POLICY AND PROCEDURE NO. 440

Crowd Control Response and Training

Massachusetts Police Accreditation Standards:
46.1.12

Date Issued: June 2, 2022
Date Effective: November 1, 2025
Review Date: November 1, 2026 11 Pages

1. PURPOSE:

The purpose of this policy is to provide Worcester Police Officers and Officials with the necessary guidance when planning for and responding to First Amendment Activities and Crowd Management.

2. POLICY:

It is the policy of the Worcester Police Department to protect individual rights related to assembly and free speech guaranteed by the First Amendment to the United States Constitution. The goal of police involvement at peaceful First Amendment Activities is to preserve the peace, prevent criminal activity, control traffic, and facilitate the safe exercise of an individual or group's First Amendment rights.

In furtherance of these rights, and to facilitate the safe and peaceful exercise of an individual or group's First Amendment rights, the Worcester Police Department will act swiftly and with resolve to protect human life, property, and maintain peace when confronted with violence, threats of violence, assaults, or other criminal acts.

3. DEFINITIONS:

Biennial – once every two (2) years. MPAC 46.1.12

Crowd Control - Crowd control is defined as those techniques used to address unlawful public assemblies, including crowd containment or movement, de-escalation strategies, dispersal tactics, and arrests.

Crowd Management - Techniques used to manage public assemblies before, during, and after an event, to maintain public safety, preserve the peace, prevent criminal activity, and facilitate the event's lawful status.

De-escalation – Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options, and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, creating distance between the officer and a threat and requesting additional resources to resolve the incident, including but not limited to, calling in medical or licensed mental health

professionals as defined in MGL Part I, Title XVI, Chapter 111, Section 51 ½ (A). MPAC 46.1.12

Designee - A Designee is a Department member designated by the Incident Commander to carry out a specific task. The Incident Commanders may delegate their authority, but not their responsibility.

First Amendment Activity/Activities - First Amendment Activities include all forms of speech and expressive conduct used to convey ideas or information, express grievances, or otherwise communicate with others, including verbal and non-verbal expression. Common First Amendment Activities include, but are not limited to marches, protests, demonstrations, student walk-outs, assemblies, sit-ins, speeches, vigils, picketing, distribution of literature, displaying banners or signs, and other artistic forms of expression. These activities involve the freedom of speech, association, assembly, and the right to petition the government, as guaranteed by the United States Constitution. Such events and activities usually attract a crowd of persons, including participants, onlookers, observers, media, and other persons who may agree or disagree with the activity's point of view. The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are content-neutral, without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

Incident Commander - The Incident Commander is responsible for all incident/event activities. The Incident Commander should be of the rank appropriate for the event. The Incident Commander may change throughout an evolving incident.

Lawful Assembly - A First Amendment Activity, involving two or more persons, which abides by relevant laws and does not involve violence or criminal acts.

Tactical Patrol Force - A Team of Worcester Police officers and officials who are specially trained in de-escalation strategies, crowd dispersal maneuvers and mass arrest techniques.

Unlawful Assembly - Five or more persons, being armed with clubs or other dangerous weapons, or ten or more persons, whether armed or not, unlawfully, riotously or tumultuously assembled in a city or town (MGL Ch. 269 Sec. 1).

4. TRAINING:

All new law enforcement officers shall receive initial training in response to crowd control situations. MPAC 46.1.12

Thereafter, all sworn officers shall receive biennial training in response to crowd control situations. MPAC 46.1.12

5. PLANNING FOR FIRST AMENDMENT ACTIVITIES:

A. Pre-planned Events

The assigned Incident Commander shall be responsible for developing an operational plan, consistent with the Department's policy to minimize harm, honor constitutional rights, communicate with the event participants, and facilitate First Amendment Activity. The

operational plan shall expressly include methods to avoid and de-escalation potential conflicts, and those plans shall be communicated throughout the department. MPAC 46.1.12

The Incident Command System shall be appropriately used when managing First Amendment activities and crowd events.

The Incident Commander or designee shall make reasonable, good faith attempts to establish and maintain communication and cooperation with event organizers or representatives to discuss logistical plans, strategies to avoid conflict, and potential communication needs between police and event participants. MPAC 46.1.12

If communication with group representatives is established, reasonable effort should be made to establish a police liaison within the group who can remain in continuous contact with a police representative.

