



Olympia Police Department

Guiding Principles for Demonstrations and Crowd Control

In light of the 70+ demonstrations the Olympia Police Department (OPD) responded to in 2020, they produced the following guidelines and future actions needed to share with the community regarding how OPD plans for and approaches demonstrations.

It is important to note that the City is currently undertaking a comprehensive review of OPD policies, practices, and training related to public demonstrations and crowd control responses in 2020. This study will provide specific recommendations on policies, training, mutual aid agreements and pre-demonstration communication protocol to ensure OPD responds to public demonstrations in a way that is unbiased, ensures public safety and upholds the first amendment rights of all individuals.

The City has also launched a Reimagining Public Safety public engagement process in June. Through this process we will gain additional community insight and perspectives that will shape OPD's policies, practices and training.

A final report will be completed in the Fall of 2021.

Protect First Amendment Rights

The primary purpose and role for OPD during public demonstrations is to protect persons, property and the First Amendment Rights of all people.

Meet with Event Organizers

To ensure the safety of everyone involved, OPD welcomes and encourages meeting in advance with event organizers. This allows OPD to discuss event objectives, develop plans for the route, schedule and timing and strategies to prevent the escalation of disruptive behavior by individuals within the crowd or by counter demonstrators.

OPD will inform community members and City leaders about planned demonstrations or civil disturbances that have the potential to impact quality of life, daily operations and public safety.

Consistent Crowd Control Engagement

OPD values consistency in how they respond to demonstrations and plan for crowd control. OPD uses a risk assessment matrix and protocol to develop plans. This approach ensures consistent planning criteria, which minimizes the potential for disparate treatment based on who is involved in any demonstration and provides for greater accountability and transparency.

OPD sets clear expectations for officers, command staff, and mutual aid partners (if they are providing support) for what is expected of officers during demonstrations. Protecting first amendment rights of all who participate and providing a high level of public safety is always reinforced. It is also communicated to officers the specific behaviors, tactics, and messaging

that are expected of them during a demonstration. This includes how and when to engage, what tools to use, and the objectives.

At times, additional staff responding to assist with the demonstration have been required to deploy and engage immediately upon arrival due to immediate public safety needs. These staff members oftentimes do not receive the information that was communicated to staff in the pre-event briefing. This places these staff at a disadvantage at times because they are unclear about the objectives and expectations.

Going forward, OPD will prioritize directing incoming staff to a staging point, where they can be properly briefed about expectations and other aspects of the event prior to deployment. OPD will also prioritize providing pre-event briefing information staff who are on standby and ready to deploy if needed.

De-Escalation as a Priority

OPD's guiding principle in responding to demonstrations and crowd control is de-escalation. OPD learned during the 2020 protests that were focused on policing and police reform, that police officer presence escalated tensions. OPD adapted its strategy by removing police from visual sight of protest participants, which helped lower emotions and reduce violent interactions between OPD and demonstrators. This practice will continue.

A critical resource for OPD in effectively managing demonstrations has been the use of bicycles. Bicycle officers are able to maneuver more quickly in a crowd than officers in motor vehicles, and bicycle helmets provide some head protection but are not seen as militaristic gear. Bicycle officers are often seen as less intimidating than other officers in riot type gear, and therefore able to engage with protesters more easily. OPD learned that bicycles were the most effective mode of crowd management and will continue to prioritize their use.

In addition, Officers are trained and expressly prohibited from using racist, insulting or obscene language at demonstrators, counter demonstrators or observers.

Protect the Safety of Demonstrators and Community At-Large

Ensuring everyone has a safe space to express their first amendment rights is a top priority. OPD will attempt to separate groups if feasible when opposing groups demonstrate or reveal that they may be prone to violence or conflict. OPD will enforce laws when they are violated, especially when there is a significant risk to public safety, particularly among those carrying firearms and other weapons capable of producing significant bodily harm. OPD will do everything possible to ensure those demonstrating have a safe space to exercise constitutionally protected rights related to free speech.

Use Dispersal Orders for Civil Disturbances Only

A civil disturbance is an unlawful assembly and is defined by law. Normally this is characterized by a group of people involved in collective violence, destruction of property or other unlawful acts. Civil disturbances are often, but not always, spontaneous occurrences that require the

emergency mobilization of law enforcement officers. Law enforcement may employ crowd control techniques and tactics to address unlawful public assemblies. Tactics and techniques may include a show of force, crowd containment, dispersal equipment and strategies and preparation for and/or initiating arrests. The use of less lethal weapons will not be used on peaceful crowds.

