance.

Incident – a happening that was not anticipated or expected.

Incident Action Plan (IAP) – An oral or written plan containing a general objective reflecting the overall strategy for managing an incident (time permitting, the IAP should be a written document). It shall include the identification of operational resources and assignments, as well as plans and contingencies for the demobilization of resources at the conclusion of the operation. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods. (see: ICS Form 202).

Incident Commander (IC) – The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all operations at the incident site. Responsibilities of the IC begins with the officer handling the original call to the chief of the department and any additional qualified officers, depending on the size, scope and complexity of the incident or event.

Kettling - confinement by police of a group of demonstrators or protesters in a small area, as a method of crowd control.

Mobil Field Force (MFF) – a selected group of commissioned members, both officers and supervisors, who provide a pool of trained and equipped officers to respond to civil protests / demonstrations and civil disturbances under an incident command structure or Operations Plan.

Operations security (OPSEC) - a process that identifies **critical information** to determine if planned actions or assessments by law enforcement can be observed or inferred by civil disturbance leaders, to determine if information obtained by protestors/demonstrators could be interpreted to be useful to them or propagandized, and then execute selected measures that eliminate or reduce the exploitation of friendly critical information.

Protest – an organized public demonstration of disapproval, complaint, objection or display of unwillingness, usually to an idea or course of action.

March - an event in which many people walk through a public place to express their support for something, or their disagreement with or disapproval of something.

Riot - A riot is defined by state law as a public disturbance involving an assemblage of three or more persons acting together or in concert which by tumultuous and violent conduct, or the imminent threat or tumultuous and violent conduct, results in injury or damage to persons or property or creates a clear and present danger or injure or damage to persons or property (LA R.S. 14:329.1).

Riot control agents / chemical agents - (sometimes referred to as “tear gas”) are **chemical compounds** that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin.

Rules of Engagement (ROE) - are the internal rules or directives within an Operations Order or Incident Action Plan that define the circumstances, conditions, degree, and manner in which actions, which might be construed as provocative, may be applied. They provide authorization for and/or limits on, among other things, the use of force and the employment of certain specific

capabilities. ROE are lawful commands. Rules of Engagement do not normally dictate how a result is to be achieved, but will indicate what measures may be unacceptable.

Uniformed Extraction Team (UET) – A group of police officers that are assembled to enter the crowd when directed and remove any protesters that are determined to be unruly, rescue injured people or isolated officers. .

Specialized Weapons - weapons which require specialized training, certification, and authorization prior to use, such as chemical agents, 40mm launchers, stinger rounds and grenades, flashbangs, LRAD systems, etc. (see: **Chapter 46.2.3 – CRU SWAT Equipment and Storage.**)

Specialty Impact Munitions - Refers to extended range impact munitions. These munitions may include impact rounds containing chemical agents.

Terrorism—The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof in furtherance of political or social objectives.

Unlawful Assembly- A “compelling or clear evidence” of an intent to use or incite violence. However, acts of violence by a small number of participants do not render a whole assembly violent or an unlawful assembly. If there is violence and property damage and danger around the circumstances, that might impact whether the announcement to disperse will be given.

ORGANIZATIONAL AUTHORITY

6. The Superintendent of Police, or specific individual designated by him/her in the chain of command, or by virtue of deployment of personnel pursuant to an Operations Plan / Incident Action Plan will be the Incident Commander at scenes of First Amendment assemblies.
7. Incident Command responsibility, once established, does not pass from one officer or official to another simply by virtue of the appearance or arrival at the scene of a First Amendment assembly of an official senior in rank to the officer or official operating as the Incident Commander. Incident Command responsibility passes in such instances **only upon acceptance and overt acknowledgement of that responsibility** by the senior official. Any change in Incident Commander shall be disseminated to all members participating in the incident.
8. Each civil disturbance situation is unique, and commanders and supervisors must, therefore, plan and respond according to the nature and size of the disturbance. The policies and procedures presented in this chapter are based upon the concept of operational flexibility, and it is expected that officials will exercise sound judgment and proper command, control, and supervisory responsibility in the control of a civil disturbance.
9. NOPD recognizes the following general principals and guidelines regarding First Amendment Assemblies, Crowd Control, or Civil Unrest:

- a. First, all members of a crowd of demonstrators are not the same and even when some members of a crowd engage in violence or destruction of property, other members of the crowd are not participating in those acts.
- b. Second, once members of a crowd become violent, the situation often turns chaotic, and individuals in the crowd who do not want to participate in the violent or destructive acts may be blocked from leaving the scene because the crowd is so large or because they are afraid they will move into a position of heightened danger.
- c. Third, this does not mean Law Enforcement Officers cannot take enforcement action against elements or individual members of the crowd as permitted by legal standards, training, and policy, but NOPD should seek to minimize the risk that force and arrests may affect or be directed at innocent persons.

ETHICAL POLICING IS COURAGEOUS (EPIC)

10. The officers are required to exercise the skills they learned from EPIC which is the NOPD peer to peer intervention program. Officers are not only expected to practice peer to peer intervention, they are required to, especially in protest situations.
11. An EPIC briefing shall be conducted prior to each planned response to a protest where the officers and supervisors are reminded to monitor each other, “tap out” when they feel they are losing control and submit to an intervention. Supervisors are instructed to pay close attention to the officers on the front line to ensure they are not getting agitated and if so, to intervene immediately to avoid a confrontation.

