I. POLICY

The police role at demonstrations is, literally, as the middleman. It is up to the police as agents of the law to inhabit the zone between the demonstrators and others present. The police guard and protect the rights of participants, as well as non-demonstrators. Our commitment is equally great to both parties.

The problems posed by public demonstrations are basically similar to the problems which police officers face in other areas of field operations. Essentially, the challenge which arises in both situations is how to balance the rights of the actors. The First Amendment rights to free speech, to assemble and to the petition of government have to be balanced with rights of the public—the rights to free movement, privacy and freedom from violence. In the demonstration situation, the right of both the actors and the non-actors are fundamental. One set of rights cannot be allowed to dominate the other.

The vitality and permanence of our national institutions depend upon the expression and demonstration of ideas and the protection of the right to express and demonstrate such, even if the ideas are unpopular. It is important to keep in mind in this context that many of the ideas which are accepted today as central to our way of life were once considered radical and subversive by many Americans. If it weren’t for the protections of speech and the right to demonstrate, such movements as the drive to outlaw slavery and the achievement of rights for workers to organize unions and to bargain collectively might have been snuffed out by the parties then in power. However, rights are threatened when demonstrations, regardless of the desirability of their cause, are left to run a violent course without restraint. Chaos can develop in which no rights are respected. In the end, it is likely that not even the rights of the demonstrators to continue demonstrating would be respected due to vigilante action taken against them by private parties enraged at their activities.

The tough questions for police officer come when something more than speech is involved in the protest and the added factor threatens the rights of free movement or privacy of the people in the area. For example, a parade, a group of pickets, or a large street meeting may prevent other people from getting in or out of their businesses or homes, or simply stop them from walking or driving through the area. The demonstration may be loud and at a place or time where some persons would rather sleep or read or work without being disturbed. Under the American system, the rights of free speech and assembly are so important that some incidental interference with the free movement or privacy of non-demonstrators is permitted. However,
there are demonstrations which become illegal because of excessive interference with rights of others. Where two legitimate rights conflicts, there are no simple solutions. This difficulty of serving competing rights many times is a true test of police professionalism. Only persons especially trained and supervised and possessing a rare sense of fairness and balance can be expected to execute this responsibility consistent with democratic principles.

II. PROCEDURES

In a demonstration a police officer is to:

A. Remain neutral. Give precisely the same treatment to demonstrators whose cause is obnoxious to him/her and to the vast majority of the people as those whose cause is nationally popular. Once the officer’s objectivity is lost or even appears to be lost, his/her presence at a demonstration may increase tensions and make the police task even more difficult.

B. Enforce the law. A demonstration does not mean that violations of the law should be ignored by the police.

1. Violent conduct. Where a demonstrator uses physical violence upon another person or property, promptly make arrest. In rare circumstances, where the supervisor in charge concludes that making the arrest would divert limited manpower or be unnecessarily risky in reducing the ability of the police to perform their duties most effectively, arrests shall not be made without direct orders of a supervisor. Arrests can be made at a later time.

The violent acts of some demonstrators do not give the police officer a license to arrest other persons acting nonviolently. Arrest only those individuals who have acted violently. In reaching or arresting persons, do not unnecessarily harm or abuse anyone. This is a general rule in all police work. It is particularly important in demonstrations—where emotions are likely to be strong and where unfairness, or apparent unfairness, can convert a largely peaceful group into a hostile mob.

There can, of course, be situations where some person commits the independent crime of obstruction arrest by seeking to prevent a police officer from arresting the person who acted violently. There can also be situations where an entire group has become violent and is subject to arrest.

2. Nonviolent conduct. Arrest will occasionally have to be made because of demonstrators’ nonviolent but nonetheless illegal conduct. Illegal obstruction of the streets or of a building entrance are typical examples. In these cases, the supervisor in charge shall decide if such arrests are to be made. Arrests are to be made in such situations only upon the order of the immediate supervisor. Do not take the initiative in this regard. Moreover, before any such arrest is made, warn the demonstrators that they must move or face arrest. If there is an adjacent location where their presence would not, under the circumstances, constitute an illegal obstruction, tell them that they can legally carry on their demonstration at that other place.

C. Keep calm. Demonstrations are often highly emotional affairs. The demonstrators, their opponents and others in the area affected by the demonstration will feel strongly about their various causes and their possibly conflicting rights. Often, they will make the police a target of abuse. In such situations, it is easy for the police officer to lose his/her temper or become emotionally involved. To do so, however, greatly decreases his/her effectiveness in handling the situation. Act calmly, without emotional overreaction, whether the job is simply standing
by, protecting demonstrators from hostile onlookers or making necessary arrests of violent demonstrators. Act where possible to minimize confrontation.

D. **Use force sparingly.** Use force only when necessary. Whenever force is required, use no more force than is necessary. Use force only when required to prevent crime, to arrest, or for protection of self or others. Never use force to punish. Any excessive use of force in a demonstration is unprofessional and a public disgrace to the Department. Excessive use of force is a crime as well as a violation of Department rules and regulations.

History has sadly demonstrated the frequently explosive consequences of the use of force by police officers against protesting demonstrators. Looking back, it doesn't seem to have made much difference whether or not there was justification for the police use of force. The emotional pitches of the demonstrations were sharply escalated regardless. The lesson is plain; if possible, refrain from force altogether; if force need be used, use only the minimum necessary.

E. **Follow the immediate supervisor; coordinate any action taken with the other police officers present through the supervisor.** Most police work is done alone, or with a partner or a few other men. Often, however, demonstrations are policed by large numbers of police officers, including many supervisors. For several reasons—the numbers involved, the subtle and difficult legal issues, the need for coordinated and noticeably fair response—it is necessary and appropriate that supervising officers firmly supervise and control police action during such demonstrations. Police officers are to follow instructions and not act unilaterally. Similarly, because the right police action depends upon the proper evaluation of the particular circumstances on the scene, all ranking officers of the Department will be at the scene, if possible. Particularly when an orderly demonstration begins to become unruly, the maintenance of a disciplined and coordinated police approach is essential. Resist the temptation to act unilaterally or to dispense “justice” to one or several of the demonstrators. Such failures of discipline can spell disaster for the other police officers present and for the reputation of the Department.

F. **Respect the right of the press and other persons to be present and to observe.** Cooperate with the press, whether writers, photographers, radio or television. They have a constitutional right to cover demonstrations. However, they must not violate the law.

Those with a right to cover or photograph demonstrations are obviously not limited to representatives of the major papers or radio or television stations. Persons who represent some of the city's small newspapers or free lancers, and other citizens are also entitled to take notes or photographs.

Although the press has no special right as a matter of law to be present if an unlawful assembly is declared, nevertheless, in such situations attempt to discriminate between non-obstructing members of the press and other voluntary participants in the unlawful assembly.

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**Daniel C. Wade, Chief of Police**