OPD considers the following factors when deciding if they need to intervene when individuals or groups are engaged in criminal activity: number of individuals engaged in criminal acts, type of criminal acts, presence of weapons, level of risk to non-involved, presence of children and vulnerable people, number of staff available to facilitate a safe intervention and public safety risk related to action or inaction by law enforcement.

If criminal activity involves only a few individuals, OPD will attempt to separate and address those individuals.

Audible and Clear Dispersal Orders

Before dispersing crowds or deploying any crowd control measures OPD will clearly communicate to those involved in a civil disturbance that they must disperse, and that a failure to do so may result in exposure to use of force and/or arrest. OPD will provide as many warnings as feasible and safe, and sufficient time and egress will be allowed for the crowd to comply and disperse.

Conditions When Dispersal Orders May Not Occur

OPD may not be able to issue dispersal orders if the risk to public safety is too high due to widespread violence or property damage. These situations are extremely rare. OPD will work diligently to open lines of communication with event organizers to facilitate a peaceful outcome.

If force is used, it will be done in compliance with the use of force policy and crowd control training. It is also important that OPD clearly communicate to staff and the community the decisions made related to any civil disturbance and why.

Prohibit Damage to Private Property

OPD recognizes the compounding negative impacts civil disturbances have on small business, particularly in the downtown core. The impacts are often seen in the loss of revenue related to actual business as well as property damage. OPD's decision to engage and take enforcement action during a civil disturbance when property damage is occurring is dependent on many factors such as the ratio of police to demonstrators, un-involved people in the immediate area, the presence of children or vulnerable people and overall risk vs. benefit related to public safety given police intervention.

OPD will seek to take enforcement action against any level of property damage or crimes against persons if it is safe and the risk to public safety has been considered. After the

conclusion of the event, OPD will communicate to the impacted business or businesses regarding why a decision was made to take or not take enforcement action.

Tear Gas Discontinued

OPD recognizes the concerns expressed by the Olympia community regarding the use of tear gas. Recent legislation also further restricts its use. Therefore, OPD has eliminated tear gas as a tool for dispersing civil disturbances and has disposed of all supplies.

Assistance from Armed Groups Expressly Prohibited

OPD does not want, nor will it allow the assistance of vigilantes, armed groups or anyone who is not a police officer to assist carrying out the duties and functions of police in any circumstance. Engaging in this type of conduct is unlawful, and OPD will take enforcement action against violators.

Provide and call for Medical Response

OPD officers will provide or call for medical assistance for persons injured at demonstrations. In 2020, OPD encountered a number of individuals who suffered injuries during civil disturbances. Getting medical personnel to those injured and in immediate need of medical care was often very difficult due to the location, number of demonstrators, potential safety risks and barriers to ingress and egress. In response to this, OPD has developed a partnership with the Olympia Fire Department, in which we now have trained medics walking alongside police officers at public demonstrations. The role of the medics is to care for people injured, not to manage crowds or act as an agent of the police department. This ensures that anyone injured in during a public demonstration will get immediate medical assistance.

Permit Journalists and Legal Observers to monitor Demonstrations

Journalists, legal observers and others may observe and record the demonstrations and officer's response. Journalists and legal observers are allowed in areas open to the public. If they enter areas that are closed to the public, they will be asked to leave and enforcement action taken if they refuse to do so.

Follow Transport and Detention COVID Protocols

OPD officers and staff follow Thurston County Public Health COVID guidelines. This includes following social distancing, and mask requirements.

OPD has directives in place for staff responsible for the care and custody of individuals who are arrested, to ensure staff and arrestees are protected from COVID exposure. All staff are carefully screened for COVID symptoms prior to starting work each day and are required to wear personal protective equipment and follow Department of Health (DOH) and Centers for Disease Control and Prevention (CDC) guidelines. Those arrested and transported to the jail will also be screened, and those booked into the jail are provided personal protective equipment and spacing as required by DOH and CDC guidelines. The booking policies for those who enter the jail only allow persons to be held that are a significant risk to public safety. The jail had no positive COVID outbreaks in 2020.

Mutual Aid Partners

OPD has established mutual aid agreements in place with other law enforcement agencies in Thurston County to provide assistance. In 2020, OPD utilized mutual aid assistance on many occasions for pre-planned events as well as for events that were unanticipated or rapidly evolved. While the mutual aid agreements that currently exist are general as to providing mutual aid, they are not specific to protests or demonstrations.

