21st Century Protest Response

Promoting Democracy and Advancing Community and Officer Safety

COPS
Community Oriented Policing Services
U.S. Department of Justice

National Policing Institute
PURSUING EXCELLENCE THROUGH SCIENCE AND INNOVATION

Contents

Introduction

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 to peaceably to assemble, and to petition the government for a redress of grievances.

The First Amendment to the U.S. Constitution establishes individuals' right to peaceably assemble and petition the government for changes. The right to assemble and critique the Federal Government—which was later extended by Supreme Court decision to cover state and local governments—has continued to be one of the foundations of American democracy and identity.[1]

An overwhelming majority of protests are peaceful, involving people marching or gathering and chanting slogans. Protests sometimes include such activities as speeches and prayers, actions meant to temporarily block sidewalks and traffic or access to government buildings, loud and angry discussions, and planned but peaceful arrests as a means to raise awareness. Other protests focus on proposing actionable outcomes, including specific policies or legislation or changes in current practices. In more rare instances, mass demonstrations are specifically planned with the intent of wreaking havoc and causing harm. Violent acts during demonstrations, also commonly understood as riots, are not protected by the First Amendment and violate many federal, state, and local criminal and civil laws. In some cases, riots are planned with the intent of damaging property and of looting, creating chaos, and overwhelming responding public safety agencies.[2] Law enforcement and government officials are often placed in the difficult position of identifying as early as possible whether the assembling group intends any potential violence and to respond appropriately.

Law enforcement agencies play a critical role in preserving the people's fundamental right to peaceably assemble and in facilitating demonstrators' safety and security as they exercise their First Amendment rights. At the same time, they must also identify when law enforcement interventions are necessary in order to maintain safety and public order. Officials must protect the rights of citizens to protest, while simultaneously safeguarding property and preserving officer and community safety.

This project aims to address these challenges and provide recommendations for state, local, tribal, and territorial law enforcement agencies responding to mass demonstrations. The U.S. Department of Justice's (DOJ) Office of Community Oriented Policing Services (COPS Office) partnered with the National Policing Institute (NPI) and Police Executive Research Forum (PERF) to conduct this project. The areas examined for this project include

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[1] *De Jonge* v. *Oregon*, 299 U.S. 353 (1937), https://supreme.justia.com/cases/federal/us/299/353/.

[2] ACLED defines *riot* as "a violent demonstration, often involving a spontaneous action by unorganized, unaffiliated members of society." ACLED, *ACLED Definitions of Political Violence and Protest* (ACLED, n.d.), https://acleddata.com/acleddatanew/wp-content/uploads/2021/11/ACLED_Event-Definitions_v1_April-2019.pdf.

community relationship building before, during, and after mass demonstrations; officer safety and wellness; mass demonstration response strategies; communication; planning, preparation, and training; and community perspectives on mass demonstrations. The purpose, methods, and results of this report follow.

This project and resulting guide

Purpose

This document focuses on recommendations for law enforcement agencies responding to mass protests. It is intended to add to what should be an ongoing assessment of and dialogue about best practices concerning protests and mass demonstrations. The recommendations that follow are meant to guide state, local, tribal, and territorial law enforcement agencies in their response to mass demonstrations. The purpose of this guidance is to assist law enforcement agencies with protecting constitutional rights while prioritizing community and officer safety.

Methods

The issues addressed in this report were identified primarily through a series of virtual town hall meetings and roundtables hosted by NPI. The discussions focused on challenges in responding to protests and mass demonstrations in 2020–2021 and potential solutions. NPI reviewed notes from these engagements and organized them by key theme. Where available, evidence from other components of this project—including a literature review of academic and trade sources, evaluation of select after-action reviews (AAR), a brief questionnaire following the town halls, presentations, and recommendation review workshops—has been incorporated into the recommendations and proposed solutions.

NPI used a stratified approach, starting with more general information gathering and then soliciting more specific input from stakeholder groups. NPI obtained information in the following ways:

1. **Literature review.** NPI reviewed AARs from various law enforcement protest responses.

2. **Town hall discussions.** PERF organized two town halls (one featuring three large jurisdictions, serving populations of more than 450,000, and one featuring three medium-sized jurisdictions, serving populations between 50,000 and 450,000) with a total of 21 panelists and 500 attendees.

3. **Roundtables and focus groups.** NPI organized a set of focus groups with a total of 51 participants from 27 cities in a range of fields including law enforcement; national civil rights organizations; academia; community organizations and groups;[3] local, state, and Federal Government; Peace Officer Standards and Training (POST); and public information offices.

4. **Recommendation workshops.** NPI coordinated two workshops to review and finalize recommendations with a total of 10 participants from law enforcement, academia, civil rights organizations, business, and local government.

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[3] Community organizations include nonprofit and for-profit organizations that serve local communities and have a stake in social and political issues. This document also uses the term *community groups* to refer to segments of the community that may not have a formalized structure but share a common social and/or political value.

Town halls

PERF planned and hosted the first meetings, which were two town halls. One town hall focused on medium-sized cities, and the other focused on large cities; representatives from three cities participated as panelists for each town hall. The chief law enforcement executive from each city attended, and most cities also had community members present. Representatives from each city were asked about their experiences during the 2020–2021 protests, the challenges they faced, and what they felt went well. In addition to the 21 panelists, nearly 500 observers affiliated with PERF, NPI, and DOJ attended the town halls. Observers were asked a set of six polling questions throughout the sessions. The results of the town halls informed the focus areas for the next stage of data gathering—the roundtables.

Roundtables

The COPS Office, Civil Rights Division (CRT), Community Relations Service (CRS), and NPI invited various stakeholders involved in 2020–2021 protests and demonstrations to participate in roundtable discussions. The team identified potential invitees based on their past participation in national conversations regarding protests, community relationships with police, and police response to demonstrations.

The team conducted seven roundtables focusing on six topics (see table 1). One facilitator and one note-taker participated in each session, and facilitators used semistructured protocols tailored to each of the topics of discussion. The questions in each protocol were derived from current literature on protest response, as well as from the prior town hall discussions.

Various stakeholders were assigned to each focus group to avoid repetitive feedback from members of the same group. Diversity within focus groups facilitated free-flowing conversation and healthy debate. Facilitators ensured that each participant could actively contribute to the conversation. Facilitators began with an opening script that explained the goals of the focus group, obtained participants' consent to video recording and explained that comments would not be attributed to individuals by name, described the facilitator's role, described participants' role, and emphasized the importance of honesty and candor.

Table 1. Roundtable and focus group topics and participants

Roundtable topic	Number of participants	Distribution of participant group representatives	Example of questions asked
Relationship building before, during, and after mass demonstrations	7	6 local law enforcement 1 civil rights organization	How would you describe the relationship between the police and your community before the 2020–2021 protests? How did those relationships come into play in planning for or during the protests?
Resilience, safety, and wellness: Line officers	7	3 local law enforcement 2 national law enforcement 1 academic 1 law enforcement family member	With police use of force as the focus of many of the 2020–2021 protests, law enforcement agencies experienced a new level of violence directed at officers and their families. How do you think this impacted officers' response on the ground during the protests?
Resilience, safety, and wellness: Command staff	7	5 local law enforcement 1 academic 1 national law enforcement	How are your agencies discussing the likelihood that this level of protests could happen again? How do you build resilience in your agency and prepare officers for that reality?
Mass demonstration response strategies	9	4 local law enforcement 3 civil rights organization 1 federal community agency 1 academic	Are there specific crowd management strategies that can increase mobility and agility?
Communication before, during, and after protests	6	2 community organizers 2 local law enforcement 2 mayors	What do you think would have made communication more effective between law enforcement and protest leaders?
Planning, preparing, and training for mass demonstrations	7	3 local law enforcement 2 community organizers 1 academic 1 civil rights organization	Did your jurisdiction use the National Incident Management System (NIMS)? If so, how long did it take to set up your command center?
Community perspectives on protests	8	4 community organizers 2 community members 1 academic 1 civil rights organization	How would you describe the communication between law enforcement agencies and the community during the 2020–2021 protests? What are the effective ways of doing it?

Recommendation workshops

Using all of the data gathered, NPI developed a set of draft challenges and recommendations. The challenges and recommendations were grouped into seven areas: (1) situational awareness, (2) community relationship building and involvement, (3) planning and training, (4) response strategies and tactics, (5) communication, (6) officer safety and wellness, and (7) AARs.

In May 2022, the COPS Office and NPI held two virtual convenings to review and refine the draft recommendations. Participants discussed the details and practicality of implementing the recommendations and identified areas in which more detailed information was required; they also provided feedback on the wording of recommendations and identified additional recommendations for consideration.

Results

The following sections outline the key findings drawn from this research. The sections are organized by focus area, highlighting themes that consistently emerged during the project. Within each focus area, recommendations are in temporal order based on when law enforcement agencies should begin implementation. The process for building community relationships and responding to community needs is complex, ongoing, and fluid, however, and cannot be entirely linear.

1. Situational Awareness— Understanding the Protest Operating Environment

It is critical that law enforcement maintain awareness of local, national, and international issues that could affect the local community. Social, economic, and political issues can spark impromptu demonstrations, and continuing awareness helps agencies avoid being caught off guard and being forced to respond reactively rather than pro-actively. Protests can occur in any jurisdiction, whether urban, suburban, or rural.

To understand the protest operating environment, law enforcement agencies must also consider other factors that can affect protesters' behavior, including the protesters' primary focus and mission, the identity of demonstration leaders and their willingness and ability to work with police, law enforcement communication with protesters and community members, and existing police-community relationships. Law enforcement leadership must think critically about how each aspect affects the trajectory of a protest, the response of their officers and other stakeholders, and how law enforcement can adjust and adapt while also protecting protesters, the community, officers, and property.

Protest environments are complex and dynamic. No community is homogenous, and law enforcement and city leaders sometimes have limited visibility into the community landscape. Understanding the community's religious, political, social, economic, and demographic characteristics can help law enforcement leaders and city officials prepare for a potential event; it can help them to identify community groups and leaders that might require particular interaction and communication before a potential event, to plan and coordinate with other government agencies and elected officials, and to identify the most effective strategies for scheduling and deploying personnel and resources.

The following recommendations are intended to help agencies increase situational awareness and improve their understanding of their operating environment.

Situational awareness recommendations

Well in advance of protests

1.1 Have organizational systems, processes, and policing strategies in place by which law enforcement engages community members; prioritizes community partnerships; and understands the issues, social structure, and context in anticipation of potential protests.

About 75 percent of local law enforcement agencies have fewer than 25 sworn full-time personnel,[4] and many agencies are facing staffing shortages.[5] Given these constraints, agencies should consider instituting community policing throughout the entire department. Community policing is "a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues."[6] This philosophy is implemented most successfully when it is embedded throughout the entire agency and practiced by every member of the department, not limited to a specific unit or team. All officers should engage regularly with the communities they serve to better understand their neighborhoods' and jurisdictions' social structures.

Some larger departments have enriched their commitment to community policing and the understanding of community social structure by creating special units to establish additional contact with protesters before, during, and after incidents.[7] One law enforcement member shared that their agency started a Community Liaison Office through which the Assistant Chief directly interacted with protesters and community members, allowing the agency to leverage those relationships during protests. Although the presence of this type of office does not obviate the need for all officers in the department to engage regularly with community members, focused attention by a group within the agency can help establish specialized knowledge and professional relationships with local communities that may have interest in exercising their First Amendment rights through protests.

1.2 Be aware of the array of community leaders and organizers in your jurisdiction, and include them throughout engagement efforts to the extent possible.

In some cases, agencies have strong communication with older, historical community leadersbut may lack direct lines of communication with newer or younger community members. One law enforcement leader noted that this lack of communication with some leaders was a missed opportunity. To avoid potential

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[4] Shelley S. Hyland and Elizabeth Davis, *Local Police Departments, 2016: Personnel* (Washington, DC: Bureau of Justice Statistics, 2019), https://bjs.ojp.gov/library/publications/local-police-departments-2016-personnel.

[5] "Police Shortage: A Curated Collection of Links," The Marshall Project, last modified January 26, 2022, https://www.themarshallproject.org/records/1881-police-shortage.

[6] COPS Office (Office of Community Oriented Policing Services), *Community Policing Defined* (Washington, DC: Office of Community Oriented Policing Services, 2014), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P157.

[7] NPF (National Police Foundation), *A Crisis of Trust: A National Police Foundation Report to the Los Angeles Board of Police Commissioners on the Los Angeles Police Department Response to First Amendment Assemblies and Protests Occurring May 27–June 7, 2020* (Arlington, VA: National Police Foundation, 2021), https://www.policinginstitute.org/publication/a-crisis-of-trust-a-national-police-foundation-report-to-the-los-angeles-board-of-police-commissioners-on-the-los-angeles-police-department-response-to-first-amendment-assemblies-and-protests-occurri/.

selection bias (reaching only those in certain parts of the community), law enforcement leaders should implement strategies such as having open meetings in which any interested person can participate, allowing the virtual submission of comments, accepting invitations to engage with previously unfamiliar parts of the community, attending community events, and taking advantage of unstructured engagement opportunities to meet new people and organizations.[8]

In addition, law enforcement leaders should seek opportunities to engage representatives from national stakeholder organizations. Representatives from national civil rights organizations who are not affiliated with the community may attend local events. It is important for law enforcement agencies to understand who may be present during demonstrations and have established communication channels. Law enforcement agencies should also consider ways to engage community leaders and organizations that are often excluded or ignored because of assumptions that they cannot or will not be engaged. For example, law enforcement agencies should cultivate relationships with organizations that represent limited English proficient (LEP) community members. Failing to do so is a missed opportunity.

1.3 Proactively seek out and engage community leaders and organizations who have a stake in social and political issues locally, nationally, and internationally.

It is important for law enforcement to understand the interests, positions, and priorities of leaders and organizations throughout the community and to identify potential areas of alignment with them. Listening to their issues and proposed solutions, identifying priorities and opportunities to collaborate, and receiving input and feedback from all groups enhances a law enforcement agency's ability to serve the community.

Law enforcement agencies should encourage stakeholders to gather input and feedback from their audiences. They should also work to identify new community leaders and organizations with which to engage, including by leveraging news organizations, social media and other mechanisms and by using a "snowball" process or asking individuals and groups who else should be invited to future meetings. Agencies can use existing language services to engage with LEP communities. A layered approach using several of these strategies may help strengthen community–law enforcement partnerships. It is also important to note that law enforcement should view national protesters (i.e., protesters from outside the area who are tied to national civil rights organizations) as stakeholders rather than as outsiders. As our communities become more interconnected, local officers' actions may have national or global impact. Police-involved injustices are often viewed as national issues.

