



ALBUQUERQUE POLICE DEPARTMENT
FIELD SERVICES BUREAU ORDERS

SOP 4-21

Effective: 10/07/17 Review Due: 10/07/18 Replaces: 05/23/16

4-21 RESPONSE TO FIRST AMENDMENT ASSEMBLIES AND DEMONSTRATIONS AND TO UNPLANNED INCIDENTS

4-21-1 Purpose

This policy establishes the procedures for patrol officers and field services supervisors to follow when present at or responding to an assembly or demonstration in which individuals are lawfully and peacefully exercising their rights under the First Amendment of the United States Constitution. This policy is also applicable to situations at which large numbers of individuals gather and where the intent, purpose, or potential for positive or negative impact on individual participant safety, officer safety, or nonparticipant safety cannot be initially assessed.

For specific policy related to situations where a First Amendment assembly or demonstration escalates into a civil disturbance or for other situations, which by their nature are not considered assemblies under the First Amendment, refer to the Emergency Response Team (ERT) SOP.

4-21-2 Policy

Individuals have constitutionally-protected rights to peaceful assembly, speech, and redress of grievances. However, should the exercise of those rights result in unreasonable risk of harm or imminent danger to participants, individuals with opposing views, other nonparticipating persons, law enforcement officers, or to property, there is a need to balance and manage the free exercise of individual rights and take into account the potential of imminent harm to the safety of all persons, including police officers.

To effectively manage such a situation, even while supporting the constitutionally-protected rights of members of the community, Field Services supervisors are tasked with the responsibility of monitoring and overseeing any public assembly. They will permit the free exercise of protected rights, but they will also ensure that if, in the exercise of those rights, members of the public assembly become unreasonably dangerous or present imminent threat or harm to other persons including police officers or threaten harm to property, the public assembly can be effectively and safely controlled or curtailed.

It is the Department's policy to support and promote the exercise of individual rights, to fulfill its responsibility to uphold the law, to provide for the safety of public assembly participants as well as members of the public, including police officers, and to protect municipal and private property.



ALBUQUERQUE POLICE DEPARTMENT
FIELD SERVICES BUREAU ORDERS

SOP 4-21

Effective: 10/07/17 Review Due: 10/07/18 Replaces: 05/23/16

4-21-3 Definitions

A. Assembly or Gathering

An assembly or gathering consists of a number of persons drawn together for a particular purpose, whether planned or unplanned, organized or unorganized, coordinated or accidental. Due to its location, purpose, or participants, an assembly or gathering may require the need for a police presence and response.

B. Civil Disturbance

A gathering that constitutes a breach of the peace or any assembly of persons where there is an imminent threat of violence, destruction of property, or other unlawful acts. Such a gathering may also be deemed as a riot or unlawful assembly, occurring beyond the permissive scope of a City ordinance, such as the Albuquerque Free Expression Ordinance Ord. 35-2005 § 7-3-1, or other state or federal law.

C. Imminent

An act or occurrence that is about to take place.

D. Crowd Control

Techniques used to address and manage planned or spontaneous civil disturbances. These techniques include nonaggressive voice commands, traffic control, blocking lanes of travel, a show of force, crowd containment, dispersal equipment and tactics, and preparations for multiple arrests.

E. Crowd Management

Techniques used to manage assemblies, gatherings or civil disturbances before and during their occurrence. The purpose of these techniques is to help protect participants' rights of peaceful assembly, free speech, and petitioning for redress of grievances. The techniques maintain the lawful status through event planning, pre-event contact with group leaders, issuance of permits when applicable, information gathering, presence of personnel, specific personnel training, and other means.