PLANNED/PERMITTED FIRST AMENDMENT ASSEMBLIES

12. Planned events are those that the department are aware of in advance, either through the submission of a permit request or other means that allow for the advance planning of resources and response.
13. When large-scale planned/permited First Amendment assemblies are anticipated, the Superintendent of Police, or specific individual designated by him/her in the chain of command shall serve as the Incident Commander(s) at various sites to manage events.
14. During First Amendment protected demonstrations, Incident Command responsibility, once established, does not pass from one officer to another simply by virtue of the arrival of a member of higher rank. **Incident Command responsibility passes in such instances only upon acceptance and overt acknowledgement of that responsibility by the senior official.** Any change in Incident Commander shall be disseminated to all members participating in the incident.
15. The Deputy Chief of the Field Operations Bureau (FOB), under the direction of the Superintendent of Police, is responsible for preparing the Event / Operation Plans or Incident Action Plan and any required tactical response plans for events that are scheduled to occur within the City of New Orleans. In this capacity they shall:
 - a. Coordinate all aspects of the plan with the affected elements, units, and personnel;
 - b. Coordinate activities with other law enforcement and federal agencies, as

- necessary; and
 - c. Designate liaison officers to deal with demonstration leaders before, during, and after the demonstration.
 - d. Ensure consideration is given to venue security, sanitation, crisis management, transportation, traffic, legal issues, and media relations.
16. The Investigation and Support Bureau (ISB) – Investigation Support Division (ISD) - Intelligence Unit will conduct an analysis of all known / planned protest events in advance and will provide a written "Threat Assessment." This threat assessment is an internal document and shall be deemed **CONFIDENTIAL or OPSEC**. It shall include the following information:
- a. The expected size of the crowd,
 - b. The goal/objectives of the gathering (i.e., occupying locations, blocking traffic, removal of statues/monuments, calls for action),
 - c. The potential for counter protesters,
 - d. The potential for crowd mobility,
 - e. The potential for escalation to a civil disorder (i.e. does the group have a history of violence, do counter-protesters have a history of violence).

THREAT LEVELS

17. The following threat levels provide a relative guide to facilitate clear communication between members when evaluating and assessing the hazards associated with and possible resource needs of incidents relating to crowds, events, and gatherings.
- (a) **LOW LEVEL:**
 - i. The threat is vague and indirect;
 - ii. Information within the threat is inconsistent, implausible or lacks detail;
 - iii. Threat lacks realism; and
 - iv. Content suggests group / person is unlikely to carry it out.
 - (b) **MEDIUM LEVEL:**
 - i. Threat is more direct and more concrete than a LOW - LEVEL threat;
 - ii. Wording suggests threatening group / person has given some thought to how the act will be carried out;
 - iii. General indication of a possible place and time (but not a detailed plan); and
 - iv. Strong indication the threatening group / person has taken preparatory steps, although there may be some veiled reference or ambiguous or inconclusive evidence pointing to that possibility.
 - (c) **HIGH LEVEL:**
 - i. The threat is direct, specific, and plausible;
 - ii. Threat suggests concrete steps have been taken toward carrying it out.

THREAT TYPES

18. The following threat types provide a relative guide to facilitate clear communication between members when classifying the hazards associated with and possible resource

needs of incidents relating to crowds, events, and gatherings:

- (a) **DIRECT THREAT** – Identifies a specific act against a specific target and is delivered in a straightforward, clean, and explicit manner.
 - (b) **INDIRECT THREAT** – Has a tendency to be vague, unclear, or ambiguous.
 - (c) **VEILED THREAT** – Strongly implies but does not explicitly threaten violence.
 - (d) **CONDITIONAL THREAT** – Warns that a violent act will happen unless certain demands or terms are met.
19. The Threat Assessment will be distributed to the following individuals only and not circulated outside of the distribution group (see: **OPSEC**):
- a. Superintendent of Police,
 - b. Deputy Chief of the Investigations and Support Bureau (ISB),
 - c. Deputy Chief of the Field Operations Bureau,
 - d. Captain of the ISB – Investigation Support Division
 - e. Affected District Captain(s), and
 - f. The Special Operations Division Captain.

UNPLANNED EVENTS (INCIDENTS)

20. Unplanned events/incidents are ones of which the Department has no prior knowledge. Such events/incidents may consist of spontaneous gatherings and/or large- scale demonstrations. Unplanned events/incidents are often peaceful and pose little problem for law enforcement; however, peaceful gatherings can turn violent, so contingency plans must be in place to provide guidance and direction for members to respond as necessary to safeguard life and property.
21. Unplanned civil disturbances may arise from several causes such as, political grievances, economic conflicts, community unrest, or in response to police action taking place in neighborhoods, or in the midst of a crowded street, park, or public place. Civil disturbance participants may come from all walks of life and cover the entire political spectrum.
22. Whenever an unplanned First Amendment assembly arises, the first officer on the scene will serve as the initial Incident Commander. That member will be responsible for assessing the scene, notifying Communication Services and the District platoon commander of the situation, and requesting assistance from the Special Operations Division if necessary.

Response to Un-permitted (Unplanned) First Amendment Assemblies

23. The first officer(s) to arrive on the scene of a First Amendment Assembly is/are responsible for the following actions:
- a. Observe the situation to determine if the gathering is peaceful or has the potential/likelihood to turn violent. District patrol officers may encounter gatherings of people, including but not limited to:
 - i. Civil protest / demonstrations,
 - ii. Civil disturbances, and
 - iii. Un-permitted parades (those not granted permit in advance by the City thru

Special Events Section of FOB).