Respectful engagement and active listening that meets community members where they are is critical to this process. As one convening participant said, "Police should understand that for some, engaging with police is very difficult." Police leaders should embrace and acknowledge this difficulty as an opportunity to build trust and establish dialogue. They should resist being defensive to criticism or engaging in a way that could damage trust or stifle communication. The goals should be to contribute to the bank of trust, to better understand community group priorities and concerns, and to ensure community groups understand that law enforcement's goal is to facilitate the safe exercise of everyone's constitutional rights.

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[8] IACP (International Association of Chiefs of Police), *Options for Community Engagement and Dialogue* (Alexandria, VA: International Association of Chiefs of Police, n.d.), https://www.theiacp.org/sites/default/files/243806_IACP_Comm-Pol_Options_for_CED_p2.pdf.

1.4 Incorporate representatives from the jurisdiction's government as well as representatives from diversity, equity, and inclusion; human rights; and social services offices in mass demonstration response planning, where appropriate.

Some community members have perceived that law enforcement agencies were biased in their responses to demonstrations based on the political or social affiliation of the protesting groups. Including personnel from other city departments as subject matter experts in policy and strategy development, and possibly in the unified command center, can be an opportunity to identify potential issues and create forward-thinking responses. For individuals to engage in meaningful discussions, it may be necessary to provide learning opportunities around basic crowd control and police tactics.

Immediately prior to protests

1.5 Develop an easy-to-understand reference document to share with community members that provides critical information on protest activity and response.

Officers should work with community organizers, protesters, elected officials, and local attorneys to create a Guide to Protests document that includes the foundational constitutional amendments, summaries of case law, relevant state and local laws and ordinances, department policies and procedures, points of contact, steps for responding to planned and spontaneous events, plans for communicating with the public, procedures for use of force and documentation of any uses of force, and the process and legal requirements for declaring an unlawful assembly. The document should also provide information about the types of responses that can be expected for varying types of demonstrations. American Civil Liberties Union (ACLU) guidance can be used for this purpose.[9]

The document should be shared throughout the agency so that all members are aware of protest-response procedures and expectations. The document should also be publicly disseminated online through agency websites or social media and provided to community organizations. The San Diego (California) Police Department's publicly available guidelines are an example of such a document.[10]

1.6 Together with community leaders, agree on clear identifiers (vests, shirts, etc.) that community leaders and partners can wear so that they are easily recognized and can be communicated with during demonstrations.

Agencies should work with established community organizations that have an interest in protests remaining peaceful to act as protest marshals. Agencies should be clear about how leaders can assist during protests. Community leaders should be provided with training and guidance. It should be made clear that they are not an extension of the law enforcement agency but can assist with maintaining peace during a protest. Agencies should encourage community leaders to be easily identifiable in crowds so that community

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[9] ACLU (American Civil Liberties Union), "Know Your Rights: Protesters' Rights," accessed June 10, 2022, https://www.aclu.org/know-your-rights/protesters-rights.

[10] San Diego Police Department, *Procedure: First Amendment Activity Facilitation and Management* (San Diego, CA: San Diego Police Department, 2021), https://ca-times.brightspotcdn.com/04/ac/754ed3ba44529a8b7b9cf47368a8/sdpd-protest-policy.pdf.

members can seek them out for assistance and officers can identify and communicate with them. One town hall participant noted that, in protests organized by the NAACP in North Carolina, designated marshals were identified by orange vests. Responding law enforcement agencies knew to look for the vests and were able to communicate with the marshals in real time when necessary. The marshals worked to quell tensions and assist law enforcement in identifying instigators of violence and chaos.

During protests

1.7 Understand the role that community leaders and organizers can play during protests.

It is important that police understand the role that the community can play during protests. Community leaders and organizers can communicate expectations and set the tone for safe protests. They can watch for dangerous behavior and notify police of individuals who may be putting the crowd at risk. However, law enforcement agencies should be realistic about these individuals' abilities to ensure public safety. Some community organizers have reported feeling stuck in the middle at times—feeling as if both law enforcement and community members have unreasonable expectations of organizers' control over protesters.

After protests

1.8 Connect with individuals who organized and participated in demonstrations to discuss the police response and protester behavior during the demonstrations.

After each demonstration, law enforcement should meet with demonstration leaders and participants to discuss police response during the protest, perhaps through an AAR process. This will help agencies understand which aspects of their response went well from the community's perspective and which aspects need to be improved. This exercise can also bolster situational awareness by helping law enforcement reassess the community and protest landscape and identify partnerships or outreach that may have previously been missed or may have recently changed.

2. Community Relationship Building and Involvement

Law enforcement and community groups must communicate and coordinate before, during, and after protests. This was a clear and common theme across all methods of data collection (including town halls, survey responses, virtual roundtables, and academic and trade sources) and from all categories of stakeholders (including law enforcement, government, academic, and community organizations and members). Participants shared that coordination efforts varied between jurisdictions and agencies. In some cases, community leaders and members reached out to local law enforcement agencies through social media or direct department contacts. One law enforcement officer said, "We were unique in that community members started reaching out to us. They wanted to reach out to also establish a relationship. We had an ongoing dialogue with the community because of our community presence on social media. Pre-work really helps in those communication efforts."

In other cases, law enforcement agencies relied on existing relationships with community leaders and organizations. Law enforcement shared how helpful those existing relationships were during protests. One law enforcement leader said, "Because we had built those relationships with the clergy and the community leaders, we didn't have any significant issues. If it wasn't for the clergy and the activists from our community that came out and supported us and said that they wouldn't accept any of the destruction—it helped us realize that the agitators didn't have the backing of the true demonstrators."

All stakeholders agreed that relationships and trust are vital in moving toward a collaborative response to protests. Stakeholders also agreed that relationships cannot be built during a crisis; relationships and trust must be built and accumulated over time by facing challenges and successes together. Relationship-building should be regarded as a long-term commitment, beginning well before a mass event occurs and continuing after it ends. Engaging the community should be considered foundational work and should be prioritized throughout all policing efforts.

Fostering police-community relationships, partnerships, and trust can be challenging. Some groups who protest have no interest in engaging with police, through the permitting process or otherwise. In some jurisdictions, communities are generally unwilling to accept any type of police involvement. Engaging with the community, both the willing and the less willing, requires multiple types of initiatives and efforts.

The following recommendations are aimed at helping agencies reinforce their community engagement efforts.

Community relationship building and involvement recommendations

Well in advance of protests

2.1. Create a list of community organizations and groups to meet with, and collect at least one point of contact with contact information for each group.

A list of community organizations can be a starting point in proactively approaching community leaders to initiate relationships and build understanding. The list can also be used to identify stakeholders and create issue-based and neighborhood-based advisory groups, and it can show where membership in those groups may overlap. The list should be updated each time an agency staff member or officer engages with any point of contact at an organization, helping to create accountability for the department and ensure regular interaction and relationship building. Agencies should make clear to community organizations that the list is solely for the purpose of relationship building and communication and not used for surveillance or other tracking.

2.2 Make clear the ways in which the community can reach out to your agency.

Law enforcement agencies should provide clear and easily accessible information regarding points of contact, options for reaching out (e.g., email, text, in-person), and options for anonymity. The information should be provided in English and in other languages that are commonly spoken in the jurisdiction. Agencies should ensure that community organizations have a clear point of contact with direct contact information at the police department and ensure that department staff are responsive; this accessibility will help build trust and encourage community organizations to engage with the police department. Community members know to call 911 in an emergency or a tip line for crime reporting, and it should be equally clear how they can convey information about upcoming and ongoing protests. Agencies should also ensure that, to the extent possible, they can be reached by a variety of communication methods. Some community members may not feel comfortable having an in-person or telephone conversation with law enforcement but may be willing to exchange messages via text or social media. Some agencies have organized Virtual Coffee with a Cop or Social Media Chats, particularly during COVID-19, to communicate with different groups.

2.3 Define and identify opportunities to meaningfully engage community members in the co-production of public safety.

Agencies should consider the ways in which they have approached co-production of public safety in the past and evaluate whether adequate resources have been dedicated to prior efforts to engage community organizers, leaders, and members in problem solving. Consistent with a community policing philosophy, "co-production of public safety" refers to the involvement of community members (the end users) in the implementation and delivery of policy and services alongside the police (the service providers).[11] The core premise of co-production is that community members actively participate in the implementation of the services they

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[11] Brian N. Williams, Ralph S. Brower, and W. Earle Klay, "Community-centred Police Professionalism: A Template for Reflective Professionals and Learning Organisations with Implications for the Co-production of Public Safety and Public Order," *The Police Journal* 89, no. 2 (2016), 151–173, https://doi.org/10.1177%2F0032258X16642449.

will receive.[12] In a protest response context, co-production may involve community organizers and police officers coming together ahead of time to define what public safety entails during protests and to identify ways to support one another in efforts to maintain peaceful protests by co-managing protest activities.

Agencies should consider hosting discussions with select groups or a series of smaller listening sessions to discuss ways to create collaborative and mutually beneficial systems for responding to protests. Agencies should also consider providing language services at these meetings to facilitate discussion with LEP individuals.

2.4 Treat community liaison officers and related positions like other specialized units in terms of status, pay, training, recognition, and promotions.

All officers should be engaged in community policing. But officers with specialized training who focus on community relationship building, rather than responding to calls for service, can spend additional time building social capital to co-produce public safety. These officers should be considered a specialized unit—similar to specialized weapons and tactics (SWAT) teams, search and rescue, and task forces—in terms of pay, training, and recognition. In addition to developing and implementing community engagement plans and actively cultivating relationships with key stakeholders, successful community liaison units can engage in foot patrol and regular proactive engagement with community members.[13]

2.5 Incorporate the community in development of metrics and data collection strategies to assess how the department responded to demonstrations.

Community members in many jurisdictions have perceived that their law enforcement agencies place more value on technical and tactical metrics than on investments in the community and relationship building. Following protest incidents, agencies should report on the estimated number of protesters and the number of days the protest lasted, the dollar amounts of damage caused and overtime incurred, the number of cars and buildings damaged or destroyed, the number of arrests made, and the number of instances of police use of force. In addition to these metrics, it is important to have a comprehensive list of benchmarks on which the department and the community have agreed ahead of time. These metrics may include such things as the number of community activists and organizations engaged, the number of specific meaningful engagements with various groups prior to and during mass demonstrations, contacts with agency support associations, proactive public communications (e.g., press releases, press briefings, and social media posts), and AAR participation opportunities.

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[12] Taco Brandsen, Trui Steen, and Bram Verschuere, eds., *Co-production and Co-creation: Engaging Citizens in Public Services* (New York: Routledge, 2018), 322.

[13] Brett M. Cowell and Anne L. Kringen, *Engaging Communities One Step at a Time: Policing's Tradition of Foot Patrol as an Innovative Community Engagement Strategy* (Washington, DC: Police Foundation, 2016), https://www.policinginstitute.org/publication/engaging-communities-one-step-at-a-time/; Jerry H. Ratcliffe et al., "The Philadelphia Foot Patrol Experiment: A Randomized Controlled Trial of Police Patrol Effectiveness in Violent Crime Hotspots," *Criminology* 49, no. 3 (2011), 795–831, https://doi.org/10.1111/j.1745-9125.2011.00240.x.

2.6 Engage community members and organizations in developing or reviewing department policies, proce-dures, and reported data regarding protest response.

Agencies should invite community members and organizations to review and advise on policies and proce-dures pertaining to the response to mass demonstrations. This engagement fosters relationship building, transparency, and trust between the police and the community. This engagement should continue regularly to ensure that new research and promising practices are included on an ongoing basis.

Immediately prior to protests

2.7 Work with businesses, neighborhood leaders, and groups who are in potential protest locations to address concerns about the possible impact on their businesses and homes and to discuss suggestions for bolstering safety.

Agencies are encouraged to provide tips to business and neighborhood leaders on how to keep safe during mass demonstrations and how to determine when a situation may become violent. Before the 2016 Repub-lican National Convention, leaders from the Cleveland (Ohio) Division of Police met with community mem-bers and businesses on potential demonstration routes to address traffic and other enforcement issues. Likewise, during the 2016 Democratic National Convention, the Philadelphia (Pennsylvania) Police Depart-ment established a virtual Business Emergency Operations Center that included daily conference calls to inform local business stakeholders.

During protests

2.8 Identify alternative channels of communication to attempt to engage groups who do not want to engage with the police.

If an organization or individual is clear about not wanting to engage with police, the agency must abide by that decision. The agency should communicate an interest in discussing and listening to the organization or individual's concerns when and if they are ready but make clear that their position is respected. Trust-build-ing efforts should continue in hopes that they ultimately recognize the agency's commitment to positive relationships and become willing to engage.

Leveraging relationships with others who do have relationships with these groups can facilitate communi-cation. Efforts to engage and communicate with difficult-to-reach groups in ways that are more acceptable to them can also demonstrate to other groups and community members the department's continuing com-mitment to community policing. Agencies can attempt to connect with groups through social media and other virtual communication methods or leverage relationships with other government organizations and social agencies. Agencies that serve jurisdictions with LEP populations should look for ways to connect through social media and other virtual communications that these groups use.

Agencies can also practice a strategy known as "dialogue policing," which originated in Sweden in the early 2000s. Under a dialogue policing model, specially trained officers who focus on conflict management are involved at all stages of protests.[14] During an event, the officers are in contact with organizers or working to identify and influence key persons if contact was not established before the event. These officers interact with the crowd in a constructive and empathetic manner and attempt to minimize problems and de-escalate situations.

2.9 Continue to regularly communicate and update community leaders throughout the protest, as possible.

Where relationships are not strained, agencies should engage in continuous contact and conversation reenforcing the public safety partnership. It is sometimes possible to develop communication or engagement strategies in advance for execution during the protest. Agencies should keep their engagement professional and focused and be aware of how interaction may be perceived. Agencies should also work with CRS Community Command Centers (CCC), which serve as a base for community leaders and members to seek water, shelter, information, and other services during protests. CCCs identify issues in real time, facilitate problem solving, conduct rumor control through social media monitoring and verification, and act as a single point media center for both the community and law enforcement agencies.