When planning for First Amendment Activity and other public gatherings, Incident Commanders or their designees should consider the following factors in determining the appropriate level of response:

What type of event is expected to occur? (Press conference, demonstration, protests, static event, labor strike, picket line, marching, caravan, sit-in/dine-in, festival, concert, etc.)

When and where will the event occur? (Day of the week, holiday, time of day, traffic patterns, conflict with other events at the same time.)

Will the event deliberately or collaterally affect critical infrastructure like police stations, courthouses, hospital, freeways, government buildings, etc.?

Will there be an organizing individual/group, or will this be a crowd without identified leadership?

Has the Department previously worked with the organizers? Have prior First Amendment Activities or events organized by this group been peaceful?

If the group intends to be mobile, what will the predicted or planned route(s) be?

What will be the projected size of the First Amendment Activity event?

Will the hosting group provide its own marshals or monitors?

Will an opposing group attend the First Amendment Activity event?

Is there a likelihood of weapons?

Are arrests likely? Will prisoner processing be necessary?

Is civil disobedience planned or likely?

Is unlawful assembly and/or riotous behavior planned or likely?

What additional department resources may be required to manage the event (Traffic Division, Tactical Patrol Force, SWAT Arrest Teams, Real Time Crime Center, Prisoner Transport and Holding, Video/Photograph Teams, etc.)?

Will mutual aid agencies be requested?

The operational plan created to address a First Amendment Activity or Crowd Situation event should anticipate various scenarios and devise a police contingency plan. All plans shall

include on-going communication attempts, methods to avoid potential conflict, and de-escalation considerations should conflict arise. MPAC 46.1.12

The Incident Commander shall balance any anticipated level of disruption to traffic against the goal of facilitating First Amendment Activity, including the practicality of relegating the crowd to sidewalks or an alternate route, the expected duration of the disruption, and the traffic disruption expected in making a mass arrest if demonstrators refuse to leave the street. This balancing does not mean First Amendment Activity participants will be allowed to deliberately disrupt commuter or railway traffic, highway ramps, or bridge approaches.

B. Spontaneous Events

Spontaneous First Amendment Activities and group gathering events which occur without prior planning and/or without prior notice to the police, present less opportunity for police planning and prevention efforts. Nonetheless, the same policies and regulations concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder apply to a spontaneous demonstration or crowd event as to a planned demonstration or crowd event. Incident Commanders will make every attempt to involve representatives of demonstrators or crowd events when planning and responding to both planned and spontaneous events.

An Operations Supervisor shall respond to the scene of spontaneous events, when practical, and take command of the incident as the Incident Commander until relieved by a ranking officer.

An immediate assessment of the situation shall be made and, if warranted, be reported up the chain of command. The on-scene supervisor should ascertain the following information at the earliest possible time:

The location and type of event.

Number of individuals gathered.

Whether those among the group are engaged in unlawful conduct.

Existing or potential threats to the safety of the public and/or police officers.

The size of the involved area.

If necessary, the location of the command post and/or staging area as well as routes of ingress and egress.

If applicable, the type of additional police resources that will be needed.

Additional resources to request (paramedic, fire department, outside agencies, etc.).

The location for a media staging area if necessary.

6. LAWFUL ASSEMBLY, DEMONSTRATION OR PROTEST:

The goal of police involvement at peaceful First Amendment Activities is to preserve the peace, prevent criminal activity, control traffic, and facilitate the safe exercise of an individual or group's First Amendment rights.

Officers shall remain professional when exposed to the content of the opinions being expressed regardless of the race, gender, sexual orientation, physical disabilities, appearances, or affiliation of anyone exercising their lawful rights.

During peaceful First Amendment Activities, officers may find the occasional individual or group who engages in criminal conduct that is not reflective of the larger group. In these cases, when feasible, officers should address the individual or group separately and in accordance with established procedures while minimally disrupting the larger assembly.

7. UNLAWFUL ASSEMBLY:

An unlawful assembly is defined by Massachusetts General Law Chapter 269 Section 1 as five or more persons, being armed with clubs or other dangerous weapons, or ten or more persons, whether armed or not, unlawfully, riotously or tumultuously assembled in a city or town.