- b. Notify Communication Services (OPCD) of the nature and size of the assembly and request the assistance of a supervisor.
 - c. If peaceful, attempt to identify and make contact with the group organizers or leaders to determine the duration of the event, the number of persons expected to attend and if civil unrest is anticipated or planned.
 - d. If criminal activity has already occurred, attempt to identify those individuals who were involved. Absent exigent circumstances involving life safety, District patrol officers shall request the presence of a supervisor on scene, brief the supervisor of conversations and actions already taken and obtain supervisory approval before taking enforcement action.
24. In larger gatherings the SOD Captain or on-duty SOD supervisor shall be requested to respond to the scene. If an SOD supervisor is unavailable, the District Platoon Commander shall respond to the scene and assume command of the event/incident as the Incident Commander (IC) until relieved. All Incident Commander Responsibilities outlined below apply regardless of rank and should be implemented as soon as possible.

INCIDENT COMMANDER RESPONSIBILITIES

25. The primary responsibility of the IC is the rapid assembly of sufficient staffing and resources to provide a safe environment for the gathering and ensure disruptions to the area are minimized. The IC should immediately:
- a. Assess the situation for disruption and its potential for escalation. If the assembly is peaceful and adequate resources are available, efforts should be made to allow for the protest action to continue, by redirecting vehicular and pedestrian traffic around the incident.
 - b. Ensure that the following information about the incident is continuously provided to the OPCD:
 - i. Location of the event/incident,
 - ii. Number of participants,
 - iii. Activities of the participants (i.e., blocking traffic, destruction of property),
 - iv. Direction of movement of participants (if mobile),
 - v. The presence of any weapons, and
 - vi. Ingress/Egress routes for emergency vehicles.
26. If a peaceful assembly escalates to a civil disturbance beyond the capacity of on-site personnel to effectively control the situation, the Incident Commander shall:
- a. Evaluate whether additional staffing is required to control the situation,
 - b. Notify Communication Services (OPCD) of the change in the situation,
 - c. Determine, and recommend if a partial or full activation of Mobile Field Force personnel will be necessary,
 - d. Determine and recommend if a recall of off-duty personnel or a hold-over of shift personnel may be necessary.
 - e. Determine and recommend the level of personal protection equipment (PPE) to be utilized and the tactics employed in response.

COMMUNICATION WITH ORGANIZERS

27. The Planning Section Chief (PSC) or their designee, will reach out to the event organizer(s), if known, and discuss the objective and goals of the peaceful protest. The PSC is responsible for identifying what resources may be required (vehicles, number of officers, barricades, etc.). The PSC will obtain all available contact information on the event organizers (phone number and/or email address). This contact information shall be shared with the Operations Section Chief and Incident Commander.
28. The Operations Section Chief and/or the Incident Commander shall reach out to the event organizer or their representative. They shall discuss the objective and goals of the protest, determine if it will be stationary, or if a march will be included. If a march is a part of the protest, they shall attempt to ascertain what the destination is and what routes are planned or likely.

VIOLENT CIVIL DISTURBANCES

NOTE: Once the peaceful civil protest or demonstration becomes civil disorder and a portion of the crowd agitates or incites violence, the below protocol goes into effect.

29. The Incident Commander, at the direction of the Superintendent of Police, will determine when chemical agents and any Specialized Weapons will be deployed. The deployment of chemical agents and any Specialized Weapons will only be authorized by the Superintendent when there is an immediate threat of death or serious bodily injury. The decision to deploy chemical agents and any Specialized Weapons will be made in accordance with **Appendix D**, the Pre- Crowd Dispersal Checklist. Each element of the Checklist shall be specifically addressed and noted as part of the After-Action report along with the date and time when specific Available Munitions listed in **Appendix E** are authorized.
30. The Incident Commander, in coordination with the Operations Section Chief, and Tactical Branch Director, has the responsibility to determine the Rules of Engagement and how the rules of engagement will be implemented when a peaceful protest transitions to civil disorder and a portion of the crowd violates the law or disregards lawful orders.
31. In a violent Civil Disturbance, the primary objectives of the Incident Commander will be to:
 - a. Protect persons (life safety), including non-participants and participants alike.
 - b. Disperse disorderly or threatening crowds to eliminate the immediate risks of escalation and further violence.
 - c. Deploy personnel to isolate and contain the individuals within a crowd who are acting unlawfully and effect the arrest, based on probable cause of those individuals.
Protect property at risk unless doing so places persons at unreasonable risk.
32. The Incident Commander will establish a Field Command Post (Incident Command Post) at a safe location near the event or disturbance, from which he/she will control and coordinate police tactical operations. A Staging Area, under the Staging Area Manager,

will also be established as the assembly point for all responding emergency personnel and equipment prior to deployment. Deployment of the personnel and equipment from the Staging Area will be at the express direction of the Incident Commander or the Operations Section Chief. The Staging Area Manager need not be a member of NOPD.

33. The Incident Commander or his/her designee shall coordinate with New Orleans Emergency Medical Services (EMS) to ensure medical personnel are available to respond in the event of injuries to participants, non-participants, or emergency personnel. EMS personnel and equipment shall report to the Staging Area. EMS deployment shall be directed by the IC or the Operations Section Chief (or designee).
34. The Operations Section Chief will direct all field response to the incident or event and coordinate with the Tactical Branch Director (SOD Captain) to ensure the Rules of Engagement, including the type and use of chemical agents and other specialized weapons, will be decided based on direct, first-hand field observations.
35. The Tactical Branch Director (SOD Captain) will be the responsible party for determining how best to implement the Rules of Engagement regarding the deployment of chemical agents and other specialized weapons, in coordination with intelligence obtained from the Operation Section Chief. The actual deployment, based on those recommendations, can only be authorized by the IC at the direction of the Superintendent of Police.