During the 2020–2021 protests, some police chief executives "took a knee" in support of Black Lives Matter groups following the murder of George Floyd. Officers and the media criticized some of those chiefs; some officers thought that taking a knee with protesters while officers were defending against projectiles being thrown at them showed disrespect toward officers, while some media suggested the act of solidarity seemed disingenuous. In other protest environments, some protesters have felt that one political or ideological group garnered more police protection, support, and courtesy than others. However an agency might decide to interact with community members during protests, actions should be focused on protection of constitutional rights and public and officer safety.

After protests

2.10 Create intentional opportunities for community members and other relevant stakeholders to sit at the table during protest AARs and to collaborate on needed modifications to training, policy, and programs—particularly those related to mass demonstration responses.

Collaborations built from these opportunities can be leveraged when protests and other large-scale situations ensue. Following the 2020 demonstrations in Detroit, Michigan, the Detroit Police Department (DPD) hosted a series of Police-Community Summits to allow community members to voice their concerns with the department's response. The summits also included opportunities for community members and DPD officers to engage in role reversal to see incidents from the other perspective and identify ways to improve processes and increase community confidence.

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[14] Stefan Holgersson, *Dialogue Police: Experiences, Observations, and Opportunities* (Stockholm: Swedish National Police Board, 2010), https://kipdf.com/dialogue-police-swedish-national-police-board-experiences-observations-and-oppor_5ac663661723dd83017dfc85.html.

AARs can also be opportunities to foster and enhance relationships with attorneys and legal organizations, who can explain how certain law enforcement tactics and strategies may affect judges' decisions to drop charges (or not file charges in the first place) against protesters. Enhancing these relationships can also help front-line officers understand what will be prosecuted and what types of arrests and charges they should avoid depending on the situation.

2.11 Continue community policing efforts after protests, including hosting and attending meetings with local community members and community organizations who are likely to organize and participate in protests.

In NPI's AAR of the Los Angeles Police Department's (LAPD) response to the 2020 protests, recommendations included identifying opportunities to continue engaging with community members after protests.[15] Some of these efforts included opportunities for training on implicit bias while continuing to establish trust within communities.

PERF also published a 2022 report on key recommendations and lessons learned from protests in 2020–2021. The report recommends expanding community members' roles before, during, and after protests to maintain order while still protecting First Amendment rights.[16] Community members should be included in police planning and training discussions and invited to activities related to mass demonstrations.

2.12 Develop and commit to a process of information sharing with the community following protests to continue relationship and trust-building.

A community organizer suggested, "Share information about the response to the protests, including the agencies that provided mutual aid assistance, the number of officers who responded each day, the chain of command, etc., so the community doesn't feel skeptical of the process." Agencies should also report on the number of arrests (or report that there were no arrests). Ongoing efforts to communicate with demonstrators and other community members before, during, and after events can also relay peaceful intentions and support de-escalation during otherwise tense situations.

Before, during, and after protests

2.13 Take an empathetic approach and actively listen when having conversations with protesters and community members about the issues they are protesting about.

Communicating in an empathetic manner is an important part of engaging constructively with community members. As one law enforcement member explained, "If people are trying to be peaceful and we communicate in a way that offends them or we respond in a way that they don't appreciate, they may end up aligning themselves with more radical people. It's crucial to our success that we treat people the way they want to be treated. Using empathy [and] sympathy for the decedent in an officer-involved situation and how it was referred to and how it was communicated really says a lot about your department, and the content of what you're saying right after an incident is really important."

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[15] NPF, *A Crisis of Trust* (see note 7).

[16] PERF (Police Executive Research Forum), *Rethinking the Police Response to Mass Demonstrations: 9 Recommendations*, Critical Issues in Policing Series (Washington, DC: Police Executive Research Forum, 2022), https://www.policeforum.org/assets/ResponseMassDemonstrations.pdf.

The way officers communicate regarding serious social issues affects the overall quality of their interactions with community members. Researchers therefore caution against the use of nonempathetic language, which can evoke negative perceptions from the community.[17] In a moment of crisis, communication that is too matter-of-fact can be perceived as callous and can further upset community members.[18]

Further research shows that in the aftermath of fatal use of force incidents against unarmed Black individuals, criminal justice executives rarely use empathetic or sympathetic language in public statements.[19] There are notable exceptions, in which officials made statements such as "I want to extend my heartfelt sorrow and sympathies to . . ." and "I cannot fathom the pain [decedent's name's] family is feeling. This didn't have to happen, and it should not have." All written and oral public statements should be evaluated by trusted colleagues for both content and tone. Depending on the situation, the agency's message can range from expressions of empathy to outrage to apology, but a just-the-facts approach should be avoided.[20]

It can be difficult to find ways to respond empathetically during a protest, and attempts to do so can threaten departmental response neutrality. For these reasons, it is best to build relationships outside the protest environment, where it is easier to have a productive conversation about community members' concerns.

2.14. Ensure multiple methods of accountability and transparency regarding protest response are in place and are well publicized.

Accountability mechanisms before, during, and after protests are a critical component of building community trust and relationships. Law enforcement agencies should ensure that officers and their agencies are clearly identifiable during protest response, that there is sufficient staff in control during protests (from officer to sergeant or lieutenant), that key data (including officer uses of force) are tracked accurately, and that behavioral expectations for both officers and protesters are well understood. Agencies should also require officers to record interactions with community members in accordance with their own policies. This may result in more body-worn camera footage than an officer typically records, so officers should be equipped with extra batteries.

After protests, agencies should make accountability data available on their websites. The data could address, for example, the number of protesters, arrests, protester injuries, officer injuries, uses of force by type, and complaints; body-worn camera footage could also be made available. Making this information available would help the community understand what transpired and what the department did in keeping it safe.

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[17] Nicholas P. Camp et al, "The Thin Blue Waveform: Racial Disparities in Officer Prosody Undermine Institutional Trust in the Police," *Journal of Personality and Social Psychology* 121, no. 6 (2021), 1157–1171, https://psycnet.apa.org/doi/10.1037/pspa0000270.

[18] Darrel W. Stephens, Julia Hill, and Sheldon Greenberg, *Strategic Communication Practices: A Toolkit for Police Executives* (Washington, DC: Office of Community Oriented Policing Services, 2011), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P222.

[19] Edward R. Maguire and Howard Giles, "Public Expressions of Empathy and Sympathy by U.S. Criminal Justice Officials after Controversial Police Killings of African-Americans," *Journal of Language and Social Psychology* 41, no. 1 (2022), 49–75, https://doi.org/10.1177/0261927X211057238.

[20] Stephens, Hill, and Greenberg, *Strategic Communication Practices* (see note 18).

2.15 Ensure multiple and coordinated methods for individuals to file complaints or commendations for officers working the protests as well as published and well-publicized processes for investigating and adjudicating them.

A major finding of the AAR of the 2014 protests in Ferguson, Missouri, following the shooting death of Michael Brown was the need to simplify the process for filing complaints.[21] Agencies should ensure that they can receive complaints in multiple ways—including in person, by phone, and by email—and in multiple languages, with translation services. Agencies should also take reasonable steps to ensure that complaints regarding a protest response that included multiple responding law enforcement agencies are routed to the appropriate agencies. People should be able to file complaints both during and after protests.

Law enforcement agencies should also have established and well-publicized processes for receiving, investigating, and adjudicating complaints. Transparency regarding officer discipline is likewise important. Agencies should have proper procedures for following up with complainants regarding their complaints and the results of associated adjudications. Agencies should respond to complaints in both English and the language the complaint was received in. When community members see that their complaints are taken seriously and are appropriately investigated and responded to, overall trust can improve.

2.16 Publicly reinforce the agencies' commitment to transparency when agency personnel appear to commit actions that are counter to the department's mission and violate relevant policies.

Agencies should ensure they have policies that demonstrate a commitment to constitutional policing and serving the community fairly and equitably. When officers appear to engage in public misconduct, agencies should address the behavior with the community as soon as possible, thereby reinforcing the agencies' commitment to tranparency. Officers have due process and privacy rights, so any communications addressing the specific behavior at issue should re-emphasize the agencies' mission and values.

The community needs to hear that the agency will respond with appropriate discipline if it is determined, after appropriate procedures, that misconduct occurred. Publicizing complaint data and investigative processes can help foster transparency on this issue. For example, the Seattle, Washington, Office of Police Accountability created a public dashboard that outlines investigations related to the complaints issued against the Seattle Police Department following its response to 2020 protests there.[22]

When misconduct occurs, agencies should talk directly with impacted individuals, families, and community members. They should maximize the accessibility of information about the misconduct, using multiple platforms and language interpretation services if necessary. Agencies should use a communications team to identify the best ways to communicate with various communities. Optimal communications methods might differ by jurisdiction and agency: for example, in some places, internet access might be limited, and newspapers or radio might be more effective modes of communication.

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[21] IIR (Institute for Intergovernmental Research), *After-Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson, Missouri* (Washington, DC: Office of Community Oriented Policing Services, 2015), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P317.

[22] "Demonstration Complaint Dashboard: Completed Investigations," Seattle Office of Police Accountability, last modified February 28, 2022, https://www.seattle.gov/opa/case-data/demonstration-complaint-dashboard#completedprotestinvestigations.

2.17 Agencies should use existing resources and engage in innovative intervention programs to have meaningful conversations with the communities they serve.

Research from the field of intergroup communication suggests that contact between conflicting groups can reduce prejudice between the groups. Conversations that foster understanding between groups have shown to be effective for building trust. [23] Resources are available to help law enforcement agencies have meaningful, empathetic, and nondefensive conversations with the communities they serve.

CRS provides several resources to help law enforcement agencies improve partnerships with the community. One is a one-day program called *Strengthening Police and Community Partnerships* (SPCP), which "engages local law enforcement and community leaders in a dialogue to identify issues and solve problems collaboratively."[24] Through SPCP, community members are trained as facilitators who oversee discussions between law enforcement and the community. As a result of these discussions, participants create an action plan with easily implemented solutions, and an SPCP Council is formed to work with the law enforcement agency. CRS also provides mediation and facilitated dialogue services when relations are strained between law enforcement and the community, particularly after controversial incidents.[25]

Law enforcement agencies could also employ a recent initiative called VOICES, an intervention program designed to bring together police officers and specific community groups with a history of conflict with the police, found that having meaningful and personable conversations with officers improved community members' perceptions of the police.[26]

Law enforcement agencies can also engage in reconciliation, a process for earning communities' trust through gestures that acknowledge historical injustices and other reasons for distrust. Reconciliation efforts are generally directed toward the community rather than at individuals[27] and can be directed at groups that have faced disparate harm by police, such as Black and Brown communities, LGBTQ communities, and people with disabilities. As part of a reconciliation effort, someone in authority might offer a public apology that includes specific references to the history of policing in the United States and in their specific area. One study found that police leaders who combined an apology with an acknowledgement of responsibility for the distrust they represent to some in the community could gain the cooperation of people who would otherwise

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[23] Miles Hewstone, Nicholas Hopkins, and David A. Routh, "Cognitive Models of Stereotype Change: (1). Generalization and Subtyping in Young People's Views of the Police," *European Journal of Social Psychology* 22, no. 3 (1992), 219–234, https://doi.org/10.1002/ejsp.2420220303; Thomas F. Pettigrew and Linda R. Tropp, "A Meta-analytic Test of Intergroup Contact Theory," *Journal of Personality and Social Psychology* 90, no. 5 (2006), 751–783, https://psycnet.apa.org/doi/10.1037/0022-3514.90.5.751.

[24] CRS (Community Relations Service), *Building Trust Through Police and Community Partnerships* (Washington, DC: U.S. Department of Justice, n.d.), https://www.justice.gov/file/1376591/download.

[25] CRS (Community Relations Service), *Helping Communities Resolve Conflicts Through Meditation* (Washington, DC: U.S. Department of Justice, n.d.), https://www.justice.gov/file/1425961/download.

[26] Shawn Hill, Howard Giles, and Edward R. Maguire, "VOICES: A Theory-driven Intervention for Improving Relationships between Police and the Public," *Policing: An International Journal* 44, no. 5 (2021), 786–799, https://doi.org/10.1108/PIJPSM-09-2020-0154.

[27] Thomas O'Brien and Tom Tyler, "Rebuilding Trust between Police & Communities through Procedural Justice & Reconciliation," *Behavioral Science & Policy* 5, no. 1 (2019), 34–50, https://issuu.com/behavioralsciencepolicyassociation/docs/bsp_journal_volume_5__issue_1_web?e=28763323/52195868.

have been unlikely to trust the police. An apology without acknowledgement, by contrast, is typically per-ceived as less genuine.[28] Agencies that have engaged in reconciliation include the Stockton (California) Police Department, Wellesley (Massachusetts) Police Department, and LaGrange (Georgia) Police Department.[29] The COPS Office–funded National Initiative for Building Community Trust & Justice and CRS have resources for agencies interested in this process.[30]

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[28] Thomas C. O'Brien, Tracey L. Meares, and Tom R. Tyler, "Reconciling Police and Communities with Apologies, Acknowledgements, or Both: A Controlled Experiment," *The Annals of the American Academy of Political and Social Science* 687, no. 1 (2020), 202–215, https://doi.org/10.1177%2F0002716220904659.

[29] Sam Kuhn and Stephen Lurie, *Reconciliation Between Police and Communities: Case Studies and Lessons Learned* (New York: John Jay College, 2018), https://nnscommunities.org/guides/reconciliation-between-police-and-communities-case-studies-and-lessons-learned/; "Georgia Police Reconciliation Program Held in LaGrange on Saturday," *The LaGrange Daily News*, August 19, 2019, https://www.lagrangenews.com/2019/08/19/georgia-police-reconciliation-program-held-in-lagrange-on-saturday/.

[30] Zoe Mentel, *Racial Reconciliation, Truth-Telling, And Police Legitimacy* (Washington, DC: Office of Community Oriented Policing Services, 2012), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P241; Community Relations Service, *Dialogue on Race*, Program Guide (Washington, DC: U.S. Department of Justice, 2020), https://www.justice.gov/file/1376321/download.

3. Planning and Training

Planning, preparation, and training are vital to effective protest response. Focus group participants noted how unprepared many agencies were when the 2020–2021 protests began. Many law enforcement leaders explained that they faced challenges due to the size and length of the protests they experienced, the sophisticated and well-coordinated tactics used by demonstrators, the use of social media, the number of disparate groups involved, and internal agency challenges. Some agencies were hampered by the lack of unified incident command, personnel and resource deployment, and intelligence gathering. Some agencies also described relying on training that had not been updated in years.

