

# **Oakland Police Department Crowd Control Policy and Practices**

The Oakland Police Department is dedicated to facilitating peaceful protests, demonstrations, and marches. Protecting the community's first amendment rights to free speech and assembly is our priority. Many protests and gatherings remain peaceful and the majority of participants are non-violent, however; in the event a demonstration turns violent and/or destructive, the Oakland Police Department understands the important role we must play in protecting life and property. We are committed to crowd control response that is balanced and constitutional. We have implemented policies, procedures and training that reflect our dedication to this mission.

## **Policy**

- Required planning meetings with all possible stake holders before event.
  - Coordinate with City Attorney and District Attorney to evaluate current crowd control case laws.
  - Ensure criminal and professional standard investigators are present during crowd control events in case of an officer misconduct incident occurs.
- The Department Crowd Control Coordinator Position: This individual is responsible for all training, planning and policy compliance issues involving crowd control.
- All members strictly adhere to the Incident Command System.
- The Incident Commander will follow a set sequence of events when encountering any crowd control situation:
  - Negotiate: Trained negotiators will speak with protest leaders to help control the crowd and future outcomes
  - Announcements: When negotiations fail, then multiple announcements are made with sound vehicles for dispersal.
  - Dispersal: Skirmish lines are the preferred method of dispersal without having to use physical force.
  - Arrests: Those individuals who failed to disperse are encircled and arrested for failure to disperse.
- Arrests: If an arrest is made, there must be specific articulable information for the arrest and the chain of custody must be maintained when making each arrest. The passing of prisoners from officer to officer has caused criminal cases to be lost because no one could tell who made the original arrest.
- Citations: Once arrests are made, officers will make every effort to cite out individuals at a safe location near the place of the arrest. A mobile booking station is set up to process prisoners. Subjects with no identification, warrants or with a felony arrest are taken into physical custody. This has significantly reduced the amount of time to process prisoners and reduced complaints.

- Use of Force: There are strict controls on the use of force.
  - Baton jabs cannot be used to simply move a crowd. The use of a baton or any other weapon must meet the standards of the department's use of force policy.
  - Special Impact Weapons have a higher threshold for use in crowd control situations.
  - Gas can only be deployed when ordered by the Incident Commander.
- Quarterly crowd control reports: These reports are completed by the Crowd Control Coordinator and distributed to all commanders. A redacted version is published for the public on the Department's website.
- Mutual Aid: All mutual aid agencies must report to the staging area and will not self-deploy.
  - Mutual aid agencies are briefed on OPD policies and procedures for crowd control.
  - Each outside agency team is assigned an OPD officer to act as a radio operator and pathfinder.
  - An inventory of outside agency less lethal weapons and munitions is conducted at the staging area before and after the event
  - Mutual Aid agencies are usually assigned force protection and force projection assignments. If they are given front line skirmish line positions, then they will be used as a blocking force while OPD personnel make the physical arrests.
- After action reports are completed for major events so they can be used to measure performance and improve responses to the next event.

## **Practices**

- All crowd control ops plans, briefings and after action reports are stored on a secure server. All crowd control training plans, policies, practices and documents are all housed in this box account. It is maintained by the crowd control coordinator.
- All officers receive training once a year and commanders receive training at least 2 to 3 times a year on policy, lessons learned and table top exercises.
- Commanders are specifically trained on proper gas plans and those plans are communicated to the gas deployment officers. The number of devices, the type of canister and location of deployment must be determined and communicated before deployment.
- Mobile Field Forces use a variety of vehicles to deploy from during crowd control. Armored vehicles are not deployed for crowd control. If there is a specific threat, than an armored vehicle is parked away from the protest and hidden from view. Some of the vehicles deployed during a protest are the following :
  - Ten passenger vans

- Large SUV's
- Motorcycles
- Bicycles
- Patrol cars
- Polaris sound vehicles
- Undercover officers are used to safely facilitate the arrest of violent individuals during large crowd demonstrations.
  - They are assigned their own arrest/safety team.
  - Undercover officers do not take any direct action or make arrests.
  - They coordinate the arrest of offenders who have completed acts of vandalism or violence.
  - As a practice, the arrest team waits until the individual is away from the crowd to make the arrest. This prevents members in the crowd from lynching the prisoner or starting a flashpoint within the crowd.