ISSUANCE OF WARNINGS (SEE APPENDIX C)

36. When the intensity level of a crowd escalates and unlawful disruption (violations of law), either through violent or passive means, is occurring to the extent that the Incident Commander determines there is a need to take police action, the IC will instruct the affected Mobile Field Force Supervisors to issue Official Warnings (**Appendix C**) to the crowd to disperse.
37. The warnings found in "**Appendix C**" SHALL be made using the LRAD (Long Range Acoustic Device) system or a similar sound amplification device, if the situation allows, at least 3 times, with a minimum of a 30 second interval between warnings, if possible. This provides participants ample time to hear and respond to the warnings and instructions prior to the deployment of any chemical agents or specialized weapons.
38. If the individuals are cooperating with instructions / warnings, allow them to continue to comply with the instructions and delay deployment. The warnings and subsequent response shall be recorded on BWC by the supervisors issuing the warnings.

NOTE: The deployment of any CHEMICAL AGENTS OR SPECIALIZED WEAPONS FOR CROWD CONTROL AND DISPERSAL SHOULD ONLY BE USED AS A **LAST RESORT** WHERE THE IMMINENT THREAT OF DEATH OR SERIOUS BODILY INJURY EXISTS.

39. Once the warnings have been issued and cooperation is not forthcoming, the first tactic will be to custodially arrest those individuals who break the police cordon by using the Uniformed Extraction Team (UET) to make the arrest. This will allow for the least intrusive method to take protestors into custody who cross the police cordon.

40. Cordon line officers are not to take direct enforcement/arrest actions without the express approval of a supervisor except for life safety emergency situations. If possible, the supervisor will advise the Operation Section Chief and/or Incident Commander in advance and receive permission to do so. The supervisor should forward the relevant information needed to the Incident Command Post so the IC can make an informed decision.

Authorization of Personal Protective Equipment

41. The Incident Commander may authorize the wearing of hard personal protection equipment (such as helmets, gloves, chest protectors, shin guards. etc.) and tactical dress uniform (TDU) only when there is a foreseeable, imminent risk of violence.
42. Following any deployment of officers in personal protective equipment and TDU, the Incident Commander shall make a written report of the assessed need and objective reasons for deployment to the Superintendent of Police within 3 days of the conclusion of the incident, unless directed sooner by the Superintendent.

Mobilization of Personnel

43. Upon being informed of a civil disturbance and the need for the mobilization of the Mobile Field Force (MFF), the Superintendent of Police or the Incident Commander if designated by the Superintendent, shall review and evaluate all information pertaining to the civil disorder and make a determination as to which level of mobilization shall be implemented.
44. Upon being notified that the Department has authorized the Mobile Field Force deployment, each Deputy Chief and Bureau/District Captain shall ensure that all supervisors under his/her command are notified and carry out their duties and responsibilities as required.
45. The New Orleans Police Department is the primary law enforcement authority during an unlawful assembly, civil disorder or riot situation in the City of New Orleans. Assistance may be requested from partner agencies or jurisdictions and from law enforcement mutual aid and military assistance agreements as necessary.

Providing Security for Fire/EMS and Other Responders

46. The Incident Commander shall ensure that all necessary police protective security will be provided to New Orleans Fire (NOFD) and Emergency Medical Services (EMS) Department personnel, as well as to other clearly identified medical and public utility responders, to ensure their safety within the disorder area while performing emergency tasks.

ORGANIZATION OF MOBILE FIELD FORCE

47. The organizational structure of the Mobile Field Force (MFF) is designed to facilitate command, control, and communication. Additionally, the structure allows for clear lines

of authority and accountability and will follow the National Incident Management System (NIMS).

48. The following outlines the elements of the selection, training and equipping of the MFF:
 - a. Prospective members are selected by each District/Division Captain keeping in mind that supervision ratios must be maintained. Maturity and restraint are key qualities in selection and Captains shall review a member's personnel jacket and PIB history before selection. Any sustained complaints of excessive force or open investigations of excessive force complaints are cause for the members immediate removal from the MFF.
 - b. Selected members shall attend special training at the E&TD on tactics of crowd management and control, proper wearing, use and maintenance of issued PPE, and working with Mounted Units. The E&TD shall maintain records of all members trained and provide the names and dates to SOD upon completion of initial and annual re-certification training.
 - c. Upon successful completion of training, the members shall be issued related PPE to include:
 - i. Helmets
 - ii. Face shields
 - iii. Elbow, knee, and chest protectors
 - iv. Batons
 - v. "Riot" shields
 - vi. Gas mask / respirator.
49. Each District/Division will ensure the required number of trained MFF officers and supervisors are assigned to an event in accordance with the Incident Action Plan or as requested / directed by the Incident Commander for quickly evolving incidents.
50. Notification procedures for "activation" or call-out of the MFF shall be made from a Master List of MFF members found on the NOPD web applications. The list shall be maintained by SOD and include the member's name, rank, email address and contact phone number. The list shall be kept in alphabetical order.
51. Once the IC has determined that the MFF may be needed, a determination as to activation of **on-duty members only** or **all members** shall be made.
52. For on-duty activation, the IC will contact Communications Section – Supervisor Desk for a general broadcast that on-duty MFF members have been activated and provide the Staging Area location for assembly and the communications channel used for the incident. Each District shall ensure that the on-duty members are notified to report immediately to the designated Staging Area (reference the active MMF list posted on the NOPD web applications page).
53. For an all members activation, the IC will contact Communications Section – Supervisor Desk for automated notification (**Rave Notify**) of all MFF members and provide the Staging Area location and the communications channel used for the incident.