Planning around communication was also a major challenge. Many jurisdictions did not include the development of strategic communications plans in their planning for protest response. In addition, political involvement from government officials in police response can be counterproductive if not properly managed. Coordination among police agencies, fire departments, and paramedics was also difficult during protests in some places.

The 2020–2021 protests also made clear to focus group participants that many in law enforcement were not adequately trained to communicate with protesters in challenging and charged situations. Law enforcement officers and first-level supervisors often lack training in soft approaches that can de-escalate violence during high-stakes protests.

In addition, as noted in the discussion of recommendation 2.11, PERF's 2022 report on key recommendations and lessons learned from protests in 2020 and 2021 recommends expanding community members' roles before, during, and after protests to maintain order while still protecting First Amendment rights;[31] these opportunities provide community members the chance to participate in planning and preparation of the event.

The following recommendations are aimed toward helping law enforcement agencies improve their planning and training efforts in preparation for future mass protests.

Planning and training recommendations

Well in advance of protests

3.1 Assume more protests will occur in the future; preparing for mass protests should be an active and continuous process.

> Protest landscapes and police-community relations change with time, and preparation is critical. Law enforcement agencies should continue to assess their mass demonstration response at all levels, including training, strategy, and community engagement. As one community leader explained, "After the protests, things get excited and then die down a bit, so what we try to do is keep having that conversation with our city and county councils and law enforcement. We also try to be part of the trainings so that we're not working in silos."

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[31] PERF, *Rethinking the Police Response* (see note 16).

3.2 Train all agency personnel on the policies, procedures, and legal issues that govern the department's response to demonstrations to ensure public and officer safety and the protection of property during demonstrations.

All police officers—recruits and experienced officers alike—should receive basic training in civil disturbance and crowd management. Officers should be trained on laws, the scope of their legal authority, and the differences between demonstrations and riots. Officers should also be trained on how and when to properly use batons, conducted energy devices (e.g., Taser), riot gear, less lethal munitions, etc. Officers should be trained on their department's overall philosophy and goals for handling demonstrations, including that protest response should be neutral and not influenced by political or other affiliations. Training that is provided or informed by federal, state, and local prosecutors and defense attorneys can ensure that the material is consistent with current law and can give agency personnel an opportunity to ask questions of those who will be responsible for charging and trial decisions.

Small and rural agencies should seek training assistance from larger jurisdictions. Federal programs like the Bureau of Justice Assistance's (BJA) Rural Violent Crime Reduction Initiative (RVCRI) are also designed to assist small and rural agencies in developing and implementing problem-solving strategies that address violent crime.[32]

3.3 Consider ways in which law enforcement can educate the community about the protest training officers receive, and incorporate community perspectives into protest training when possible.

Incorporating the community in trainings—for example, by having community members assist in practical exercises—opens channels for communication and coordination during actual events. An agency can gather feedback from the community through surveys, focus groups, and inclusion in after-action exercises, which can then inform training and policy changes. Community feedback should be incorporated and discussed with the community to promote continued involvement and engagement in the co-production of effective responses. Agencies can also inform community members about the training officers receive and ways in which they respond during protests through community academies and other opportunities.

3.4 Review protest response training to ensure it has contemporary application; is evidence-based; and incorporates updated theories of crowd psychology and dynamics, de-escalation, social structures, and community organizing.

Agencies should implement training curricula that incorporate evidence-based strategies on issues associated with modern-day protests. For example, training should use adult learning techniques such as role playing scenarios. Curriculum development should also incorporate diverse perspectives, including input from protesters, organizers, police officers, community members, business owners, and others with a stake in protest behavior and response.

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[32] U.S. Department of Justice, "Justice Department Awards Nearly $444 Million to Support Violence Intervention Efforts," press release, December 23, 2021, https://www.justice.gov/opa/pr/justice-department-awards-nearly-444-million-support-violence-intervention-efforts.

3.5 Adopt and use National Incident Management System (NIMS) protocols regularly in smaller incidents to exercise training and keep NIMS protocols fresh in officers' memories.

NIMS protocols should be activated at least annually in response to smaller incidents or in training exercises to ensure that individuals are familiar with implementing the protocols. Agency policies regarding the use of NIMS and incident command system (ICS) protocols should be clearly defined and understood, especially by the command staff responsible for overseeing these systems. This means that NIMS training should be required for all personnel (sworn and civilian) who will be involved in any part of a protest response and should be refreshed or exercised regularly to keep the knowledge in place. When multiple agencies work together, each agency should delegate a senior staff member to be involved in all meetings.[33] Agencies should also identify a contact person for NIMS and ICS—ideally the same person delegated to meeting involvement.

3.6 Prioritize building and reinforcing officers' interpersonal and communication skills through training—both academy and in-service—as well as through incentives and recognition.

Enhancing officers' empathy, emotional awareness, and control during volatile situations can help equip them for mass protest response as well. As one law enforcement member stated, "Essentially in the academy we spend 3 percent on interpersonal skills, [yet] 99 percent [of the time] we deal with people having a bad day. This is what happens when we don't value interpersonal skills. We must be more overt about soft skills and how important they are." An American University report released in 2021, addressing changes to police training for the 21st century, recommended that emotional intelligence trainings be included in entry-level training curricula.[34]

3.7 Provide annual training and updates to all department members regarding policies and procedures related to mass gatherings and demonstrations.

Training should clarify the requirements for and the conveyance of instructions and orders to crowds, provide policy and procedure updates, and highlight promising practices and lessons learned from other demonstrations and AARs. It may be helpful to include hotwashes or debriefs with mutual aid agencies to review issues with differing tactics, equipment, response styles, or rules of engagement. Mutual aid agencies should be included in regional training efforts to ensure tactics and strategies align where those agencies will be responding to protests. Training should also cover the public's right to record officers.

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[33] PERF (Police Executive Research Forum), *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned* (Washington, DC: Office of Community Oriented Policing Services, 2018), https://www.policeforum.org/assets/PoliceResponseMassDemonstrations.pdf.

[34] School of Public Affairs, *Re-Envisioning Police Training in the U.S: Rejecting the Status Quo, Speeding the Pace of Progress Toward a True 21st Century Model* (Washington, DC: American University, n.d.), https://www.american.edu/spa/jlc/upload/policing-report_v8-web.pdf.

3.8 Provide police supervisors, particularly those responsible for approving deployment of less lethal munitions, with additional training on the circumstances under which less lethal munitions can and should be deployed and the potential impacts those decisions can have on crowd psychology and behavior.

Training should help officers and supervisors think critically about how to adjust their responses based on crowd dynamics. Concepts like de-escalation and precisely extricating individuals with intent to destroy or cause violence can help facilitate protest while minimizing violence and damage. Authority for the deployment of less lethal munitions should be clear, and individuals with that responsibility should receive specialized instruction and training.

3.9 Apply for and use DOJ funding for evidence-based research related to crowd psychology and behavior during mass demonstrations, particularly related to the crowd's response to specific law enforcement strategies and tactics.

The effects of varying police strategies on protesters' response behaviors is an underresearched area. Such research is paramount to understand the costs and benefits of specific strategies and their actual and intended effects on crowd response.

3.10 Agencies should participate in CRS's Reducing Risks During Public Events: Contingency Planning training.

The CRS in-person and virtual training program, *Reducing Risks During Public Events: Contingency Planning*, is designed to assist community members, event organizers, government officials, and law enforcement in planning mass demonstrations.[35] The training covers best practices and tools for public events, focusing on how law enforcement and communities can work together to promote safe mass demonstrations. The program covers (1) event planning considerations, (2) event stage planning, (3) key players, and (4) planning for potential issues.

During protests

3.11 Conduct roll call training and discussions that highlight the incidents of the previous 24 hours and the current incident action plan (IAP) to plan for the current day.

Mass protests seldom last just one day. Given the dynamic nature of protests, active reflectiong on what worked and did not work the previous day can help inform agencies' resource deployment and response strategies. Promising practices, important strategic and tactical decisions, and the importance of constitutional policing should then be shared and reinforced in daily IAPs and during roll calls. Officers should be reminded on their department's goals, objectives, intelligence, and tactics.

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[35] CRS (Community Relations Service), *Reducing Risk During Public Events: Contingency Planning* (Washington, DC: U.S. Department of Justice, n.d.), https://www.justice.gov/file/1376376/download.

3.12 Ensure necessary resources are in place to provide appropriate span of command and control during protests.

It is important to ensure that there is an appropriate ratio of supervisors to officers during each deployment. In many cases, front-line supervisors are also responsible for documenting their officers' actions. Overloading supervisors can affect their ability to monitor officer safety and well-being, ensure adherence to policies and procedures, and control use of force. In addition, supervisors whose responsibilities are too broad may lack the training and experience necessary to adequately handle difficult situations and tensions during a mass demonstration.

After protests

3.13 Continue to collaborate and identify ways to enhance co-response with other public safety and social services agencies to respond to protests and provide effective and efficient emergency services.

In the aftermath of the 2020–2021 demonstrations, some agencies identified opportunities to better engage with fire and emergency management services (EMS) partners, parks and recreation personnel, highway patrol agencies, and other safety and social services agencies. These partnerships were identified as imperative, particularly where demonstrators or officers suffered from heat exhaustion or demonstrators blocked traffic. Parks and recreation and highway patrol agencies also have resources—including chain-link barriers, additional bicycles or motorcycles, and portable water stations—that can be used during demonstrations. As agencies explore these collaborations, it is important that relationships be formalized through updated memoranda of understanding or agreement (MOU or MOA), that relevant policies and trainings be adjusted, and that joint exercises be planned as needed.

4. Response Strategies and Tactics

Many of the protests in 2020–2021 focused on police use of force, and some law enforcement agencies faced significant challenges in developing responses that met the expectations of the communities they serve. Focus group participants noted the unique dynamic that protests against police use of force created between protesters and responding officers. Moreover, some focus group participants reported that they perceived disparate treatment by police of some types of protesters or counterprotesters, depending on the police's perceptions of the protesters' political or ideological views. For example, armed community groups (perceived as aligned with law enforcement, or those who saw themselves as "additional enforcement") were reportedly treated differently than groups protesting police use of force.

How the police initially respond to a protest can set a continuing tone and affect outcomes. In some cases, law enforcement arrived at protest scenes in heavy, tactical uniforms and in militaristic vehicles.[36] In these cases, community members often perceived that law enforcement was there to shut down the demonstrations (potentially by force) instead of facilitating the protesters' constitutional rights, escalating crowd tensions and behaviors. According to focus group participants, police response was not always perceived as appropriately considering protesters' constitutional rights, as illustrated by examples of kettling (surrounding protestors to keep them in place),[37] announcements of dispersal orders without directions for those who wanted to leave, and mass arrests. Focus group participants acknowledged that individuals have a constitutional right to protest, even when protests are directed at the government (and the police themselves), and police response must align with that principle.

As outlined in the *National Consensus Policy and Discussion Paper on Use of Force*, "Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances."[38] Law enforcement, community, and academic participants agreed that there is an important difference between using force because it is permissible and using force because it is needed. As one law enforcement

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[36] Kim Barker, Mike Baker, and Ali Watkins, "In City after City, Police Mishandled Black Lives Matter Protests," *New York Times*, last modified June 28, 2021, https://www.nytimes.com/2021/03/20/us/protests-policing-george-floyd.html; Andrew W. Lehren et al., "Floyd Protests Renew Debate about Police Use of Armored Vehicles, Other Military Gear," NBC News, June 20, 2020, https://www.nbcnews.com/news/us-news/floyd-protests-renew-debate-about-police-use-armored-vehicles-other-n1231288.

[37] Wyatte Grantham-Philips, Tyler J. Davis, and Nick Coltrain, "What Is Kettling? Here's a Look into the Usage and History of the Controversial Police Tactic," *USA Today*, last modified June 25, 2020, https://www.usatoday.com/story/news/nation/2020/06/24/kettling-controversial-police-tactic-black-lives-matter-protests/3248681001/.

[38] *National Consensus Policy and Discussion Paper on Use of Force* (Alexandria, VA: International Association of Chiefs of Police, 2020), 2, https://www.theiacp.org/sites/default/files/2020-07/National_Consensus_Policy_On_Use_Of_Force%2007102020%20v3.pdf.

executive suggested, there are alternatives to force in many protest situations. For example, sometimes the most appropriate solution when a group of protesters blocks a road is to reroute traffic until the protesters move rather than agitating the group by using force to move or arrest them.

Traditional police strategies did not seem sufficiently agile to respond to the size, magnitude, and dynamic nature of some of the 2020–2021 protests. Traditional crowd management strategies appeared to be ineffective. In some protests, leadership changed quickly, with some groups breaking away from the larger crowd, increasing the need for agile police responses. Many agencies reported an inability to adjust strategies quickly to respond to fast-moving, splintering protest groups with varying agendas and interests.

Law enforcement and the community also faced challenges in responding to individuals in the crowd who were intent on violence and destruction. Both groups sought to prevent these individuals from hijacking protests and causing violence and destruction of property. While it can be difficult to prevent interference in large-scale protests by those who want to inject harm, it is imperative that law enforcement and the community identify mutually beneficial strategies to identify and remove such individuals from protests before they can further enflame tensions, while also ensuring that the removal itself does not escalate matters.

Response strategies and tactics recommendations

Well in advance of protests

4.1 Agency leadership must clearly, consistently, and regularly convey to all department personnel and to the community the legitimate right and importance of the act of protest for the functioning of democracy.

> Leadership should emphasize to agency personnel and to the community that peaceable assemblies are constitutional actions that law enforcement officers have sworn to uphold and protect. It may be helpful to discuss with personnel why people are protesting in the first place. When protests are focused specifically on law enforcement, agencies should engage with individuals in the community to obtain feedback on community members' feelings about government institutions and the role of the police.

4.2 Engage in regular reviews and updates of mobilization plans.

> Recognizing that the dynamics of demonstrations can change quickly, agencies should review mobilization plans for personnel and resources at least annually. Mobilization plans should align with promising practices such as having teams that can adjust to group dynamics and are sufficiently agile to respond quickly to unanticipated movements and acts of violence during mass demonstrations and gatherings while maintaining operational command and control.

4.3 Develop an overarching "response to dynamic protests and civil unrest" policy that provides for the nuances of this type of event, incorporates critical thinking skills, and offers decision-making models to guide responding officers.

> Dynamic mass demonstrations require agencies to shift their responses and tactics. Agencies should consider a policy incorporating a matrix that identifies potential protester activities and appropriate police responses. Agencies should revisit this policy often, as the response protocol may change based on the type of protest.

