

**State of Connecticut
Regulation of
Department of Emergency Services and Public Protection
Concerning
Uniform Crowd Control and Management Policy**

Sec. 1. The Regulations of Connecticut State Agencies are amended by adding sections 7-294hh-1 to 7-294hh-5, inclusive, as follows:

(NEW) Sec. 7-294hh-1. Purpose

The purpose of this policy is to establish a Uniform Statewide Crowd Control and Management Policy. This policy shall serve as the minimum standard for all crowd control management and policy in Connecticut. Additional requirements adopted by an individual Law enforcement unit shall not conflict with any provision of this policy.

(NEW) Sec. 7-294hh-2. Policy

The policy of the Police Officer Standards and Training Council regarding crowd control and or crowd management is to facilitate the constitutional rights of free speech and assembly while applying the level of direction and control necessary to protect life, property, and vital facilities while maintaining the peace. Connecticut Law enforcement units shall protect individual rights related to assembly and free speech; effectively manage crowds to prevent loss of life, injury, or property damage; and minimize disruption to bystanders.

(NEW) Sec. 7-294hh-3. Definitions

As used in sections 7-294hh-1 to 7-294hh-5, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Crowd Control" means techniques used to address unlawful public assemblies, including a display of formidable numbers of Police Officers, crowd containment, dispersal tactics, and arrest procedures.
- (2) "Crowd Management" means techniques used to manage lawful public assemblies before, during, and after an event to maintain the event's overall safety and lawful status.
- (3) "Crowd" means a large group of people that are gathered or considered together temporarily for a common interest or purpose, where the propensity for collective participation, not merely observation, exists.
- (4) "Demonstration" means a lawful assembly of persons organized primarily to engage in First Amendment activity. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention.
- (5) "First Amendment Activities" means all forms of speech and expressive conduct used to convey ideas, and information, express grievances, or otherwise communicate with others, including both verbal and non-verbal expression. Common First Amendment activities include but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, use of puppets to convey a message, street theater, and other artistic forms of expression.
- (6) "Incident Command System" means a functional management system established to control, direct, and manage the roles, responsibilities, and operations of Law enforcement units involved in an emergency response to an incident.

(7) “Incident Commander” means the individual responsible for the overall management of the crowd control incident and response.

(8) “Law enforcement unit” has the same meaning as provided in section 7-294a of the Connecticut General Statutes;

(9) “Police Officer” has the same meaning as provided in section 7-294a of the Connecticut General Statutes;

(10) “Press” means a person who is present on behalf of an established press organization, such as a television or radio station, a newspaper, or a news website, or a person who identifies themselves as a member of the press and who is present at an event primarily to gather information for dissemination to the public;

(11) “Riot” has the same meaning as provided in sections 53a-175 and 53a-176 of the Connecticut General Statutes;

(12) “Electronic Control Weapon” shall have the same meaning as provided in sections C.G.S. 53a-3(20).

(13) “Statewide Use of Force Policy” means the model use of force policy issued by the Police Officer Standards and Training Council.

(NEW) Sec. 7-294hh-4. Training Requirements

(a) All Connecticut POSTC-certified Police Officers shall receive a minimum of four (4) hours of training in Crowd Control and Civil Disorder as part of Basic Training.

(b) Departments shall facilitate review training for every Police Officer during their three-year review training period according to Sec. 7-294e-8(2)(c) in Crowd Control and Civil Disorder which includes a review of policy as well as all relative Connecticut General Statutes.

(c) Training shall be from a standardized, POSTC-approved lesson plan.

(d) Only the Police Officers who are trained and maintain their certifications may use less-lethal weapons. When feasible, a Law enforcement unit shall undergo review training before a scheduled event in their jurisdiction.

(NEW) Sec. 7-294hh-5. Procedures

The Police Officer Standards and Training Council Crowd Management and Control Policy consists of the following general principles:

(a) Planning for Response to Demonstrations and Crowd Events. The Incident Command System shall be used for managing crowds and acts of civil disobedience.