54. MFF trained officers should always have issued PPE and TDU available and ready for use in their vehicles. MFF members will only deploy in the TDU when activated. All issued PPE shall be inspected at least quarterly by qualified members of SOD. This inspection shall be noted, and records retained by SOD. Any deficiencies shall be noted in an SFL entry and corrective action taken, including repair or replacement of equipment. ~~This should include shields, batons, and gas masks.~~
55. All officers, including MFF officers and rank working the demonstration/protest shall be equipped with a fully charged Body Worn Camera (BWC). The BWC shall be mounted on the exterior of their TDU or protective gear (chest protector). The placement of the BWC shall be verified by a supervisor at roll call. If an officer does not have a BWC, they should be issued a BWC on the day of the demonstration by the Performance Standards and Accountability Bureau (PSAB) – Information Systems Section – BWC Unit, in the event of a planned event. The issuing of BWCs shall also apply to all supervisors, including Majors, Captains and Lieutenants designated to work any demonstrations/protests. Any officer who has any contact with demonstrators shall have their BWC activated.

COMMAND ASSIGNMENTS AND RESPONSIBILITIES

56. For planned events or once activated and on scene the following shall be designated:
 - a. **Incident Commander** – Chief Deputy Superintendent of the Field Operations Bureau. The Incident Commander will be responsible for directing the overall response to the incident and all instructions involving officers' actions (ROE) unless there are exigent circumstances that dictate that immediate action and intervention is necessary to protect lives and prevent violent criminal behavior. The decision to activate the **Tactical Operations Plan** rests with the Superintendent of Police or the Incident Commander.
 - b. **Operations Section Chief** – Field Operations Bureau Captain, as designated by the Incident Commander (Chief Deputy Superintendent) – will be responsible for the following:
 - i. Ensuring the rules of engagement, including the use of chemical agents and Specialized Weapons are adhered to and decided based on direct observation during all forms of protests and civil disturbances/riots (“eyes on the ground”).
 - ii. The response of officers assigned to the Mobile Field Forces, who are not assigned to the Special Operations Division (SOD) or the Investigation Support Division (ISD).
 - iii. One motorcycle platoon, assigned from the Traffic Section, will report on motorcycles, and provide traffic control and/or divert traffic, at the direction of the Operations Section Chief. Motorcycle Officers will escort, and parallel movements made by protestors and provide updated locations for the Incident Commander. Vehicular traffic will be diverted away from moving protests.

- c. **Intelligence Branch Director** – Captain of Investigation Support Division – will be responsible for the following:
 - i. For planned events the Intelligence Branch Director will be responsible for ensuring the completion and updating of a “Threat Assessment.”
 - ii. For unplanned events the Intelligence Branch Director or his/her designee will be responsible for coordinating the response of personnel for intelligence gathering and identification purposes.

- d. **Tactical Operations Branch Director** – Captain of the Special Operations Division – will be responsible for the following:
 - i. Determining how to implement the rules of engagement regarding the deployment of chemical agents and specialized weapons, in coordination with the intelligence obtained from the Operation Section Chief, who has direct observation of events on the front line.
 - ii. Mounted Units will assist at the direction of the Operations Section Chief. The Incident Action Plan will determine the number of Mounted Units needed for the event.
 - iii. Tactical Platoon(s) will be on standby and shall be ready to respond as directed by the Tactical Operations Branch Director or his designee. The Tactical Platoon will be responsible for executing all gas and munitions deployments. They will make determinations on the removal of protestor distraction devices. If it is determined that it is not safe to remove the device, because it is flammable or consistent with bomb making material the SOD/EOD and the Tactical Commander will determine how to disengage or deactivate the device. The Tactical Platoon will be staged at SOD headquarters.
 - iv. SOD/EOD will be responsible for the investigation of suspicious devices, packages or items. They will also assist the Tactical Platoon when removing protestor distraction devices. They will respond to all bomb threat calls.
 - v. SOD/Armory will be responsible for the issuance of gas and munition packages, the delivery and retrieval of the Mobile Command Post, and the delivery of the Bear and Bearcat when needed
 - vi. The Tactical Operations Branch Director or his/her designee will designate officers to act as the Uniformed Extraction Team (UET), consisting of 2 Sergeants and 10 Officers. The UET role will be assembled to enter the crowd when directed and remove any protesters that are determined to be unruly, rescue injured people or isolated officers..

- e. **Planning Section Chief** – The supervisor or designee from the Special Events Section of FOB.
 - i. The Planning Section Chief will be responsible for attempting to communicate with event organizers for planned events and ensuring the preparation and/or documentation of the Incident Action Plan or Operations Plan.

- f. **Logistic Section Chief** – Deputy Superintendent of the Management Services Bureau – will be responsible for the following:
 - i. Ensuring 2 truckloads of metal barricades are always available for deployment.
 - ii. Assigning sufficient personnel to deliver and erect barricades at any locations designated by the Incident Commander or Operations section Chief.

MOBILIZATION OF PERSONNEL IN SUPPORT OF EVENTS

- 57. When a full mobilization of personnel is necessary to support large events or First Amendment assemblies the following units shall provide support as enumerated:
 - a. The Public Integrity Bureau shall monitor, assess, and investigate allegations or instances of misconduct and/or use of force through the **Force Investigation Team (FIT)** of the Public Integrity Bureau (PIB). The FIT shall investigate all incidents involving uses of force arising from a First Amendment Assembly.
 - b. A ranking member of the Field Operations Bureau, shall be assigned by the Incident Commander (Deputy Chief of FOB) to the **Office of Emergency Preparedness**, located at City Hall, and act as a liaison between the NOPD field units and the Office of Emergency Preparedness.
 - c. One member of the New Orleans Police Department **Joint Terrorism Task Force**, as assigned by the Incident Commander, shall respond to the Incident Command Post and act as a liaison between the field units and the Federal Bureau of Investigations.