In the event of an unlawful assembly the law states that any member of the city, town, or state police and the sheriff of the county and the sheriff's deputies shall go among the persons so assembled, or as near to them as may be with safety, and in the name of the commonwealth command all persons so assembled immediately and peaceably to disperse; and if they do not thereupon immediately and peaceably disperse, each of said officers shall command the assistance of all persons there present in suppressing such riot or unlawful assembly and arresting such persons.

When a First Amendment Activity or other gathering results in unlawful acts or acts of violence, the Incident Commander shall consider the following in determining whether to declare the assembly unlawful:

The threat to people or property.

The number and nature of unlawful or violent acts within the crowd.

Whether the unlawful or violent acts result from one or two individuals or the larger crowd in general.

Whether contact with the police liaisons/event leaders to negotiate a resolution of the situation is appropriate and effective.

Evaluation of whether arresting individuals will be more appropriate than dispersing the entire crowd.

Determination if sufficient police resources are available on-scene to manage the incident effectively.

The mere failure to obtain a permit, such as a parade permit or sound permit is not a sufficient basis to declare an assembly unlawful.

The sole fact that some of the demonstrators or organizing groups have previously engaged in violent or unlawful acts is not grounds for declaring an assembly unlawful.

A. Declaration of Unlawful Assembly

If the Incident Commander deems it is appropriate to declare an unlawful assembly, valid dispersal orders must be given.

For a dispersal order to be valid, a police officer must direct the persons assembled to immediately disperse in the name of the Commonwealth. The wording of the order used must be sufficient to inform a reasonable person that the officer is acting in an official capacity and ordering people to leave the area. Additionally, the officer must communicate the order in a reasonable way that ensures that the order is heard.

Dispersal orders should not be given until officers are in a position to support/direct crowd movement. Members of the crowd should be given ample means of egress. It is recommended that the dispersal order be given more than once when tactically feasible. When safe to do so it is recommended that officers be placed at the rear of the crowd to ensure that dispersal orders can be heard by all.

Some form of the following dispersal order will be sufficient:

I am (your name and rank), a Police Officer for the City of Worcester. I hereby declare this to be an unlawful assembly. In the name of the Commonwealth, I command all those assembled at (give specific location) to immediately disperse. You may move to (give a suitable direction for crowd destination). If you do not disperse then you will be arrested. If you refuse to move, chemical agents will be used. (Provide the chemical agent/projectile warning only if their use is anticipated.)

It is recommended that dispersal announcements be made using adequate sound amplification equipment to ensure that they are audible over a sufficient area (bullhorn or vehicle public address system).

Unless exigent circumstances exist, crowd dispersal techniques shall not be initiated until the Incident Commander has ensured dispersal announcements have been made to the crowd.

The dispersal orders should be repeated throughout and after the commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area.

The Incident Commander should ensure that the name of the individual making the dispersal order and the date, time(s), and location(s) each order was given are recorded.

Unless an immediate risk to public safety exists or significant property damage occurs, a reasonable time will be allowed for a crowd to comply with police commands before taking action.

If orders to disperse do not result in voluntary movement/compliance by the crowd, the Incident Commander may elect to use crowd dispersal techniques.

The Incident Commander shall suspend crowd dispersal techniques when a crowd reasonably appears to be dispersing. Crowd dispersal techniques may be re-employed if compliance ceases.

When a crowd disperses pursuant to a declaration of unlawful assembly, and the participants subsequently assemble at a different geographic location outside the dispersal area, and are engaged in non-violent and lawful First Amendment Activity, the new assembly cannot be dispersed unless and until the Incident Commander has declared the new gathering to be unlawful. At such time, the Incident Commander will follow the steps outlined above for declaring an unlawful assembly.

If unlawful or violent activity continues as the crowd moves, the event should be treated as a continuous unlawful assembly.

8. CROWD DISPERSAL STRATEGIES, OBJECTIVES AND TECHNIQUES:

Crowd dispersal strategies and techniques shall be consistent with the Department's objectives to minimize harm, honor constitutional rights, communicate with the event participants, and facilitate peaceful First Amendment Activity.