(1) An Incident Commander shall be designated according to the policies and procedures of the responsible Law enforcement unit of the jurisdiction in which the incident is taking place.

(2) The primary objective of the Incident Commander at a demonstration or crowd event shall be to facilitate the exercise of the constitutional rights of free speech and assembly to the greatest extent possible while upholding public safety.

(3) The Chief Executive Police Officer (CEO) of the jurisdiction in which the incident is taking place shall be notified immediately of large or potentially disruptive demonstrations or crowd events.

(4) The Incident Commander or their designee shall be responsible for the development of written operation plan(s). The Incident Commander shall consider the time of day that an event or demonstration in planning their operations.

(5) Law enforcement units shall make every effort to obtain intelligence and communication with the event organizers before, during, and after an event.

(6) Spontaneous demonstrations or crowd events present less opportunity for planning and prevention efforts. However, the same policies and regulations concerning crowd management, crowd control, crowd dispersal, and police response to violence and disorder shall apply to a spontaneous demonstration as to planned demonstrations or crowd events.

(7) The primary objectives of the Incident Commander at a Civil Disturbance shall be as follows:

(A) Protect persons, regardless of their participation in the disturbance; and protect property, important infrastructure, and public safety.

(B) Disperse aggressive, hostile, tumultuous, disorderly, or threatening crowds to eliminate the immediate risks of continued escalation and further violence.

(C) Arrest law violators and remove or isolate persons inciting violent or riotous behavior.

(D) Document completely the incident, size of the crowd, location, time of day, and purpose for the gathering or event.

(8) The Incident Commander or their designee(s) shall brief Police Officers on the scene as to what response to the crowd event is expected and be responsible for ordering any response deemed appropriate.

(9) It is recommended that event proceedings be photographed, and audio and video recorded to the greatest extent feasible.

(10) Comprehensive documentation of the basis for the incident and the response to the incident shall be included in an After Action Report according to the Incident Commander's Law enforcement unit's Policies and Procedures.

(b) Use of Force – Conducting Crowd Control and Management- Use of Force Overview

(1) During Crowd Control Incidents, all Connecticut General Statutes related to the use of force and Statewide Use of Force Policy shall be adhered to for each application of force used needing to resolve a situation within a crowd control incident requiring that the force used shall be reasonable, necessary, and proportionate.

(2) Police Officers shall work in squads or platoons when policing a crowd control event, remembering team concepts when dealing with large crowds.

(3) Each Police Officer shall wear a badge and nameplate, on the outermost of their uniform which bears their name. All Police Officers assisting with mutual aid agreements, contracts, or related means shall be informed that they are under the direction and control of the command and supervisory personnel of the jurisdiction in which the incident is taking place and the Police Officers from outside the jurisdiction shall be protected under the requesting agency.

(4) It is essential to recognize that all members of a crowd of demonstrators are not the same. Even when some members of a crowd engage in violence or destruction of property, other members of the crowd may not be participating in those acts.

(5) All Police Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against Police Officers shall not constitute a reason for an arrest or any use of force against such individuals.

(6) Police Officers shall maintain a professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members. Unprofessional police behavior may inflame a tense situation and make control efforts more difficult and dangerous.

(7) Strong supervision and command are essential to maintaining a unified, measured, and effective police response. A response incorporating strong leadership and teamwork is crucial to

maintaining control and Police Officer safety. Police Officers shall avoid independent or impulsive actions.

(8) The Incident Commander and supervisors shall make every effort to ensure that the police mission is accomplished as efficiently and unobtrusively as possible with the highest regard for the human dignity and liberty of all persons, with only the use of force reasonably necessary to accomplish such mission.

(9) This policy does not preclude Police Officers from taking appropriate action to direct crowd and vehicular movement; to enforce ordinances and statutes; or to employ the physical force necessary to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

(c) Responses to Crowd Situations.

(1) Spontaneous Events or Incidents.

(A) A 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 Police Officer of higher rank.