New Orleans Emergency Medical Services (EMS) and New Orleans Fire Department (NOFD)

- 58. When it has been determined that a civil disturbance of major proportions is contemplated or underway, The Incident Commander shall request the New Orleans Fire Department and New Orleans Emergency Medical Service to provide the necessary units and assistance, staged for response to medical or emergency requests. (See: Staging Area Manager above.)
- 59. Whenever medical treatment is required for protesters or police officers because of a civil disturbance, a written and photographic record shall be made by NOFD or EMS of all injuries to police officers or protesters. See: NOPD Chapter 1.3.6 – Reporting Use of Force for guidance.) The FIT shall also be notified of each occurrence through Communications (OPCD).

GENERAL GUIDELINES FOR RULES OF ENGAGEMENT

- 60. A fundamental set of tactics which is incorporated in all possible police confrontations is De-escalation. De-escalation guidelines shall always be the first tactic used, when

possible. The guidelines are –

- a. When it is consistent with protecting the safety of the officer, the subject, or the public, officers shall use de-escalation techniques to avoid or reduce the need for the use of force.
 - b. These techniques include:
 - i. gathering information about the incident,
 - ii. assessing the risks,
 - iii. assembling resources,
 - iv. attempting to slow momentum, and
 - v. communicating and coordinating a response.
 - c. In their interaction with subjects, officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.
 - d. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance to consider or deploy a greater variety of force options.
61. The Rules of Engagement for each type event or incident should address:
- a. The first priority shall be preservation of life.
 - b. Channels of communication will be established so that situations can be de-escalated if necessary.
 - c. Police will provide public information that makes it clear who is making decisions and the process for deciding when police response will be escalated.
 - d. Every attempt should be made to communicate with participants to reach common sense agreements based on these protocols both ahead of time and at the scene.
 - e. Clear standards of professionalism and sound community friendly policing will be maintained and adhered to at all times.
 - f. Police will wear only the attire minimally required for their safety. Specialized “riot” gear will be avoided except as a last resort.
 - g. Crowd control equipment such as armored vehicles, rubber bullets, rifles and chemical agents will not be used except as a last resort.
 - h. Police or other government authorities will not interfere with the free flow of information through tactics such as limiting cell or internet access, interception of cell or other mobile conversations or un-warranted wiretaps.
 - i. Every attempt will be made to pinpoint arrests so that only individual lawbreakers will be arrested. “Kettling” and mass arrests will not be used.
 - j. Media, legal observers and medics shall not be considered participants in civil disturbances and shall be allowed to perform their duties safely.
 - k. Every attempt will be made to provide alternate routes or other means for non-involved persons to get to work, home or meet other necessities and directing crowds away from dangerous traffic.
 - l. Officers will be instructed to be tolerant of minor lawbreaking before deciding to escalate the use of force.
 - m. Officers and supervisors will be instructed to provide latitude to allow for free assembly, movement to final locations for gathering and expression, treating participants as citizens and not “enemy combatants”.
 - n. Intimidation of participants will not be tolerated. Pretextual pedestrian or traffic stops, pre-emptive arrests or detention of leaders is not condoned.
 - o. Medical care will be liberally made available and attorneys will be able to travel to and meet with clients without impediments.

GENERAL OPERATIONAL GUIDELINES FOR MASS DEMONSTRATIONS

62. Mass demonstrations and circumstances or events surrounding them do, on occasion, give rise to situations in which substantial numbers of persons engage in unlawful conduct jointly or simultaneously within proximity of one another.
63. It is the policy of the New Orleans Police Department to ensure individuals may enjoy free and open expression in this city with confidence that their constitutional rights will be respected.
64. It is the policy of the New Orleans Police Department to avoid making arrests of substantial numbers of persons in response to such incidents, when arrest avoidance is reasonably possible in the interests of safety and security.
65. Each MFF supervisor shall be designated a specific staging area, from which the operations of that unit can be coordinated.

Crowd Management

66. Where the threat of violence is expected, a minimum number of personnel shall be positioned for crowd management as "crowd managers". These members shall be dressed in the uniform of the day and shall be positioned, where possible, in such arrangements that direct physical contact with the crowd can be kept to a minimum.
67. Each member of the MFF should assess the mood of the crowd and respond to changes in crowd behavior as directed by the Operations Section Chief or Incident Commander. Accordingly, it is important that supervisors are aware of the type of crowd that is being managed; and that prior to deployment, members are reminded at the staging site on what to expect from the participants and what types of alternative responses the members may anticipate. Absent exigent circumstances, the Incident Commander will determine the type of response deemed necessary; thereby causing the unit to act in concert following his/her direction.
68. Members of the MFF shall not engage in demonstration-related discussion with participants. They shall conduct themselves to display an attitude of neutrality. However, members shall be courteous and helpful, mindful that expressions of friendliness are a valuable tool in maintaining peace. Communication is an essential tool in crowd management. It ensures unity of action among police officers, and that police officials and crowd leaders understand one another. Communications must be constant, clear, and immediate, and on many occasions, can serve to defuse threatening situations.
69. Supervisors shall constantly observe and speak with members under their charge to ensure that they are complying with orders, that they are completely aware of probable responses to crowd attitude change, and that members who are showing strain are provided temporary relief.

70. MFF supervisors shall establish communication with demonstration leaders as soon as possible, and maintain the same as a sign of cooperation, as a means of obtaining first-hand knowledge of crowd mood, and as a tool to facilitate negotiations and maintain the peace.