F. Demonstration

A lawful assembly of persons organized primarily to engage in protected First Amendment activity. A demonstration may or may not be a scheduled event that allows for law enforcement planning. Demonstrations include but are not limited to marches, protests, and other assemblies intended to attract attention. A lawful demonstration can sometimes devolve into a civil disturbance that necessitates a law enforcement response. For specific policy related to situations where a First Amendment assembly or demonstration escalates into a civil disturbance, or for



ALBUQUERQUE POLICE DEPARTMENT
FIELD SERVICES BUREAU ORDERS

SOP 4-21

Effective: 10/07/17 Review Due: 10/07/18 Replaces: 05/23/16

other situations which by their nature are not considered assemblies under the First Amendment, refer to the Emergency Response Team (ERT) SOP.

G. First Amendment

An amendment to the US Constitution included in the Bill of Rights. This amendment guarantees the right of free expression, including the freedom of speech, the freedom of peaceful assembly, the freedom of religion, the freedom of press, and the right to petition the government for redress of grievances.

4-21-4 Field Services Response to Demonstrations

- A. Upon being notified of a large assembly or gathering, whether planned or unplanned, or of a situation involving a large gathering of individuals, the on-duty Field Services supervisor will respond to the scene. The responding on-duty field supervisor is to assess and evaluate the assembly and determine if it may potentially change from lawful, protected activity into a civil disturbance. If a civil disturbance becomes imminent, then the responding on-duty field supervisor, acting as the incident commander (IC), will then determine if, based upon training and experience, the situation requires the allocation of additional resources.
- B. The IC will take no specific action against the assembly which may discourage the peaceful and lawful gathering of individuals.
- C. Efforts should be made to contact the leaders of an assembly, gathering, or demonstration in order to gather information about the event and to ensure accurate assignment of personnel and resources.
- D. The Department and City of Albuquerque may impose reasonably objectively reasonable restrictions on the exercise of protected rights, if there is an imminent risk of harm to safety of participants, the public, or to police officers. Restrictions will be based on municipal ordinances and state and federal law. Limitations on the time, place, and manner in which persons may engage in protected First Amendment activity may also be imposed.
- E. The Department will use the least restrictive means necessary to maintain public safety and order. The department will attempt to maintain a balance between (1) protected public assembly, free speech, and redress of grievances, and (2) the duty to protect participants, nonparticipants, police officers, and the public from the unreasonable risk of harm and harm to private or municipal property.
- F. If not already provided through pre-event planning and intelligence gathering, the IC will gather event information from available sources, such as from group organizers and social media. Gathered information shall address these concerns:
 - 1. What assembly or gathering event is planned?



ALBUQUERQUE POLICE DEPARTMENT
FIELD SERVICES BUREAU ORDERS

SOP 4-21

Effective: 10/07/17 Review Due: 10/07/18 Replaces: 05/23/16

2. When will the assembly or gathering occur?
3. Where will the assembly or gathering occur?
4. Will the assembly or gathering coincide with any other large event?
5. Is opposition to the assembly or gathering expected?
6. How many participants are expected?
7. What are the assembly areas and movement routes?
8. What actions, activities, or tactics are anticipated from the participants?
9. What critical infrastructures are located near the event, such as schools, hospitals, and government facilities?
10. Based on the IC's assessment of the situation, he or she will make sure other agencies are notified, such as fire, EMS, and other law enforcement agencies.
11. Is there a need to request mutual aid?
12. Based on the IC's discretion, has ERT and SWAT been notified of the event, in accordance with the ERT SOP?
13. Based on the history of conduct at prior events, are event leaders cooperative or willing to offer assistance in support of APD operations at their assembly?
14. Based on the IC's assessment, are any additional resources needed, such as RTCC, bike patrol, horse mounted unit, air support, or traffic unit?
15. If the IC has direct and specific information that would lead a reasonable and prudent officer to believe violence may be an outcome of the assembly, the IC will contact the Real Time Crime Center to give them information concerning the assembly or gathering.
16. This information will also be conveyed through the supervisor's chain of command to the on-call ERT lieutenant.
17. In the event that ERT responds to the demonstration, the ERT lieutenant will take command of the incident. Supervisors will then follow the ERT SOP.
18. If ERT does not respond, the on-scene supervisor will continue to monitor the assembly or gathering for the duration of the event. In addition, officers will perform the following activities during the demonstration.