Should negotiation, de-escalation attempts and verbal announcements to disperse not result in the crowd's voluntary movement, officers may employ additional crowd dispersal techniques, but only after orders from the Incident Commander or their designee(s).

Reasonable force under the totality of the circumstances will be used consistent with existing Worcester Police Use of Force Policies and Procedures.

Some of the permissible strategies to disperse or control a non-compliant crowd include the following (not in any specific order of use):

A. Display of Police Officers

A police formation may be moved as a unit to an area within the crowd's view to assist with crowd management. If a display of police officers, motorcycles, police vehicles, and the Tactical Patrol Force, combined with a dispersal order, is ineffective, other techniques may be employed.

B. Arrests for Violent Criminal Activity

If violent criminal activity is occurring, and the crowd has failed to disperse after the required announcements, officers may engage the crowd or a portion of the crowd for purposes of making single or multiple-simultaneous arrests.

Officers should not be sent into a hostile crowd solely to communicate with them. Officers should not penetrate a crowd for an individual arrest unless the targeted individual is involved in criminal conduct which endangers persons or property. The decision to move into the crowd should generally be under the direction of the Incident Commander or designee.

Persons who make it clear that they seek to be arrested (e.g., sitting down, locking arms) shall be arrested and not subjected to other dispersal techniques.

Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, or the use of lesser controlling force consistent with existing Worcester Police Use of Force Policies and Procedures.

Where remaining demonstrators have been advised that they will be subject to arrest if they choose to remain and still refuse to disperse, a member of the arrest team shall individually advise each demonstrator that he or she is under arrest before the application of any force to remove locking devices or to move the demonstrators.

On occasion, persons involved in a riot or unlawful assembly go mobile and commit criminal acts such as assault, vandalism, theft, etc., while actively fleeing or avoiding law enforcement. In these dynamic situations, officers may use techniques that are reasonable and compliant with existing policy, procedure, and law to contain such individual(s) and effect the appropriate arrests.

C. Police Formations and Use of Batons

If a crowd refuses to disperse after the required announcements, line officers or, when activated, the Tactical Patrol Force may use officer formations to move or disperse the crowd (skirmish line, wedge, separation, etc.).

Batons shall only be used in accordance with Policy 400.2 Less Lethal Weapons and Restraints Guidelines.

Batons shall not be used for crowd control, crowd containment, or crowd dispersal except as specified below:

Batons may be visibly displayed and held in a port arms position during squad or platoon formations.

At the direction of a supervisor batons may be displayed in an on-guard position when officers are subjected to assaultive groups or individuals.

D. Use of Munitions

When an unlawful assembly is declared it poses a unique situation for law enforcement to potentially control or arrest a large group of people, acting in concert.

In these situations, less lethal tools may be a force multiplier, making it safer for all involved following the declaration of an unlawful assembly in moving/dispersing the riotous crowd and/or making arrests.

The use of specialty munitions shall comply with Policy 400 Use of Force and Policy 400.2 Less Lethal Weapons and Restraints Guidelines.

The Worcester Police Department does not, in any application, deploy CN or CS gas, the chemical munitions commonly referred to as “tear gas.”

The following munitions may be used at the officer level or by designated members of the Tactical Patrol Force and SWAT Team when directed by the Incident Commander or their designee:

OC aerosol spray (Oleoresin Capsicum)

The following munitions may only be used by trained and certified members of the Tactical Patrol Force or SWAT Team when directed by the Incident Commander or their designee:

PepperBall (OC Powder, Talcum Powder, Marking Paint)

40mm foam baton rounds (Inert Foam, OC Powder)

40mm non-impact OC dispersal rounds

40mm non-impact inert smoke rounds

40mm non-impact distraction rounds (light distraction, sound distraction)

Hand held dispersal grenades (Inert Smoke, OC).