Moving forward OPD will engage in conversations with mutual aid law enforcement partner agencies around including language specific to demonstrations and imbedding language into mutual aid agreements that allows the venue agency to define expectations and rules of engagement for all participating law enforcement agencies.

Throughout the vast majority of demonstrations in 2020, OPD and command staff from mutual aid agencies were not in the same incident command center. OPD will make every attempt to have all agencies participating in managing demonstrations operate out of the same incident command center. This builds trust among agencies and creates an opportunity to identify any issue areas, such as inconsistencies in policies and tactics regarding use of force. Enhanced communication between agencies will result in a more consistent, unified response.

Only Officers Trained in Demonstration/Crowd Control will be Assigned

OPD routinely evaluates their training to ensure officers are prepared for demonstrations. This includes training on first amendment rights, procedural justice, de-escalation, communication tactics, how to handle interactions calmly and professionally and use of force policies.

Officers who have not been trained in crowd management will either be assigned to the perimeter or partnered under the direct supervision of fully trained staff.

Enhanced Officer Health and Wellness

Caring and protecting the health and wellness of officers tasked with responding to a mass demonstration is essential. Major demonstrations produce an all-hands-on deck response in which officers are mandated to work long hours under high levels of stress. Physical and mental fatigue impacts officers' ability to manage protests effectively and maintain positive community relationships.

In 2020, OPD developed and implemented an intentional officer wellness strategy. OPD trained 12 officers and professional staff to be peer support specialists to support the emotional needs of staff. Additionally, OPD contracted with a local psychologist for officers to consult for mental health and wellness. OPD will continue to support and fund these programs and look for ways to ensure staff are physically and mentally healthy to continue to responsibly and effectively manage demonstrations.

Enhanced Officer Training

The recent changing nature of mass demonstrations has prompted a reexamination of how OPD needs to equip and train officers to prepare for these events. The most common types of training OPD conducts to prepare police for mass demonstrations includes education on the following topics: first amendment rights, mobile field force and civil disturbance, use of less-lethal munitions and use of force policy.

OPD will continue to train officers in procedural justice and how they can practice it in the context of managing demonstrations. Procedural justice is about demonstrating respect to community members, treating them with dignity and fairness and allowing community members to express their views and tell their side of the story during encounters with the police. OPD will continue to involve nonpolice agencies, such as fire departments, in training to improve coordinated responses to mass demonstrations.

In addition, the passage of new laws related to use of force requires OPD to enhance and expand training. Training will emphasize the importance of de-escalation and communications tactics in the context of a mass demonstration to ensure officers are equipped to handle interactions calmly and professionally. Training related to the differences between constitutionally protected activity and criminal acts, rules for maintaining officers' displayed name or badge number when wearing civil disturbance gear and training on when to use hard protective gear and equipment vs. soft gear during mass demonstrations and how that correlates to de-escalation will be important.

Require Timely Reporting on Use of Force

OPD requires that all uses of force by OPD employees and supporting agencies be thoroughly documented. Use-of-force reporting requirements apply equally to policing demonstrations and civil disturbances. The OPD records, evaluates and investigates every use of force and all use of force complaints as defined in OPD policy. Every use of force incident is forwarded to the Police Auditor for review.

After Action Reviews

After action reviews increase learning, helps us adapt future response and provides the community with transparent information about police actions.

After every demonstration OPD will provide a summary of the event to community members and City leaders so they are fully informed about what happened, what the police response was, and why any particular law enforcement actions were taken. This level of communication is essential for maintaining and building trust, transparency and accountability.

Future Actions Needed

Improved Audio/Video Recording

Events should be video recorded and photographed for the purposes of after-action reporting to ensure transparency and accountability, aid in learning and improving future police response and to capture criminal acts and aid in prosecutions. OPD will be seeking to develop

and implement better means for capturing audio and video of events to increase accountability and transparency and looks forward to a discussion of on this topic as part of the Re-Imagining Public Safety process.

Clearly Defined Complaint Process

The OPD policy regarding what a complaint is and the method for making complaints is not well defined, and at times there is confusion on what constitutes a complaint that will trigger an investigation.

Currently this is being evaluated by the City Council appointed Police Auditor. In the meantime, you can submit a complaint online through the OPD Accountability and Transparency page at the following link <https://olympiawa.gov/city-services/police-department/police-accountability.aspx> or via phone at (360) 753-8411.