(B) An immediate assessment of the situation is essential for an effective police response. The supervisor shall ascertain the following information as soon as practical:

- (i) Day
- (ii) Time
- (iii) Location
- (iv) Purpose/type of event
- (v) Size of crowd
- (vi) Behavior of the crowd
- (vii) Whether an assembly is lawful or unlawful
- (viii) Evaluate the lawfulness of actions by groups and individuals present at the incident and the likelihood that unlawful behavior may spread to other crowd participants
- (ix) Determine the First Amendment activities being performed by individuals present
- (x) Immediate threats to the safety of the public or Police Officers
- (xi) The number of structures or vehicles involved
- (xii) The size of the involved area
- (xiii) Amount of police personnel and or specialized units
- (C) Identify the staging area for responding personnel including a Command Post
- (D) Identify the staging area for the media
- (E) Identify egress and ingress routes
- (F) Additional resources needed (EMS, Fire, DPW, outside agencies), and related staging areas
- (G) Request mutual aid by applicable mutual aid compacts or agreements if needed.

(d) When an Unlawful Assembly May Be Declared.

(1) The definition of an unlawful assembly has been outlined in Section 53a-177 of the Connecticut General Statutes.

(2) The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.

(3) Police shall make attempts to locate and communicate with organizers or event leaders to negotiate a peaceful resolution. If such negotiations and de-escalation attempts fail, crowd

dispersal techniques may commence to resolve the incident. First Amendment activity may continue once emergency or dangerous circumstances are settled.

(4) If after a crowd disperses under a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such assembly may not be dispersed unless it has been determined that it is an unlawful assembly, and the required official declaration has been adequately given.

(e) Declaration of Unlawful Assembly.

(1) Crowd dispersal techniques shall be initiated when, after Police Officers have made announcements to the crowd when time and circumstances permit, to issue warnings before taking action to disperse the crowd, asking members of the crowd to voluntarily disperse, informing them that, if they do not disperse, they shall be subject to arrest.

(2) The Incident Commander or their on-scene designee shall be responsible for the announcements, and they shall be made using adequate sound amplification equipment in a manner that shall ensure that they are audible over a sufficient area and that all such announcements are made in such a way that they are clearly audible to the entire crowd.

(3) The announcements shall specify adequate egress or escape routes. Whenever possible, a minimum of two escape /egress routes shall be identified and announced.

(4) It is the responsibility of the on-scene command and supervision to ensure that all such announcements are made in such a way that they are clearly audible to the crowd.

(5) Sufficient time shall be allowed for a crowd to comply with police commands before action is taken unless an immediate risk to public safety exists or significant property damage is occurring.

(6) If feasible, dispersal orders shall be given in multiple languages that are appropriate for the audience.

(7) The Incident Commander shall document the name of the individual making the dispersal order and the date/time that each order was given. The duplication of an audio/video recording of the announcement is best practice.

(8) Dispersal orders shall only be given when Police Officers are in a position to support/direct crowd movement.

(9) Personnel shall use the following dispersal order:

(A) "I am (rank/name), a Police Officer with (applicable Law enforcement unit) I hereby declare this to be an unlawful assembly and request that all those assembled at (location) immediately leave. If you do not leave, you may be arrested or subject to other police action, including the use of force which may result in serious injury. The following routes of dispersal are available (routes). You have _____ minutes to leave. If you refuse to move police will take necessary action.

(B) If chemical agents such as OC or CS is to be used, the following warning shall be added to subparagraph A: "If you refuse to move [insert either OC Spray or CS Gas] will be used."

(10) Personnel shall provide verbal warning three times when feasible.

(f) Tactics and Weapons (Non-compliant crowd):

(1) If negotiation and verbal announcements to disperse do not result in voluntary movement of the crowd, Police Officers may employ additional crowd dispersal tactics, but only after orders (approval) from the Incident Commander or designated supervisory officials. The use of these crowd dispersal tactics shall be consistent with these regulations, the Statewide Use of

Force Policy, and the responding Law enforcement unit's use of force policy. Such tactics shall include:

(A) Display of Police Officers (a show of forceful presence):

(i) Once this tactic is selected, Police Officers may be assembled in formation at a location outside the view of the crowd. Sufficient personnel are needed to follow through with dispersal orders. If a display of Police Officers, combined with a dispersal order, is not effective, more forceful actions may be employed when deemed necessary by respective department policy.