ALBUQUERQUE POLICE DEPARTMENT
FIELD SERVICES BUREAU ORDERS

SOP 4-21

Effective: 10/07/17 Review Due: 10/07/18 Replaces: 05/23/16

- a. Officers will be deployed to monitor crowd activity.
- b. Officers will be positioned so as to minimize contact with the participants.
- c. Officers will act with restraint so long as participants engage in peaceful, protected activity. Officers will maintain a courteous, professional and neutral demeanor.

19. Persons who reside, are employed, or have emergency business within the area marked off by a police line will not be prevented from entering the area of the public assembly. However, they will not be allowed to enter if circumstances suggest that their safety or the safety of participants, nonparticipants, the public, or police officers would be jeopardized by their presence or if their entry would interfere with law enforcement operations.

20. On-scene supervisors will establish and maintain communication with public assembly leaders. Supervisors will relay information gained from this communication to the IC, as well as information from their own observations of crowd conduct, mood, and discernable intent.

21. Supervisors will maintain close contact with their assigned officers to ensure that first amendment rights of assembly participants are protected and that the safety of participants, nonparticipants, public, and police officers is preserved. Supervisors will monitor the behavior and disposition of assembly participants and report to the IC any relevant changes in the assembly's conduct, mood, or discernable intent.

4-21-5 Field Services Initial Response to Planned or Unplanned Demonstrations and to Other Incidents and Situations

- A. Field Services supervisors will adhere to the steps outlined in 4-21-4A above, as these steps apply to their current situation. Supervisors should attempt to obtain the information listed above in 4-21-4F to develop a plan of action. The supervisor will ensure that every effort was made to respect and protect the participants' rights to peaceful assembly, speech, and the redress of grievances.
- B. Avoid taking any independent actions to impede or restrict the lawful rights of peaceful assembly, free speech, or petitioning for the redress of grievances. However, officers may take necessary action if, based on a reasonably objective assessment of the situation, there is risk of imminent harm to the participants, nonparticipants, the public, police officers, or if there is risk of harming private or public property.
- C. The first officers to arrive on the scene of a planned or unplanned assembly or other gathering will take the following actions:
 1. Observe the situation from a safe distance to determine if the public assembly, or gathering is peaceful or if articulable evidence to assume the participants are



ALBUQUERQUE POLICE DEPARTMENT
FIELD SERVICES BUREAU ORDERS

SOP 4-21

Effective: 10/07/17 Review Due: 10/07/18 Replaces: 05/23/16

reasonably likely to escalate the assembly to civil disobedience and potential violence or if there is an imminent threat of civil disobedience or violence.

2. Notify Communications of the nature of the assembly or gathering, the availability of improvised or deadly weapons, the location and estimated number of participants and their current activities (such as blocking traffic), the direction of movement, and the ingress and egress routes for emergency vehicles.
3. Request the assistance of a supervisor and any necessary backup.
4. If approaching the crowd would not present unnecessary risk to the officer and if it appears that life or property damage is imminent based upon an objectively reasonable assessment of the situation, instruct the gathering to disperse by utilizing the language and policy contained in the ERT SOP.
5. Attempt to identify specific individuals who are encouraging a disturbance or the performance of criminal acts.

D. Field Services supervisors will take the following actions:

1. Upon notification, immediately respond to the scene of the civil disturbance.
2. Ensure that the on-call ERT lieutenant is notified.
3. Approach the public assembly or other gatherings with the understanding that participants have constitutionally-protected rights to peaceful assembly, speech, and redress of grievances. Those rights should not be restricted unless there is imminent danger of harm to participants, nonparticipants, the public, police officers, or to private or public property.
4. Assess the potential number of officers necessary to ensure public and officer safety, based not only upon observed participant behavior but also upon intelligence obtained.
 - a. Then, depending on existing conditions, deploy officers at vantage points to report on the actions of participants and nonparticipants.
 - b. Officers should report in a manner that protects the participants' First Amendment rights, and they should monitor behavior and conduct to ensure that the assembly or gathering does not devolve into a civil disturbance.
 - c. If additional officer resources appear necessary, the chain of command--consisting of the CIRT lieutenant, on-call ERT lieutenant, and/or Tactical lieutenant--should be informed of this assessment and/or a request for additional deployment of personnel should be made.