4.4 Work with elected officials, special interest groups, prosecutors, and other legal experts to identify ways to reduce arrests, including using citations in lieu of arrest.

A citation is "a written order, in lieu of a warrantless arrest, that is issued by a law enforcement officer or other authorized official, requiring a person to appear in a designated court or governmental office at a specified time and date."[39] For many agencies, citations serve as a means to divert nonviolent offenders from the full custodial arrest process.[40] Issuing citations in lieu of arrest can resolve personnel and resource strains and other challenges associated with arresting large numbers of protesters during large-scale protests.

Law enforcement and elected officials should consider working with relevant stakeholders to identify opportunities to reduce arrests by using citations. A recent study showed that approximately 87 percent of law enforcement agencies involved embraced citations in lieu of arrest, particularly for misdemeanors commonly associated with protests—including disorderly conduct and trespassing. The study demonstrated that citations take significantly less time to process than arrests—an average of 24 rather than 86 minutes—which is of critical import during mass demonstrations.[41] In addition, using citations in lieu of arrest can avoid the hardship that individuals suffer when they are arrested, even for a minor offense. which can help enhance police-community relations.

Before the 2016 Democratic National Convention in Philadelphia, the City decriminalized many nuisance crimes generally associated with protests, allowing the police department to focus on de-escalation and to address misbehavior through civil citations in lieu of arrest, saving resources for more serious crimes.[42] This coordination between the city and police department helped avoid a situation in which elected officials contributed to escalating protests by countering police response tactics.

4.5 Work with elected officials as well as city legal departments, states' attorneys, and federal prosecutors to determine if firearms are allowed during or near protests or in common protest locations, based on relevant laws and ordinances.

While many state and local laws allow registered individuals to carry firearms, in some cases openly, some governments have enacted restrictions on where and when they can be carried and displayed. Law enforcement and elected officials should work with federal, state, and local attorneys in their jurisdictions to determine if and under what circumstances they can enact measures to prevent potential issues at demonstrations.

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[39] "Citation in Lieu of Arrest," National Conference of State Legislatures, last modified March 18, 2019, http://www.ncsl.org/research/civil-and-criminal-justice/citation-in-lieu-of-arrest.aspx.

[40] IACP (International Association of Chiefs of Police), *Citation in Lieu of Arrest : Examining Law Enforcement's Use of Citation across the United States* (Alexandria, VA: International Association of Chiefs of Police, 2016), https://www.theiacp.org/sites/default/files/all/i-j/IACP%20Citation%20Final%20Report%202016.pdf.

[41] IACP, *Citation in Lieu of Arrest* (see note 40).

[42] NPF (National Police Foundation), *The Philadelphia Police Department Protection of the 2016 Democratic National Convention: A Quick-Look Analysis of Public Safety Best Practices and Lessons Learned*. (Arlington, VA: National Police Foundation, 2018), https://www.policinginstitute.org/wp-content/uploads/2019/06/Philadelphia-DNC-Quick-Look_508c.pdf.

The discussion of how to balance First Amendment and Second Amendment rights at public events is ongoing, and variations in state and local laws add to the challenging task of regulating firearms during protests. Nonetheless, evidence demonstrates that armed protesters can increase volatility.[43] Acknowledging that protests have increasingly become armed events,[44] scholars have discussed the options that state and local officials have for responding to armed protests, consistent with the Constitution. Options may include limiting open carry at designated "sensitive places" where protesters tend to congregate, limiting open carry to unloaded firearms, requiring that openly carried firearms be properly holstered or carried, banning armed private militias, and banning open carry of certain firearms.[45] All firearm measures require thorough analysis under federal, state, and local law, as well as consideration of the agency resources that would be needed for their enforcement. Any measure should be carefully selected and planned and well communicated both internally and to the community.

4.6 Work with elected officials as well as city legal departments, states' attorneys, and federal prosecutors to create and publicize guidance that incorporates constitutional, state, and protest law on the issue of firearms—openly carried and concealed—at mass demonstrations.

Despite perceptions that protesters have a right to use their firearms to protect property, the Second Amendment does not create a blanket right to possess firearms at protests.[46] To ensure that policy and community members are working from the same understanding of the same laws, agencies should educate their officers, protest organizers, and the communities they serve about the law governing firearm possession at mass demonstrations. It is important to ensure that the same explanations and guidance are provided to all protest organizers, regardless of the demonstration topic, and that if extra steps are taken based on the likely presence of firearms, the bases for those decisions are explained. The community can be informed of applicable rules through means such as public awareness campaigns and signage at protests.

4.7 Develop, implement, and regularly review MOUs or other formalized agreements with mutual aid providers to clearly define roles, responsibilities, and protocols of mass demonstrations.

The concept of mutual aid during protests involves several nearby law enforcement agencies working together to respond to a protest. Mutual aid plans must be completed before the protest to clearly outline each agency's responsibility. The lead agency should oversee this coordination, and all decisions and policies should go through this agency. Agencies should develop a work plan that describes each participating

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[43] Erica Turret, Chelsea Parsons, and Adam Skaggs, "Second Amendment Sanctuaries: A Legally Dubious Protest Movement," *The Journal of Law, Medicine & Ethics* 48, no. 4 (2020), 105–111, https://doi.org/10.1177%2F1073110520979408.

[44] Katlyn E. DeBoer, "Clash of the First and Second Amendments: Proposed Regulation of Armed Protests," *Hastings Constitutional Law Quarterly* 45, no. 2 (2018), 333, https://repository.uchastings.edu/hastings_constitutional_law_quaterly/vol45/iss2/5/.

[45] Timothy Zick, "Arming Public Protests," *Iowa Law Review* 104 (2018), 223, https://ilr.law.uiowa.edu/print/volume-103-issue-6/arming-public-protests/.

[46] ICNL (International Center for Not-for-Profit Law, *Keeping Guns Away from Protests*, U.S Program Briefer (Washington, DC: International Center for Not-for-Profit Law, 2022, https://www.icnl.org/wp-content/uploads/Guns-at-Protests-Briefer-vf-02.2022.pdf.

agency's role,[47] identifies an incident commander and unified command process to ensure that everyone knows who is in charge overall and who is responsible for each section within the NIMS model, and sets out communication practices and protocols.[48] Coordinating with partner agencies and conducting practice exercises can benefit all agencies involved.

Agencies should execute formalized mutual aid agreements that specify how agencies will provide support and how they will address areas where their procedures do not align. Mutual aid agreements should be revisited and updated regularly. In some cases, because of disparate protocols, it may be best for mutual aid agencies to support non-protest public safety activities like responding to traditional calls for service, freeing up primary jurisdiction officers to deploy to the protests. MOUs should organize mutual aid responses; ensure mutual aid roles; and address the impact of their potentially different protest response strategies, use of force and complaint investigations, and incident documentation prior to incident response. There should be clear command and control, reporting locations, equipment checks, and review of operating protocols before any outside agencies are deployed.

Mutual aid encompasses the sharing of personnel, supplies, equipment, and information across local, state, and federal jurisdictions, and from a resource management perspective, the importance of regularly reviewing mutual aid agreements cannot be overstated. It is particularly important for local agencies when entering a state of emergency, which mass protests or spontaneous protests can quickly become. The lack of mutual aid can be detrimental to law enforcement's ability to quickly muster the resources needed to address disorder and violence. It is vital that agencies engage in thorough reviews and reworks of MOUs to ensure a coordinated response.

4.8 Take a leadership role in forming partnerships, coordinating, training, and communicating regularly with federal law enforcement agencies that may be responsible for co-response to protests because of shared jurisdictions or responsibilities.

Federal law enforcement agencies are sometimes responsible for adjacent or specific locations within local jurisdictions. Some protests take place on both federal and local property, engaging both local and federal law enforcement response. Research shows that federal agencies are often not as well trained as local agencies to handle these events,[49] so it may be appropriate for local agencies to take the lead. In any event, it is important that local and federal law enforcement establish relationships before protests occur so that they

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[47] Global Justice Information Sharing Initiative, *Recommendations for First Amendment-Protected Events for State and Local Law Enforcement Agencies* (Washington, DC: Bureau of Justice Assistance, 2011), https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/Role_of_State_and_Local_Law_Enforcement_at_First_Amendment_Events_Reference_Card.pdf.

[48] PERF (Police Executive Research Forum), *Managing Major Events: Best Practices from the Field*, Critical Issues in Policing (Washington, DC: Police Executive Research Forum, 2011), https://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf.

[49] Edward R. Maguire, *The Role of the U.S. Government in the Law Enforcement Response to Protests* (Washington, DC: The Niskanen Center, 2022), https://www.niskanencenter.org/wp-content/uploads/2022/04/The-Role-of-U.S.-Law-Enforcement-in-Response-to-Protests.pdf.

can coordinate and communicate during mass demonstrations. Gaining an understanding of agencies' protocols, policies, and rules of engagement before protests occur can also enable authorities to inform the community about potential differences in responses from representatives of different agencies.

4.9 Develop and commit to a process of accountability and transparency that includes requiring every use of force be clearly documented, detailed, and assigned a distinct tracking number.

Agencies should require officers to use body-worn cameras to record uses of force during mass demonstrations. Where possible, videos from the incident (both those captured by body-worn cameras and those submitted by witnesses and media) should be identified and tagged with corresponding tracking numbers. In that vein, agency policy and procedures should require responding officers to wear clear identifiers while in uniform.[50] As part of mutual aid agreements, participating agencies should work to align their documentation procedures to better track and share information about uses of force, including videos. Because the 2020–2021 protests were in large part galvanized by incidents of police use of force, it is essential that agencies actively work on facilitating the process for more transparent reviews of these incidents. In addition, agencies should keep, track, and make available to the public their protest data, including the number of force incidents and the types of force used.

It is important that agencies be thoughtful about the system that will be necessary to accomplish this transparency. The complexity of use of force during protests demands that law enforcement agencies create processes for accountability, transparency, and data collection and preservation well before protests begin and that they dedicate adequate resources and staff to the process.

Immediately prior to protests

4.10 Be proactive in enhancing coordination between information gathering and special event resource planning, especially when demonstration organizers do not follow the permit process.

The timely and accurate gathering, analysis, and dissemination of information regarding persons participating in demonstrations—specifically with respect to threats to public safety—must be a high priority. Personnel and equipment must be deployed in a way that reduces the threat to public safety, and all personnel assigned to large-scale events should be trained in the tactics and strategies used by persons committed to property damage or violence.

Many law enforcement leaders noted that protest organizers did not follow permit processes (or in some cases obtain permits at all) before the demonstrations in 2020–2021, depriving law enforcement of valuable information regarding demonstration size, scale, and location. When agencies do not get the information they need from the permit process, they can collect some details from social media, although it is not ideal to rely on social media to stay informed about demonstrators' plans. Some law enforcement leaders have reported that there can be so much chatter surrounding demonstrations on social media that it becomes extremely challenging to monitor and to determine what posts are accurate and authoritative.

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[50] IIR, *After-Action Assessment* (see note 21).

4.11 Develop a process to ensure that information gathered to improve public safety during protests is appropriately disseminated among command-level personnel.

Some demonstrations are related to national and global movements and issues rather than local situations. In these cases, information should be gathered from multiple sources rather than a singular national source. Monitoring information from similar events and groups in other areas—not to target specific ideologies, groups, or individuals but to gain insights into the events—can inform protest response planning and open potential channels of communication with local and external organizers. This information should be shared promptly and consistently with the incident commander as well as relevant supervisors and should be factored into planning and preparedness.

4.12 Work with business and community stakeholders to identify and vet technology solutions and strategies to assist during protest response. Do not assume that the community will support the use of all forms of technology during responses.

Agencies should consider collaborative approaches that will enhance situational awareness and improve community and officer safety. There should be a public awareness campaign to educate the community about the purpose of any technology that is used and to address privacy concerns. For example, unmanned aerial systems (UAS), or drones, should be used only in accordance with best practices and for the purpose of quickly identifying individuals who intend to destroy property or cause violence.[51]

One police department met with the ACLU and other community groups before the 2020 demonstrations to assure them that the department's long-range acoustic devices (LRAD) were being used only as an amplification system and that the department had disabled other functions, including the sound cannon and sonic weapon, that the community opposed. In addition, every time the LRADs are used to broadcast information to crowds, the department captures the announcement on video.

4.13 Create a system of neutrality to support consistent response to all protesters in mass demonstrations, regardless of the issue being protested. Increase awareness about the system among both police personnel and the community.

Police actions should be consistent across protest groups, and individuals across all political and ideological spectra should be treated equally. As one law enforcement participant explained, "As officers, we have to be agnostic to the cause that is being protested." Some community organizers noted that some law enforcement agencies responded differently to demonstrations about police use of force than they did to demonstrations about the 2020 elections or other topics, and organizers attributed the difference to the demographics of the demonstrators and other biases. It is important to acknowledge this perception of disparate treatment and to communicate processes and procedures to combat potential biases during response. Just as law enforcement agencies analyze calls for service and crime data, agencies should review how they respond to demonstrations to determine whether biases might exist.

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[51] Lisa Mantel, *Roadmap to Implementing an Effective Unmanned Aircraft System (UAS) Program* (Washington, DC: Office of Community Oriented Policing Services, 2020), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0912; Maria Valdovinos, James Specht, and Jennifer Zeunik, *Community Policing & Unmanned Aircraft Systems (UAS): Guidelines to Enhance Community Trust* (Washington, DC: Office of Community Oriented Policing Services, 2016), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0822.

During protests, agency personnel can be deployed to monitor officers' actions and behaviors. For example, investigators from the Washington, D.C., Office of Police Complaints conduct protest monitoring to ensure that officers are engaging with protesters constitutionally and are abiding by established policy, procedure, and laws.[52] Data from different protests regarding personnel and specialized team deployment, use of force, and arrests can also be compared to provide insight into potential biases in responses. Jurisdictions that have civilian police review boards or other community investigators can provide qualitative feedback and assess the police response to different demonstrations. Likewise, communicating the processes used to inform planning and personnel and resource deployment and response to protest organizers and the public after each protest can also contribute to transparency.

Evidence shows disparate law enforcement responses, in some cases, to protests with different aims. An assessment by the Armed Conflict Location & Event Data (ACLED) Project found that local and federal agencies were three times more likely to intervene in Black Lives Matter–related protests than in other protests, regardless of whether the protests were peaceful.[53] Some academics note recent examples of protests in which police seemed to underrespond, including the Unite the Right rally in Charlottesville, Virginia, in 2017.[54] A community might perceive these examples as evidence of bias against certain political and social ideologies. Law enforcement leaders should thoughtfully monitor their agencies' protest response to ensure that decisions are content-neutral and not influenced by political or other affiliations.[55]

During protests

4.14 Communicate regularly with elected officials during mass demonstrations to ensure consistency in response tactics and messaging.