Verbal Persuasion

71. As a first means of dispersing a crowd under static conditions, the unit commander shall attempt to verbally persuade the crowd to disperse of its own accord by announced available exit routes.

Arrest

72. An assembly of persons will not be arrested simply because the group does not possess a permit. Such an arrest may only occur after an order to disperse (See: **Appendix C – Warning Format**) has been authorized and clearly communicated in a manner that is reasonably calculated to be heard by each of the persons in the group and a reasonable opportunity to disperse has been afforded, but not utilized by members of the assembly.
73. Each arrest of any individual person must be supported by probable cause. An issuing official shall not recommend the arrest of any person unless probable cause to support the arrest of that person exists. The Incident Commander shall not order the arrest of any person for whom he or she has not verified the existence of probable cause to arrest.
74. It is the policy of the New Orleans Police Department to avoid mass arrests.
75. The number of warnings given, the method used, and the time intervals between warnings, shall be recorded on the issuing supervisor's log. The procedures shall be recording on BWC. The documentation of procedures must reflect the availability and location of exit routes available to the crowd, and of any persons who leave the area.

Commander's Mass Demonstration Event Log

76. The Incident Commander and Unit level supervisors (Platoon Lieutenants) shall designate one member of his/her unit to serve as the unit recorder for the purpose of entering all significant events associated with the operation of the unit on the Commander's Mass Demonstration Event Log. (**Appendix B**). Entries into the log will be made at the direction of the unit level supervisor or Incident Commander. When it becomes necessary for subordinate supervisory officials to initiate any independent action or engage in or observe events that could be considered significant, they shall, as soon as possible, advise the unit commander for inclusion into the commander's log. Examples of events warranting entry into the log would be:
 - a. Occasions requiring the use of force. Entries shall include the circumstances, type of force used, duration, and effect.
 - b. Tactical orders issued to personnel.
 - c. Orders received from higher authority.
 - d. Significant acts on the part of the demonstrators.
 - e. Incidents involving any arrests.
 - f. Complaints alleging serious police misconduct.

- g. Issuance of warnings.

Termination of Mass Demonstrations Assignments

- 77. When conditions have subsided, the Incident Commander shall personally survey the affected areas and determine whether additional police personnel are still needed at a particular location. If it is determined by the Incident Commander that no further enhanced police presence / action is required, other than normal patrol, the assignment shall be terminated.

Accountability of Equipment and Personnel

- 78. All police supervisors shall be responsible for accounting for all personnel under their command at the conclusion of incident event cycle and the conclusion of police operations or participation. In the event NOPD members are not immediately located, the supervisor will then notify the Incident Commander through the incident chain of command. The Incident Commander, in turn, will assign responsibility for the formulation of a search plan for the missing member(s).
- 79. Prior to relieving members of their command, unit supervisors shall ensure all items of equipment that were issued by the SOD Armory are accounted for and returned to that unit within the required due date and time. Receipts from SOD Armory are required. This is to include coordination with the SOD/CDU Storeroom to return any rented vehicles.
- 80. Section Chiefs and their designees shall prepare an After-Action Report and submit it to the Chief Deputy Superintendent, within five calendar days of the return to normal operations.
- 81. The Section Chiefs' After-Action Reports shall contain a list of all actions and events that occurred in chronological order, to include:
 - h. The date and time that each event occurred.
 - i. Brief description of the event.
 - j. Unit action(s) taken.
 - k. Outcomes of actions taken, such as number of persons arrested.
 - l. A complete and detailed report of:
 - 1. Problem areas encountered.
 - 2. Highlights of significant events and unsatisfactory conditions.
 - 3. Losses of equipment due to "hostile" action.
 - 4. Injury to officers indicating degree of injury and cause.
 - 5. Any recommendations for improvement.
 - 6. Negative reports are required.
- 82. The Incident Commander shall prepare an After-Action Report to the Superintendent, Assistant Superintendents, and the Office of Emergency Preparedness within (7) seven days of the conclusion of NOPD participation in the incident containing:
 - (a) Incident item number, location, date, and time of incident;
 - (b) Duration of the incident;
 - (c) Incident command staff;
 - (d) Specialized units involved;
 - (e) Inventory of all department equipment utilized;

- (f) All agencies involved;
- (g) All personnel used;
- (h) Synopsis of the incident;
- (i) Weather conditions;
- (j) If any public resources were affected,
- (k) Any injuries, deaths, or arrests;
- (l) Problems encountered; and
- (m) Recommendations.
- (n) Use of Force Occurrences
- (o) Munitions Dispensed

APPENDIX A

PUBLIC INFORMATION OFFICE

The Public Information Office (PIO) handles all activities relating to the press and the release of information related to Civil Protests / Demonstrations and other large scale public events. The PIO will arrange all press conferences, staff and organize areas for staging of the press and or news media under the direction of the Incident Commander. The PIO will prepare press releases prior to scheduled events informing the public of any expected street closures, alternative traffic routes, demonstrator activity and other non-sensitive noteworthy information likely to impact the visitors and residents of the City of New Orleans.

In keeping with Department policy, the New Orleans Police Department (NOPD) shall allow media representatives' reasonable access to all areas where a First Amendment assembly is occurring. At a minimum, the NOPD shall allow media representatives the same access enjoyed by members of the general public and, consistent with public safety considerations, shall allow media representatives access to promote public knowledge of the assembly.

The NOPD personnel located in or near an area where a First Amendment assembly is ongoing shall recognize and honor media credentials issued by or officially recognized by the NOPD.