Hand held distraction grenades (Noise Flash Diversionary Device)

The following munitions may only be used by trained and certified members of the SWAT Team as a defensive maneuver in situations where overwhelming aggression creates the

immediate risk of serious bodily injury and when directed by the Incident Commander or their designee:

Less Lethal Shotgun Rounds

Rubber Sting Balls (Inert, OC)

In accordance with Massachusetts General Law Chapter 6E Section 14(e) an officer shall not discharge or order the discharge of any chemical weapon, discharge or order the discharge of rubber pellets from a propulsion device, or release or order the release of a dog to control or influence a person's behavior unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and the measures used are necessary to prevent imminent harm, and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm. MPAC 46.1.12

If an officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the department shall complete all required reporting and submit it to the POST Commission detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog. MPAC 46.1.12

The commission shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets, or dog was justified. MPAC 46.1.12

K-9s shall not be used for crowd control at protests or demonstrations. See Policy 401, Canine Guidelines.

This directive does not prohibit officers' abilities to use appropriate force options to defend themselves or others as defined in Department Procedure.

E. Arrests

The Services Division should be consulted before the event should any mass arrests be anticipated.

When mass arrests are anticipated the Incident Commander shall consider assigning an on-scene arrest processing team who is responsible for documenting the following information prior to any arrestee transport:

Arrestee name and other identifying information

Name of arresting officer or official

Criminal charges pertinent to each individual arrestee

Personal property of each arrestee

All arrests shall be based upon probable cause and shall be conducted in compliance with Policy 700 Holding Facility and Detainee Processing.

All persons subject to arrest during a First Amendment Activity or unlawful assembly situation shall be handcuffed in accordance with Policy 400.2 Less Lethal Weapons and Restraints Guidelines.

Officers should be cognizant that flex-cuffs may tighten when arrestees' hands swell or move. Each unit involved in detention or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available. When arrestees complain of pain from overly tight flex-cuffs, officers shall examine the cuffs to ensure proper fit.

All arrest reports shall be in compliance with Worcester Police Department Policy and Procedure #400.

F. Video and Photographic Recording

Videotaping and photographing of First Amendment Activities shall be undertaken in a manner that minimizes interference with people lawfully participating in First Amendment Activities.

When there is a reason to believe that a planned event has the potential for unlawful activity, the Incident Commander shall consider assigning a video and/or photographic team of officers to document the event.

Any photographic or video activity undertaken by the police shall be in compliance with Worcester Police Policy and Procedure #580 Photographic Surveillance of Demonstrations, Parades, Strikes, etc.

Each camera operator shall write a supplemental report at the end of his/her duty assignment documenting their camera operations.

All department photographs and recordings shall be preserved in accordance with Worcester Police Policy and Procedure #580 Photographic Surveillance of Demonstrations, Parades, Strikes, etc. Any photographs and/or video recordings may be used for their evidentiary value in court and other proceedings. They may also be used in after-action reporting as well as for training purposes.

Citizens have the First Amendment right to film police performing their duties in public. Citizens should be allowed to exercise this right as long as it can be done in a safe manner.

9. PUBLIC INFORMATION AND THE MEDIA:

The Worcester Police Department recognizes the right of the professional media to cover demonstrations, including the right to record the event on video, film, photographs and other mediums.

Officers shall not target media members for dispersal or enforcement action solely based on their media status.

Members of the media shall not interfere with arrests, assault officers, or commit other criminal acts. Criminal offenses committed by members of the media shall be documented, articulating specific facts, naming witnesses, and listing evidence.

In the event that a dispersal order has been given, clearly identified professional media shall be permitted to carry out their professional duties unless their presence in a specific area would unduly interfere with enforcement actions.

Self-identified legal observers and crowd monitors do not have the same legal status as the professional media and are, therefore, subject to all laws and orders similar to any other person or citizen.

Per:

Paul B. Saucier
Chief of Police

Revisions:

November 1, 2025–

Reformatted to the ADA-compliant policy template. Added the definition of Biennial and revised the definition of de-escalation to align with MPAC standards. Added Section 4 (Training) addressing initial and biennial crowd-control training. In Section 5.A, removed "when appropriate" and provided that the operational plan shall expressly include de-escalation methods communicated throughout the department. In Section 8.C, removed the language authorizing K-9 teams to be stationed in perimeter support of an officer formation; added a restriction and cross-reference in Section 8.D providing that K-9s shall not be used for crowd control at protests or demonstrations and that such use is governed by Policy 401, Canine Guidelines. Updated the signature block to Chief Paul B. Saucier.

Original Issue Date: June 2, 2022