In some cases, public comments made by elected officials during the 2020–2021 protests required local law enforcement personnel to depart from the tactics they had trained on and affected the resources they had at their disposal. For example, some elected officials responded to uses of less lethal munitions by publicly announcing that they would revoke authorization for their police department to use specific less lethal munitions. Other comments publicly criticized departments' deployment and response strategies while then asking for additional personnel to respond to demonstrations outside their homes. In addition to hampering the response, these comments created friction between elected officials and law enforcement and often further demoralized officers on the front lines. Ensuring regular communication can prevent confusion for officers and decreases in morale.

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[52] Police Complaints Board, *OPC Monitoring of the "Women's March" January 21, 2017* (Washington, DC: Office of Police Complaints, 2017), https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Women%27s%20March%20Protest%20Monitoring%20Report.FINAL_.pdf.

[53] Roudabeh Kishi et al., *A Year of Racial Justice Protests: Key Trends in Demonstrations Involving the BLM Movement* (Armed Conflict Location & Event Data Project, 2021), https://acleddata.com/2021/05/25/a-year-of-racial-justice-protests-key-trends-in-demonstrations-supporting-the-blm-movement/.

[54] Edward Maguire, "Policing Rival Protests," in *Rethinking and Reforming American Policing: Leadership Challenges and Future Opportunities*, ed. Joseph A. Schafer and Richard W. Myers (New York: Springer, 2022), 289–310, https://link.springer.com/chapter/10.1007/978-3-030-88896-1_12.

[55] Maguire, *The Role of the U.S. Government* (see note 49).

4.15 Establish real-time communication between first-line supervisors in the field and appropriate leaders in the command center to allow for more immediate decision-making and strategy adaptation based on changes in the environmental and situational circumstances.

Law enforcement leadership must be adept at evaluating how environmental and situational circumstances can affect the trajectory of a protest, how their officers and other stakeholders will respond, and how they will adjust when necessary. Strong and immediate lines of communication between first-line supervisors in the field and command and control centers can greatly facilitate a coordinated and consistent response. In addition, it can allow immediate supervisors on the ground to respond quickly and innovatively to situations they confront.

4.16 Use a tiered protest response, starting with softer appearance and tactics, and adjust as needed.

While a soft uniform can place officers in danger, especially if events turn violent quickly, too "hard" (or militaristic) a look—officers in full personal protective equipment—can escalate tensions with a crowd. Likewise, officer deployments and formations that convey less aggressive tactics can help keep tensions at bay, so long as officers remain safe.

Tiered deployment is one of the most promising strategies emerging from the literature on protest response and is consistent with low-profile methods to interact with the crowd when circumstances allow. A tiered approach can consist of (1) starting with officers in soft uniforms engaging positively with the crowd, (2) using bicycle officers and motorcycle squads with officers in soft clothes and helmets, and (3) staging public order platoons with full gear nearby but out of sight.[56] Using officers and supervisors with previous success in handling similar events can enhance tiered approaches.[57]

4.17 Use bicycle patrols and officers in softer uniforms as first responders.

The use of officers on bicycles using professional and constitutional policing can be an especially effective strategy during mass demonstrations.[58] Bicycle officers can maneuver easily and can be used to form a barrier if necessary. While bicycle officers wear regular uniforms, they do wear helmets, which can be less intimidating than full riot gear but can provide the officers some protection.[59] Mobile field forces in heavier equipment used outside of bicycle patrol in a tiered response should be deployed only when necessary; unless needed, they should be placed out of the sight of protest crowds.

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[56] PERF, *The Police Response* (see note 33).

[57] Blake Norton et al., *An Assessment of the St. Louis County Police Department*, Collaborative Reform Initiative (Washington, DC: Office of Community Oriented Policing Services, 2015), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P316.

[58] Frank Straub et al., *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct* (Washington, DC: Office of Community-Oriented Policing Services, 2017), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0836; Frank Straub et al., *Advancing Charlotte: A Police Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to the September 2016 Demonstrations* (Arlington, VA: Police Foundation, 2018), https://www.policinginstitute.org/publication/advancing-charlotte-a-police-foundation-assessment-of-the-charlotte-mecklenburg-police-department-response-to-the-september-2016-demonstrations/.

[59] PERF, *The Police Response* (see note 33).

4.18 Work with community leaders and use precision tactics to identify individuals determined to be engaging in violent or destructive activity and extract them from the crowd, the goal being to maintain peaceful demonstrations.

Actions should be taken to identify and strategically remove individuals determined to be engaging in violent or destructive behavior that warrants removal or arrest. It is important to communicate this differentiation to the crowd; agencies should ensure that peaceful protesters know the police are going after only people causing violence and property destruction. Ideally, community members can work with police, identifying for officers the individuals who have engaged or threatened to engage in violence or destruction, to help ensure that individuals participating in peaceful protest can continue to exercise their First Amendment rights. Law enforcement must express to community organizers their priority of protecting First Amendment rights and public safety, discuss ways to communicate when individuals with ill intent are identified, and explain their processes for strategically extracting those individuals. This discussion can help to identify issues on which law enforcement and community groups are aligned and open channels for communication and collaboration.

"Kettling" and other mass arrest strategies—which tend to increase tensions, expend significant resources and time for few criminal convictions, and damage trust between law enforcement and the community—should not be used.[60] These policies should be well communicated to all department staff.

The ineffectiveness of undifferentiated, mass strategies for maintaining order and peace is supported by the elaborated social identity model (ESIM). ESIM helps explain how the experience of being in a crowd shapes individuals' identities and provides a framework for understanding the escalation process that can occur when an outgroup, such as the police, treats a crowd in a homogenous manner. For example, if police officers take enforcement action toward the entire crowd for the unlawful actions of one group, instead of recognizing that different groups within a protest crowd may be engaging in different activities, the crowd as a whole will come together to resist the police because of a consequent shared sense of opposition toward them.[61]

4.19 Ensure policies and procedures clearly prohibit certain uses of force—including the deployment of less lethal munitions—against demonstrators who do not pose an immediate threat to officers, members of the public, or property.

Agencies must clearly acknowledge that certain uses of force are a last resort—appropriate to use only when there is a significant and immediate threat to officers, members of the public, or property—and appropriate to use only at a level that is "objectively reasonable" when the totality of the circumstances are taken into account. Inherent in the definition of "objectively reasonable" is the understanding that if there is not an immediate threat, force shall not be used. Policies should note the impact that unnecessary use of force can have on police-community relations, police legitimacy, and litigation against officers and the agency. They should also highlight that ubiquitous deployment of less lethal munitions can quickly waste department resources that

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[60] PERF, *Rethinking the Police Response* (see note 16).

[61] Edward Maguire, "Policing the 2021 U.S. Capitol Insurrection," unpublished manuscript; Edward Maguire and Megan Oakley, *Policing Protests: Lessons from the Occupy Movement, Ferguson & Beyond: A Guide for Police* (New York: Harry Frank Guggenheim Foundation, 2020), https://www.hfg.org/hfg_reports/policing-protests-lessons-from-the-occupy-movement-ferguson-and-beyond/.

may be needed for more significant events. The overuse of force—or even the threat of force—can trigger continued protests and a greater willingness among protesters to engage in property damage and violence, including violence against police officers.[62] Agencies should consider all of these factors when determining whether alternatives to uses of force may produce more desirable short- and long-term outcomes.

4.20 Ensure policies and procedures provide clear definitions of different types of uses of force, clearer direction on appropriate and authorized types of force, examples of uses of identified levels of force, and documentation processes. These policies and procedures should be reviewed and revised annually.

State and local agencies should ensure that their use of force policies are equivalent to or exceed the standards, obligations, and requirements of the DOJ use of force policy.[63] Internally, agency supervisors should ensure that the rules of engagement related to use of force are well communicated to those responding to protests and that all personnel understand the implications of excessive force, up to and including termination and civil and criminal lawsuits. Officers should be trained on any policy and procedure updates as advised in recommendations in section 3.

Some agencies have very detailed policies and procedures related to the use of force during civil disturbances. The standard operating procedure from one large agency provides guidance for all responding personnel, including mutual aid officers, and includes definitions and examples of different levels of uses of force. It outlines levels of force that are reserved for specifically trained personnel, requirements that must be met before force is used, options for on-scene commanders and officials, the approval processes for each type of force, circumstances in which the use of force should be discontinued, and the required documentation for each use of force.[64]

4.21 Where appropriate, legal, and necessary, ensure policies and procedures explicitly limit the use of force to specific individuals and groups committing criminal offenses, not entire groups of demonstrators.

Individuals or small groups of individuals intent on violence and destruction will often use the perceived anonymity afforded by being in a larger crowd to commit destructive or violent criminal actions. It is important that law enforcement identify specific individuals and criminal behaviors and decide what level of response or force is necessary. Officers should consider whether alternative options (including de-escalation, dispersal warnings, and identification and arrest at a later time) will stop the behavior. It is also important that any actions to stop criminal behaviors be taken only against the specific individuals committing the identified behaviors and that the level of force is appropriate to the level of threat.

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[62] Edward Maguire et al. "Attitudes towards the Use of Violence against Police among Occupy Wall Street Protesters," *Policing: A Journal of Policy and Practice* 14, no. 4 (2020), 883–899, https://doi.org/10.1093/police/pay003.

[63] Merrick B. Garland, Attorney General of the United States, "Department's Updated Use-of-Force Policy," memorandum to Christopher Wray, Director, Federal Bureau of Investigation; Anne Milgram, Administrator of the Drug Enforcement Administration; Gary M. Restaino, Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Ronald L. Davis, Director of the U.S. Marshals Service; Michael Carvajal, Director of the Bureau of Prisons; and Michael Evan Horowitz, Inspector General, Office of the Inspector General, May 20, 2022, https://www.justice.gov/ag/page/file/1507826/download.

[64] Metropolitan Police Department, *Handling First Amendment Assemblies and Mass Demonstrations*, Standard Operating Procedures (Washington, DC: Metropolitan Police Department, 2016), https://go.mpdconline.com/GO/SOP_16_01.pdf.

4.22 Ensure policies and procedures require at least one discernable dispersal warning, using multiple communication methods, prior to any police use of force.

To demonstrate their commitment to use of force as a last resort, agencies should provide at least one dispersal warning that includes an explanation of what is likely to happen—including some of the potential uses of force that any violent individuals who stay may be subject to. Each progressive dispersal warning should include the same acknowledgment of potential uses of force. These warnings should be recorded by officers in multiple locations to ensure that demonstrators can reasonably expected to hear them.

4.23 Constantly read the environment, think critically and adjust response tactics and strategies accordingly, and be prepared to de-escalate as soon as practical.

De-escalation principles and tactics have emerged as a promising practice in law enforcement. Agencies nationwide have incorporated de-escalation principles into policies, procedures, and training curricula. These principles and strategies have a critical role in the response to mass demonstrations, especially as front-line supervisors must recognize and adapt to crowd dynamics that can change quickly. One participant believed that law enforcement supervisors on the front line should be empowered to monitor changes in the crowd dynamics and their impact on community and officer safety and adapt as necessary: "Having a commander on the ground to read the crowd and make decisions can help to de-escalate the crowd." Empowering supervisors to determine which de-escalation tactics to use when and how to interact and communicate with demonstrators based on the dynamics of the crowd can reduce tensions before they flare up without changing the approval process required to deploy certain elevated types of force.

Before, during, and after protests

4.24 Leverage body-worn cameras and resulting video footage for documentation and transparency. Ensure policies and procedures clearly outline the use of cameras and footage in complaints and investigations.

Many agencies found that body-worn cameras were an important tool during the protests. Body-worn cameras can provide transparency and help build legitimacy with the community. They also can support critical record-keeping and documentation efforts for use of force reporting and investigating community complaints. It is important that agencies prepare for protracted deployment of body cameras by providing extra batteries, supplying appropriate mounting hardware for body-worn cameras on protective gear, and ensuring that procedures for tracking and documenting footage captured during protests are up to date and understood by officers.

4.25 Publicly show appreciation for protest organizers and leaders who run peaceful protests, who quickly attend to unacceptable group behavior, and who promote peaceful expression of First Amendment rights

Voicing appreciation for community organizers can be a powerful way of demonstrating to the community that the agency supports their right to protest. This can strengthen relationships and positively reinforce peaceful protest behavior.

5. Communication

Participants reflected on the challenges they experienced in communicating within agencies, with city leaders, and with the public. During the 2020–2021 protests, agencies faced challenges in identifying and connecting with protest leaders, communicating dispersal orders and general orders to large groups of demonstrators, and communicating information to the public. Moreover, differences in messaging from elected officials and public safety command added to tensions, created additional confusion, and further depleted officer morale.

Some law enforcement agencies lacked internal and external communication coordination and agility. The pace of protests and the speed at which information travels on social media demand that public safety organizations and their government counterparts speak with one voice and with authority. One law enforcement member recounted that "For the most part, protests were static [in the past]; however, the ones seen in 2020 were more dynamic, with individuals spending little time in locations before moving to the next." Being able to move rapidly between locations can help with internal and external communication. In some cases, protests moved too quickly for traditional Joint Information Centers (JIC) to be formed and managed, so they were less useful than usual in approving and dispersing messaging.

In some places, local government and law enforcement leaders created public service announcements that conveyed important information before planned demonstrations. It is important to build rapport and understanding with media outlets prior to the event. The media plays an important role in transparency and accountability during mass demonstrations. Importantly, protesters commonly communicate via social media, and many agencies have yet to harness the power of this mode of communication in ways that would be effective during protests.

Effective communication within agencies and with local government leaders and the public requires active planning. The following recommendations are aimed at informing agencies of ways to improve internal and external communication efforts.

Communication recommendations

Well in advance of protests

5.1 Develop, share, and exercise strategic communications plans.

> Strategic communications plans should cover topics including what channels will be used (email, social media accounts, press releases, press conferences, etc.); which department employees are authorized to post or make official comments; the approval process for all official communications; how and when information will be shared; when the agency will be the primary communicator and under what circumstances it will serve in a support role; and training requirements. These should be coordinated and planned by an agency's Public Information Officer or Communications Office, and agencies should ensure that resources are available to support these individuals, who can be overwhelmed with information requests and media activities.