ALBUQUERQUE POLICE DEPARTMENT
FIELD SERVICES BUREAU ORDERS

SOP 4-21

Effective: 10/07/17 Review Due: 10/07/18 Replaces: 05/23/16

5. Establish an inner perimeter and contain the assembly with as few visible officers as practical. Have sufficient officers in reserve and out of sight so as not to provoke an incident but to respond to an incident quickly.
 6. Keep "pro" and "con" demonstrators apart, to the extent that these individuals can be identified.
 7. Evacuate nonparticipating civilians from the immediate area of the disturbance. Allow nonparticipants to utilize hallways, doorways, and roadways without hindrance, so long as this does not jeopardize their safety, impede traffic, or obstruct law enforcement operations.
 8. Establish a command post and staging area for additional resources, and ensure that all assigned personnel know the location of the command post or the response route to the command post.
 9. Ask for the public information officer (PIO) to respond.
 10. Provide ongoing assessment to Communications regarding conditions at the scene.
- E. Field Services supervisors will ensure that pedestrian and vehicular traffic are rerouted around and away from the civil disturbance. They will also perform these duties:
1. Control participants' unauthorized ingress and egress during the civil disturbance.
 2. Plan for and prevent attempts to assist or augment the number of incident participants trying to enter from outside the area if there are reasonable, articulable facts that would indicate additional participants would pose a direct and proximate threat to public safety.
 3. Provide adequate security to fire and EMS personnel in the performance of emergency tasks. Fire and EMS personnel will be dispatched and respond to the staging area.
 4. Provide support and relief to personnel so that they receive meal and rest breaks, as appropriate given the situation and local conditions.
 5. Prepare and maintain an event log to document activities and actions taken during the course of the incident.
 6. Use on-body recording devices and other available video recorders to record any public assembly or gathering which devolves into a civil disturbance.



ALBUQUERQUE POLICE DEPARTMENT
FIELD SERVICES BUREAU ORDERS

SOP 4-21

Effective: 10/07/17 Review Due: 10/07/18 Replaces: 05/23/16

7. Photograph any injuries sustained by participants, nonparticipants, members of the public, or law enforcement officers to document the condition of those individuals.
- F. If crowd control is required, the techniques ordered or used must safeguard and protect the fundamental rights of those who gather, speak out legally, or exercise their rights to assembly.
 1. Law enforcement actions and responses must be objectively reasonable.
 2. Officers will not deploy police patrol canines as a means of crowd control.
- G. Once ERT arrives on scene, the ERT lieutenant will take command of the incident. Supervisors will then follow the ERT SOP.
- H. Crowd management, mass arrests, and dispersal techniques, if required, are the responsibility of the Emergency Response Team. Refer to the ERT SOP for specific information.

4-21-6 Reporting Requirements

- A. Not all assemblies, gatherings, and demonstrations require the submission of a written report unless there is criminal harm to persons or property as a result of the assembly, gathering, or demonstration. In such event, a report will be prepared in accordance with existing SOP requirements. See the [Use of Force Reporting SOP](#).
- B. Use of force reporting will comply with the Use of Force Reporting SOP.
- C. Where there is a response to a mass demonstration, civil disturbance or other crowded situation an after-action review of law enforcement activities will be completed. The after-action review will be completed by the on-call ERT Lieutenant.
- D. On-body recording devices (OBRD) will be used in accordance with the [OBRD SOP](#), and additionally when making contact with event organizers.