The NOPD shall make reasonable accommodations to allow media representatives effective use of photographic, video, or other equipment relating to their reporting of a First Amendment assembly.

All confrontations with, or reports of media misconduct shall be immediately forwarded to the PIO. This information shall include the name, press affiliation, and a synopsis of the incident as well as the necessary contact information for the member witnessing the activity including if the incident was recorded on BWC. In instances of confrontations with, or reports of media misconduct, the observing member shall notify an NOPD Official who shall immediately report the incident to the PIO office at 658-5858.

APPENDIX C

WARNING FORMAT

Warning Format

This is the New Orleans Police Department. We are here to protect your 1st Amendment right to peacefully protest.

1. **“Please stop** (state the actions that should be stopped such as attempting to advance on the Interstate, attempting to cross a police line, etc.). **If you do not stop**, (state the actions that should be stopped), **this demonstration/protest/march you may be subject to arrest, gas or other less lethal methods.**”

2. **“This is your second warning; “Please stop** (state the actions that should be stopped such as attempting to advance on the Interstate, attempting to cross a police line, etc.). **If you do not stop**, (state the actions that should be stopped), **this demonstration/protest/march you may be subject to arrest, gas or other less lethal methods.**”

3. **“This is your third and final warning; “Please stop** (state the actions that should be stopped such as attempting to advance on the Interstate, attempting to cross a police line, etc.). **If you do not stop**, (state the actions that should be stopped), **this demonstration/protest/march you may be subject to arrest, gas or other less lethal methods.**”

APPENDIX D

PRE-CROWD DISPERSAL CHECKLIST

Has the Official recommending dispersal articulated justification on these basis?

What actions, by the persons to be arrested, require the proposed mass arrest?

Has anyone been injured?

Who/What was the cause of the injury?

Has property been damaged?

What was the cause of the damage?

Will an effort to disperse likely cause more injuries than alternative police action?

Will an effort to disperse likely cause more property damage than alternative police action?

Will an effort to disperse likely cause greater disruption of traffic flow (or potentially block evacuation routes) than alternative police action?

What are the offenses committed/that could be charged?

If the offense is traversing a police cordon, unlawful assembly, obstructing public passages, and/or failure to obey a police order:

How many orders to disperse were given? How were the orders communicated?

When was each given?

Who gave each order to disperse?

Were audio and/or video recordings made of the warnings?

Is there another way to gain control of the situation?

Is there a viable alternative to a dispersal?

Is dispersal of the crowd and arrest of a smaller number of persons as the group disperses reasonable?

Is extraction of a limited number of offenders reasonable (snatch)?

Has the IC [Incident Commander] confirmed (or have you independently determined) that there are sufficient resources available to safely take action?

APPENDIX E

AVAILABLE MUNITIONS

MK – 9 Magnum First Defense Aerosol Pepper Projector

O.C. or “Pepper” Spray is NOT authorized for general use by the New Orleans Police Department. An exception to the general prohibition is made for SOD/SWAT use only; under highly specific circumstances including riots and violent demonstrations when a command level decision has been made to deploy same. The operator who deploys this less lethal option must be trained and certified to discharge these ordnates

Direct Impact LE Extend Range – CS/Chemical agent Operational Range (10 – 70 meters)
Warning! DO NOT use this round at a distance at a distance closer than 10 meters (33 feet) as it could cause serious injury or death.

NO. 2 CS. CS Irritant Smoke Continuous Discharge

CS (chemical agent) is NOT authorized for general use by the New Orleans Police Department. An exception to the general prohibition is made for SOD/SWAT use only; under highly specific circumstances including riots and violent demonstrations, when a command level decision has been made to deploy same. The operator who deploys this less lethal option must be trained and certified to discharge these ordnates.

Triple Chaser Outdoor CS Canister (chemical agent)- breaks into three separate pieces, all dispersing chemical agent. Deployed by hand.

Flameless Tri-Chamber- can be used on crowds (mainly used in houses on SWAT Rolls) but No. 2 CS Irritant Smoke Canister, Triple Chaser Outdoor CS and Aerosol OC/CS are preferred choices. Deployed by hand.

Aerosol OC/CS canister (chemical agent)- has a residue from OC that will stick to skin, clothing.

60 Cal. Stingers/40MM Smokeless Powder Rubber Balls

Rubber balls are NOT authorized for general use by the New Orleans Police Department. An exception to the general prohibition is made for SOD/SWAT use only; under highly specific circumstances including riots and violent demonstrations, when a command level decision has been made to deploy same. The operator deploying this less lethal option must be trained and certified to discharge these ordnates.

Grenade Stinger- Rubber Balls/chemical agent, disperses several rubber balls for pain compliance and CS (chemical agent) upon deployment. Deployed by hand.

Impact Weapon

Impact Weapon – Any solid or semi-solid object used by an officer as a method of gaining control of a subject. Absent exigent circumstances, officers shall not use non-traditional

weapons/hard objects, such as firearms or radios, as impact weapons. Impact weapons shall be used as a last resort in a riot situation.

Direct Impact (Green)- Impact/marketing only, used as pain compliance and leaves a green florescent mark on objects, clothes, and skin. Deployed with 40mm launcher.

Direct Impact (Blue)- Impact only, used as pain compliance. Deployed with 40mm launcher.

ER Direct Impact (Blue)-Impact/chemical agent, extended range, used as pain compliance and disperse CS (chemical agent) upon impact. Deployed with 40mm launcher

Aerial 25 (Bang)- emits a loud bang above the crowd usually as a warning before a chemical agent.

Aerial CS (a chemical agent)- emits a loud bang and disperses a chemical agent which forms an aerosol and filters down on the crowd.