Most importantly, the strategic communications plan should be grounded in the narrative of the agency, as identified by the agency's mission and vision. The plan should include methods of communicating with the community, media, and government officials before, during, and after an incident or event, including strategies to reach different audiences. As one law enforcement member stated: "Even if you are a small or rural [agency], it is still important that you practice and have this plan so that when it hits you are ready. You can be international news at any moment, and you need to be prepared."

5.2 Establish an infrastructure to communicate with the public in real time.

An integral part of an agency's strategic communications plan is the ability to communicate with the public in real time. Agencies should consider devoting resources to establish or strengthen a social media presence in preparation for events. Updates, regulations, and expectations can be readily shared via social media platforms. Agencies should also consider the language needs of their community and incorporate non–English speaking outlets as necessary to communicate with the community. As one law enforcement member said: "We had an ongoing dialogue with the community because of our community presence on social media."

Likewise, traditional media outlets and other stakeholders—including government officials and organizations with large audiences—should be included in the dissemination component of a strategic communication plan. Law enforcement should impress upon stakeholders the importance of sharing law enforcement posts, press releases, and information with their audiences in real time, particularly during a critical incident.

Agencies can also use CRS' CCCs as a method to communicate quickly with the public. Agencies should use social media to inform the public and traditional media about developing events. Agencies should monitor social media sites that individuals engaging in violent or destructive behavior may be on, which may not be common social media sites. Social media can also be used to send instructions to attendees[65] or reinforce the concept that the police are there to promote safety and facilitate protesters' rights.[66]

5.3 Identify and develop multiple ways to deliver messages to demonstrators.

One law enforcement member shared that their agency handed out pamphlets to protest groups and community stakeholders: "The pamphlet laid out not the police department expectations, but the expectations that were created and developed by the community for protests. Some of these expectations are guided by statute, but they all revolve around facilitating and making sure constitutional rights are protected." Agencies should consider non-English pamphlets and other methods for delivering messages if necessary.

5.4 Together with local government leadership, establish a unified narrative and public messaging strategy around protests (before, during, and after) that informs the public about the jurisdiction leadership's position on supporting free speech during protests but clearly defines consequences for those responsible for committing violence or destruction during such assemblies.

Public officials and public safety leaders should collaborate during planning to identify individual roles and responsibilities for the response, and they should avoid being overly involved or critical of tactical response decisions. To the extent possible, it may be useful to include community stakeholders in this process. In

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[65] PERF, *Managing Major Events* (see note 48).

[66] PERF, *The Police Response* (see note 33).

some jurisdictions, when time to plan is available, local government and police leaders have created public service announcements and briefs that clearly define protest protocol and expectations and disseminated them via television and web platforms.

Immediately prior to protests

5.5 For events with multiagency responses, consider designating one organization or body in the jurisdiction that will coordinate messaging from city executives and public safety.

All the messages directed to the public regarding expectations of protest behavior by protesters and protest response by police should be provided by one person or body and supported by the others involved to ensure messages are consistent and from an authoritative source.

Agencies should have an existing relationship with the media and should develop a multimedia communications strategy to keep the media and the community informed. All partner agencies and organizations should have plans and coordination in place to ensure consistent messaging to the press.[67]

5.6 Develop policies and procedures that use all relevant jurisdiction social media accounts to push information to the community and quickly disseminate accurate information in response to rumors, misinformation, and false accusations.

To ensure unified messaging, jurisdictions should establish a process for sharing information from the organization with initial responsibility for messaging and communication. Particularly on social media, sharing or retweeting information can significantly expand the number of people each message reaches.

5.7 Identify ways to incorporate traditional news and social media outlets in communication and coverage plans.

Media will often report on a protest event and request constant information from public safety officials and Public Information Officers on strategies and tactics, incidents, road closures or traffic detours, arrests, and property damage. Law enforcement representatives can influence the public perception of their response to protests through media relationships and a cogent media plan. Agencies can share their plans for responding to protests, release critical information, and provide regular updates by holding pre-event meetings with media outlets. It is important to build this rapport and understanding with media outlets before the event.

In some places, local government and law enforcement leaders created public service announcements that conveyed important information prior to planned demonstrations. Public service announcements may need to be translated from English depending on community needs. The media plays an important role in transparency and accountability during mass demonstrations. Responding agencies can leverage expected media coverage to communicate and demonstrate their commitment to community policing, transparency, and accountability.

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[67] Straub et al., *Maintaining First Amendment Rights and Public Safety* (see note 58); Straub et al., *Advancing Charlotte* (see note 58).

5.8 Work with elected officials to develop a process for creating and issuing badges or identifiers for media personnel covering mass demonstrations and protests. The process should include traditional news media personnel and create a registration portal for acknowledging and providing access to approved nontraditional and social media reporters.

While it is easier to identify traditional news media personnel and outlets than bloggers and other new media representatives, local websites and social media are increasingly popular means for obtaining news. Individuals affiliated with these organizations often will not have recognizable credentials but can play an important role in covering demonstrations, especially for younger audiences. Law enforcement and elected leaders should create a process for individuals to register and establish that they should be considered media. Officers should also be trained in how to interact with reporters during protests.

During protests

5.9 Communicate with protesters during the event in respectful, procedurally just, clear, and informative ways both in person at the protest and online.

Officers' and protesters' ability to see one another as humans first can provide some space for creating rapport, although it is a departure from historical protest response training.[68] Yelling orders or cursing at protesters can antagonize them and escalate already tense situations. Encouraging officers who are responsible for communicating with protesters to show their humanity, as opposed to forcing dissociation that makes them appear robotic or impersonal, can help build rapport between protesters and police.

5.10 Prioritize communicating via social media during ongoing demonstrations.

During mass demonstrations, information about road closures and traffic alerts, corrections of inaccurate information or rumors from other sources, dispersal warnings and areas to avoid, and other critical information should be communicated via social media. It is likely that those messages will be further shared by traditional media outlets and organizations that are involved in the demonstrations. Using social media as a critical part of information sharing is no longer a luxury but a necessity.

5.11 Prioritize consistent and frequent communication through a variety of channels of expectations for both officer and protester behavior and consequences for not abiding by public safety rules. Be clear about the consequences of unlawful actions, and communicate those widely to the public, so that there is a clear distinction between lawful and unlawful protest.

These messages should be spread through traditional and social media and shared by other government stakeholders and community organizations. Agencies should also consider explaining the consequences of unlawful actions to demonstrators in real time well before dispersal orders are given so that demonstration leaders can help govern themselves. In some places, for example, the chief of police creates audio and video public service announcements and other notifications that inform the public of expectations for public and officer behavior during protests. This is a great opportunity to reaffirm to the public that the police are present to facilitate the safe exercise of First Amendment rights.

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[68] Hill, Giles, and Maguire, "VOICES: A Theory-driven Intervention" (see note 26).

5.12 Agency leaders should ensure officers are aware of the consequences of actions that violate agency policy or criminal code or that jeopardize the community's trust during response to protests.

Responding officers should know what behaviors their agency considers inappropriate, what behaviors are unlawful, and what consequences will result from engaging in those behaviors. Although responding officers are individuals with their own thoughts on many of the issues that lead to protests, they have chosen to work in public service and should not knowingly engage in behaviors that can jeopardize community trust in their agencies. Agencies should also consider making public any document that outlines the consequences officers face if they engage in inappropriate or unlawful behaviors.

5.13 When large-scale actions must be taken in response to a protest, communicate reasoning and process both on site and virtually.

Agencies should focus on communicating with demonstrators rather than simply giving orders. Community members noted instances in which they believed officers deployed less lethal munitions and used force or gave dispersal orders without explaining their rationale. Clearly communicating this reasoning over loudspeakers or social media can help to ease community concerns, provide clarity, and foster mutual understanding.

Before, during, or after protests

5.14 Identify the audiences with whom communication is required before, during, and after each demonstration and the most effective means of communicating with each as part of a communications strategy development.

Agencies that understand their audiences and how to share their messages effectively and efficiently can help ensure widespread communication. Some community organizations and leaders may be more responsive to press releases, while others may respond more readily to social media or emails. Others may be involved with the protest, thus receiving real-time information. Agencies should have a list of local and national media contacts ahead of time.

5.15 Adapt the concept of a formal, in-person JIC to create something more agile, more responsive to 21st-century messaging, and more effective when dealing with potentially limited resources.

A traditional JIC can include Public Information Officers and communications representatives from the first responder agencies involved, relevant government agencies, elected officials, and sometimes invitees from business and neighborhood associations. The JIC helps coordinate messages and determine what information should be shared with the public, who will be responsible for sharing it, and how the sharing will be done. In some cases, nearby agencies and stakeholders can also provide and receive additional information and resources from a JIC, including creating and sharing messaging for their events. However, as one law enforcement member noted: "It was hard to set up a JIC because we were all having incidents. We might have to rethink how the system works if there's a widespread issue. We didn't realize that there were not many resources to deal with everything that we were going through. We didn't have any information about where demonstrations were going to happen. The protests and unrest that occurred [were] so widespread and dispersed throughout the suburbs that it would have been difficult for an information system to cover it all and deploy resources for those events." To alleviate these challenges, agencies should consider strategies such as using virtual meeting spaces, personnel and resource sharing partnerships across agencies and potentially organizational sectors, and other opportunities to create more versatile JICs.

6. Officer Safety and Wellness

2020 and 2021 were some of the most trying times in history for law enforcement officers and their families. Throughout the COVID-19 pandemic, officers faced unprecedented stress because of concerns that they would bring the virus back to their families as they continued to work in public areas. Shortly after, the protests began. Protracted deployments; extended shifts to cover protest response and calls for service; highly contentious protest environments; and inability to satisfy basic wellness needs, including nutrition, exercise, and sleep, created a highly stressful situation for officers and their families. As one law enforcement member said: "[The time] from COVID into the initial demonstrations was exhausting. We canceled days off for almost 30 days, there were a lot of unknowns related to pandemic personal safety, and the ongoing exposure of violence that went beyond First Amendment rights." Some officers also reported that they felt abandoned and lacked support from elected officials, command staff, community, and even their own friends and family at times.

Law enforcement officers' families were also deeply affected during the protests. In addition to watching their family members endure difficult deployments, some families were subject to considerable vitriol from the public themselves. Police officers feared that people would "dox" them and their families (that is, publicly share their names, home addresses, and other personally identifiably information). Cars with police stickers were repeatedly vandalized. As one community leader explained: "We had families ripped apart due to cancel culture. Our church was supportive for police and then came out and were awful towards police. Even churches across the United States were no longer a safe place due to that difference of opinion. We saw kids of police officers being bullied by protesters and in some cases, there were teens out there demonstrating and were bullying teens of officers."

Safety and wellness are vital to officers' capacity to protect community and protestors, to feel empathy for others, and to resolve conflict. However, some agencies lack the organizational wellness infrastructure to promote officer wellness generally, and especially during protest response. Moreover, police culture can hinder officer wellness initiatives and preclude officers who are struggling from seeking help. Fostering healthy officers serving in healthy law enforcement organizations advances healthy and communities.

The following recommendations aim to inform law enforcement officers and leaders on ways to improve their wellness and safety efforts.[69]

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[69] For additional resources on officer safety and wellness, please visit "Officer Safety and Wellness," Office of Community Oriented Policing Services, accessed June 2, 2022, https://cops.usdoj.gov/officersafetyandwellness; " Law Enforcement Officer Safety and Wellness," Bureau of Justice Assistance, accessed June 2, 2022, https://bja.ojp.gov/program/law-enforcement-officer-safety-and-wellness/overview. DOJ also has funding opportunities to support officer safety and wellness; please visit "Law Enforcement Mental Health and Wellness Act (LEMHWA) Program," Office of Community Oriented Policing Services, accessed June 2, 2022, https://cops.usdoj.gov/lemhwa; "VALOR Officer Safety and Wellness Initiative," Bureau of Justice Assistance, accessed June 2, 2022, https://bja.ojp.gov/program/valor/overview.

Officer safety and wellness recommendations

Well in advance of protests

6.1 Develop officer wellness programs that go beyond the needs of traditional EAPs and meet the specific needs of law enforcement.

In some cases, law enforcement agencies are covered under their jurisdiction's EAP, but the program may not adequately address some of the unique stresses and experiences of law enforcement personnel. Whether the agency develops a peer support program, contracts with additional law enforcement and trauma-educated mental health clinicians and wellness services, or procures some other combination of services, it is important that the unique needs of law enforcement personnel—sworn and civilian staff—are adequately addressed.

6.2 Conduct annual equipment checks to ensure appropriate personal protective equipment is available, tested, and restocked for all officers.

Some law enforcement members noted that a lack of personal protective equipment, including masks to protect against COVID, tactical vests, body-worn camera mounts for those vests, helmets, and other safety equipment, created anxiety during protest response. Equipment inventories should be up to date to ensure each officer on the line is well equipped.

6.3 Local government leaders should work with law enforcement and community leaders to consider officers' safety needs and provide resources to secure the technology and equipment necessary to keep them safe.

Budget cuts often eliminate funding for personal protective and other safety equipment used for protests or other major incidents, as that equipment is not necessary from day to day. It is important that this equipment be procured, maintained, and available to all officers when they need it. Police personnel reported that personal protective equipment in one agency had mold on it because it had been stored improperly. Others reported having only enough body armor for a fraction of the officers working the protests. Law enforcement leaders and elected officials are responsible for ensuring the availability of adequate equipment that is maintained appropriately to keep officers safe.

6.4 Provide training to mid-level supervisors to recognize and address officers' needs, including safety and wellness needs, during responses to protests.

The NPI's Center for Mass Violence Studies has created a training for supervisors that teaches them strategies to support officer safety and wellness during protest deployments and other large-scale or protracted events.[70]

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[70] NPI (National Policing Institute), *Staying Healthy in the Fray: The Impact of Crowd Management on Officers in the Context of Civil Unrest* (Arlington, VA: National Policing Institute, 2021), https://www.policinginstitute.org/publication/staying-healthy-in-the-fray-the-impact-of-crowd-management-on-officers-in-the-context-of-civil-unrest/.

6.5 Create family and partners' association programs to support families during deployments to protest response.

Some agencies have family and spouse associations that provide counseling, education, support, and bonding opportunities for officers' families. In multiple agencies, officers and their spouses said these associations were invaluable during the demonstrations. One law enforcement member recommended that spouses' associations could host pop-up events at important law enforcement events, including at the academy, to facilitate sign-ups.

Immediately prior to protests

6.6 While extended hours and shift changes may be unavoidable, prepare a support plan for officers who may be held over during shifts.

Plans should include meals, even if officers are unable to leave their posts to eat. Support should also include resources to allow officers to rest in between shifts and to sleep as soon as possible.

6.7 Create opportunities to involve officers' families and partners in protest response preparation to the extent possible.

Including loved ones in planning can both multiply resources and help inform families about what the response will entail and what officers will be doing. For example, one law enforcement member said that their organization invited members' partners to help prepare meals for the officers. Creating opportunities for involvement can help boost morale.

Departments should prepare a plan for officers who work the protests, including provisions for overtime, meal plans, and rest between shifts.[71] The department should emphasize the availability of mental health services during and after an event. Chaplains or mental health service providers specially trained in critical incident stress management should be made available to officers during and after events.[72] Agencies should also support officers whose families experience harassment and privacy breaches.

During protests

6.8 Designate an Officer Safety and Wellness Commander as part of the ICS structure to help officers get their needs met during protest response.

The Officer Safety and Wellness Commander would be responsible for ensuring appropriate equipment is available and monitoring for, recognizing, and readily addressing signs of extreme stress and fatigue in officers. This commander would also be responsible for ensuring that officers have access to water, nutrition, and restrooms when necessary.

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[71] Police Foundation, *2017 Presidential Inauguration First Amendment Assembly Independent Law Enforcement Review* (Washington, DC: Police Foundation, 2018), https://www.policinginstitute.org/wp-content/uploads/2018/07/DC-Inauguration-Report-Final-070918.pdf.

[72] Straub et al., *Maintaining First Amendment Rights and Public Safety* (see note 58).

6.9 Prioritize breaks for officers and ensure they are rotated through positions in which they have direct contact with demonstrators, especially when there are high levels of tension, to reduce stress and prevent unnecessary and inappropriate uses of force.

Supervisors play a key role in mental health and management. Accordingly, they must be trained in supporting mental health so they can recognize when line officers are fatigued and make the proper adjustments to get them off the line.

If circumstances do not allow for officers to rest during or between shifts, agencies should consider rotating assignments during shifts to provide breaks in intensity. Special attention should be paid to ensuring that officers who may be subjected to verbal abuse, threats, and risks to their physical safety from some individuals within larger demonstration groups are rotated when needed. Agencies should take appropriate action to allow those working the line to have reasonable breaks and time off to sleep and recharge and should leverage mutual aid to respond to calls for service. Alternative response models should be identified as necessary.

6.10 Encourage officers and their families to distance themselves from social media and traditional media to the extent possible during times of ongoing protest responses.

Constant review and monitoring of social media can be detrimental to people's psychological well-being. One law enforcement member expressed the wish that he could prohibit officers from looking at social media during response times. Another law enforcement member brought up the effects of "cancel culture," a form of ostracism common across social media platforms to demonstrate disapproval toward a person or group, on officers' families. The member discussed cases in which officers' children experienced bullying and as a result had to change their names on social media or leave the platforms all together.

6.11 Create a family hotline that officers' family members can call to get updates about their loved one.

Some family members complained that they were unable to see or talk to their loved one for days because of extended shifts and concerns about potentially contracting COVID. These family members highlighted the stresses that not having their officer at home placed on the family. If they are unable to talk to the family members directly, agencies should establish a hotline that uses deployment information and Incident Action Plan (IAP) reports to provide status updates and potential injury details to family members.

After protests

6.12 Conduct internal debriefing sessions and publicly recognize the stressful events that have impacted agency staff.

Agencies should openly and intentionally acknowledge officers' experiences during response to protests. They should allow officers to share their experiences and have staff, such as counselors or chaplains, to provide support during these discussions. Officers may not be comfortable discussing their difficulties with senior leadership present, so it may be advisable to limit sessions to line officers and first-line supervisors. However, senior leadership should encourage officers to attend sessions.

6.13 Continue to follow up with agency partners' associations after protests to provide resources for after-care.

Agencies should continue to work with and support partners' associations after protests. For example, one law enforcement member explained how they use their partners' association after protests to broadcast important messages and resources to partners and their families.

Before, during, and after protests

6.14 Ensure, to the extent possible, that officers have scheduled time off following protracted or intense deployments to work protests.

Many agencies report that staff shortages and high violent crime rates have made it difficult, if not impossible, to give officers time off. Agencies need to create opportunities for officers to rest, particularly given the harm that long work hours can inflict on officers' health, safety, and performance.[73] Some agencies have used mutual aid from nearby departments to respond to calls for service. Others have reduced response to some low-level calls for service, opting to take reports remotely.

6.15 Ensure law enforcement personnel are educated about post-traumatic stress and trauma, its connection to suicide, and its impact on law enforcement.

Agencies should ensure that their personnel have access to literature on post-traumatic stress and trauma and can recognize the signs in themselves and others. DOJ makes various resources freely available to agencies on these topics, including *The Signs Within: Suicide Prevention Education and Awareness,*[74] *Effective Leadership Response to the Challenges of Law Enforcement Suicide,*[75] *Icebreakers*,[76] and *While We Have You . . . Let's Talk about PTSD.*[77]

6.16 Create resources for officers and their families to access together, including clinicians trained in trauma and first responder stress to help them adapt and prioritize health.

Agencies should refrain from relying solely on established EAPs, as research shows that officers tend to be unaware of them or to feel that they cannot navigate the process or do not fit with the clinicians provided through the program. EAPs should be complemented with other resources. Among other things, agencies

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[73] Bryan Vila, "Impact of Long Work Hours on Police Officers and the Communities They Serve," *American Journal of Industrial Medicine* 49, no. 11 (2006), 972–980, https://doi.org/10.1002/ajim.20333; Karen L. Amendola et al., *The Impact of Shift Length in Policing on Performance, Health, Quality of Life, Sleep, Fatigue, and Extra-Duty Employment* (Washington, DC: Police Foundation, 2011), https://nicic.gov/impact-shift-length-policing-performance-health-quality-life-sleep-fatigue-and-extra-duty-employment.

[74] IACP (International Association of Chiefs of Police), *The Signs Within: Suicide Prevention and Awareness* (Washington, DC: Office of Community Oriented Policing Services, 2018), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0855.

[75] James D. Sewell, *Effective Leadership Response to the Challenges of Law Enforcement Suicide* (Washington, DC: Office of Community Oriented Policing Services, 2021), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0944.

[76] SAFLEO (National Suicide Awareness for Law Enforcement Officers Program), "Icebreakers," accessed June 2, 2022, https://safleo.org/ResourceLibrary/Resource/08c5f88b-88a1-4722-11f2-08da39a5e9ac.

[77] VALOR Officer Safety and Wellness Program, "While We Have You . . . Let's Talk about PTSD," accessed June 2, 2022, https://www.valorforblue.org/Clearinghouse/1357/While-We-Have-You-Let%E2%80%99s-Talk-About-PTSD-.

might consider designating relaxation and sleep rooms, reconsidering shift-work schedules, and seeking public and private partnerships that can provide access to more resources.[78]

6.17 Openly recognize and educate department personnel, elected officials, and community members on the negative impact that crowd management and other critical incidents have on law enforcement personnel, their significant others, and their children.

The aftermath of deployments can both undermine officer morale and officers' ability to positively engage with the community—a cornerstone of community policing—and contribute to the cycle of community trauma. Elected officials and command staff must support police officers who do their jobs honorably with both their actions and their words.

6.18 Invest in consistent and ongoing resilience and wellness training that provides officers with a career-long learning process in wellness.

Programs and trainings should be chosen intentionally, in a proactive rather than a reactive manner. Officers and families notice when initiatives are "check-the-box" trainings rather than tools for consistent care and ongoing improvement.

6.19 Leadership should support the use of counseling, peer support, and other wellness activities and encourage informal departmental leaders to openly acknowledge use of it.

Communication like the "It's OK to Not Be OK" video by the Orange County (Florida) Sheriff's Office[79] can motivate officers to take steps necessary to help themselves. Counseling and peer support responses should be available for everyday stressors and not just critical incidents.

6.20 Work toward a culture and environment in which mental health and wellness is a standard part of officer safety and department culture.

Creating a culture of wellness requires that agencies eliminate stigmatization and normalize mental health care.[80] Officers and supervisors should be encouraged to talk openly about their wellness while maintaining the required sensitivity for personal topics. Agencies should be consistent, relentless, and patient with this process, as it takes time. One law enforcement participant said, "Old-school thinking and unprocessed trauma is not safe." Agency leadership should observe their officers to see how they are doing. They should also engage with them, ask how they are doing, and show concern for their well-being all the time, but especially following protest responses.

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[78] NPI, *Staying Health in the Fray* (see note 70).

[79] Orange County (Florida) Sheriff's Office, "It's OK to Not Be OK," Facebook, September 16, 2021, https://www.facebook.com/watch/?v=966838817196679.

[80] NPI, *Staying Health in the Fray* (see note 70).

7. After-Action Review / Follow up

Agencies should engage in AARs or follow-up assessments of their responses to protests to evaluate whether existing procedures and mechanisms worked as intended and identify opportunities for improvement. For example, some agencies reported a lack of preparedness for the 2020–2021 protests, in which many used outdated and inefficient procedures. By honestly reflecting on past experiences, organizations can anticipate emerging challenges, incorporate promising practices, and work collaboratively to evolve and prepare for future events. Instilling a culture that encourages continuous learning through the assessment and identification of promising practices and lessons learned is vital to ensuring first responder and community safety and building effective responses to major events.[81]

AAR recommendations

After protests

7.1 Conduct honest and thorough AARs following major incidents.

Agency leadership should create an environment that encourages honest learning from incidents through AARs that identify promising practices, lessons learned, and similar experiences of other agencies and jurisdictions. It may be beneficial to use an independent organization to conduct AARs when appropriate to avoid the appearance of bias. Agencies should avoid "check-the-box" reviews and should avoid focusing solely on positive, punitive, or negative aspects. Independent reviews provide the best opportunity for this thoroughness. For guidance on how to conduct AARs, refer to the National Policing Institute's guidelines. The NPI AAR library contains dozens of AARs of mass casualty attacks and mass demonstrations.[82]

7.2 Incorporate stakeholders, and use AARs as a platform for honest conversation with community stakeholders about necessary improvements.

Agencies should engage independent facilitators for conversations with community stakeholders so that an unbiased party leads the event. While law enforcement and community members should both have opportunities to talk, neither party should guide the discussion. It is also important to ensure that the facilitator or an equally unbiased party is responsible for sending the invitations if law enforcement or community stakeholders are unwilling to engage. As one law enforcement leader suggested: "Bring in the toughest critics to engage in after-protest conversations."

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[81] NPF (National Police Foundation), *How to Conduct an After-Action Review* (Washington, DC: Office of Community Oriented Policing Services, 2020), https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0878.

[82] NPI (National Policing Institute), "After-Action Review Library," accessed June 2, 2022, https://www.policinginstitute.org/aarlibrary/.

7.3 Complete the learning cycle by establishing a process to ensure that lessons learned are incorporated back into policy, process, and training.

Agencies can benefit from setting up internal mechanisms to review officer responses following protests, revising rules of engagement as needed, and updating procedures to better prepare for future events.

7.4 Engage with outside experts to develop metrics, data collection, and analysis to evaluate protests and corresponding police response, which can be tailored to jurisdictions' needs. These data should be made public as soon as possible.

Agencies may struggle to decide where to begin in identifying the types of information and data that should be collected. If agencies do not have staff with expertise on data and measurement, they are encouraged to seek outside assistance from subject matter experts or researchers. Many agencies are near colleges and universities with graduate students and professors with experience in measurement and evaluation. In addition, the Collaborative Reform Initiative – Technical Assistance Center (CRI-TAC)[83] and CompStat 360 (CS360)[84] are two federally funded initiatives that provide customized, no-cost technical assistance for individual agencies on a host of topics, including community and youth engagement, problem-solving techniques, data collection and analysis, and community policing.

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[83] "CRI-TAC," Office of Community Oriented Policing Services, accessed June 2, 2022, https://cops.usdoj.gov/collaborativereform.

[84] "CS360 Dimensions," CompStat360, accessed June 2, 2022, https://www.compstat360.org/.

About the National Policing Institute

Established in 1970, the **National Policing Institute** (**NPI**, formerly the National Police Foundation) is the oldest nationally known 501(c)(3) nonprofit, non partisan, and non–membership driven organization dedicated to improving policing in the United States. The National Policing Institute supports change makers in policing, communities, and government by harnessing the power of science and innovation to challenge the status quo and to promote public safety for all.

In the last 50 years, the National Policing Institute's work has remained a catalyst for significant change in policing and communities. The institute contributes to scholastic exploration and discovery; informs policy makers, community members, and practitioners alike; and serves as a model for the systematic and fact-based examination of real-world challenges. To accomplish this mission—Pursuing Excellence through Science and Innovation—the National Policing Institute works closely with those working in and affected by policing across the United States and internationally. The institute continues to advance the principles of 21st century democratic policing through its work.

Today, the National Policing Institute's specialized Research Division complements the value of experience in our Programs Divisions that include staff who have served in law enforcement and related organizations at the federal, state, and local levels. This diversity of exertise and intersection of science and experience create the unique blended approach that NPI brings for the benefit of the communities we serve.

To learn more, visit the National Policing Institute at www.policinginstitute.org.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem-solving approaches based on collaboration. The COPS Office awards grants to hire community policing officers and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing. Other achievements include the following:

- To date, the COPS Office has funded the hiring of approximately 130,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.

- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office–funded training organizations and the COPS Training Portal.

- Almost 500 agencies have received customized advice and peer-led technical assistance through the COPS Office Collaborative Reform Initiative Technical Assistance Center.

- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs and flash drives.

- The COPS Office also sponsors conferences, roundtables, and other forums focused on issues critical to law enforcement.

COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, https://cops.usdoj.gov.

The First Amendment to the U.S. Constitution guarantees the people's right "peaceably to assemble, and to petition the government for a redress of grievances," and many political, economic, and social concerns throughout our nation's history have been confronted and ameliorated by marches, sit ins, rallies, demonstrations, and protests. Law enforcement agencies play a critical role in preserving and protecting these rights, but they must also identify when intervention is necessary in order to maintain safety and public order. This publication provides recommendations for state, local, tribal, and territorial law enforcement agencies for addressing the challenges of mass demonstrations in the 21st century and responding with the goal of protecting the right to protest while safeguarding property as well as preserving officer and community safety.