(ii) Generally, Police Officers shall be assigned to squads of sufficient size to be effective.

(B) Team Arrest Procedures:

(i) If the crowd has failed to disperse after the required announcements, Police Officers may use team arrest procedures for purposes of making multiple simultaneous arrests.

(ii) Persons who make it clear (e.g., Failure to comply with dispersal orders to include sitting down, locking arms, etc.) that they seek to be arrested shall be arrested and removed from the scene.

(iii) Arrests of a non-violent person shall be accomplished by the Statewide Use of Force Policy and Law enforcement units' arrest and use of force policies.

(C) Police Formations and Use of Batons:

(i) If a crowd refuses to disperse after the required announcements, the police may use squad or platoon formation lines, wedges, echelons, etc. to move the crowd.

(ii) Batons may be shown and used for crowd control, crowd containment, or crowd dispersal and shall only be used by the Statewide Use of Force Policy and Law enforcement unit policy and procedures concerning the use of police batons.

(D) Lethal Force:

(i) The use of lethal force by a Police Officer is governed by Connecticut General Statutes in addition to the Statewide Use of Force Policy issued by the Police Officer Standards and Training Council.

(E) Specialty Impact Less-Lethal Weapons and Munitions:

(i) For the purposes of this subparagraph, specialty impact munitions include but are not limited to projectiles such as rubber bullets and bean-bag rounds, batons, and other impact weapons.

(ii) Only those Police Officers authorized and trained in the use of specialty impact munitions may carry and deploy such munitions in accordance with the Statewide Use of Force Policy and a Police Officer's Law enforcement unit policy and procedures.

(iii) Specialty Impact Less-Lethal Weapons shall not be used indiscriminately against groups of people or passively resistant individuals.

(F) Electronic Control Weapons (ECW's):

(i) ECW's may only be used by those Police Officers authorized and trained in the use of these weapons. Police Officers may carry and deploy such devices in accordance with the Statewide Use of Force Policy and a Police Officer's Law enforcement unit policy and procedures.

(G) Oleoresin Capsicum

(i) Oleoresin capsicum (OC) spray or powder, may be used against specific individuals engaged in unlawful conduct or actively resisting arrest, or as necessary in a defensive capacity when appropriate.

(ii) OC spray or powder shall not be used indiscriminately against groups of people or passively resistant individuals.

(iii) High-volume OC delivery systems (such as MK-9 and MK-46) are designed for and may be used in civil disturbances against groups of people engaged in unlawful acts or endangering public safety and security when approved by the Incident Commander.

(iv) Whenever reasonably possible, a warning shall be issued before the use of these systems.

(v) These high-volume systems shall only be utilized by personnel trained in their proper use.

(H) CS and CN Chemical Agents (Tear Gas/Mace):

(i) CS (2-chlorobenzamalononitrile) chemical agents shall be used with the utmost caution and only when necessary. CS may be deployed only to prevent injury when lesser force options are either not available or would be ineffective. Such munitions shall be deployed at the direction of the Incident Commander and only when avenues of egress are available to the crowd. When reasonably possible, their use shall be announced to the crowd in advance.

(ii) The usage of such chemical munitions shall be determined by the Incident Commander and shall be done in strict compliance with any statutes, Governor's Executive Orders, or regulations controlling same.

(iii) Technical decisions concerning the amount of gas and method of application shall be made by the ranking member at the scene who has been trained in the use of such chemical munition.

(iv) All police personnel shall also be informed that chemical agents are going to be used.

(v) This notification shall include all police units in the immediate vicinity, as well as units that may be expected to respond shortly or interact with those affected.

(vi) Adequate time shall be allowed for all police personnel to don protective masks.

(vii) CS may only be against individuals who are engaged in acts of unlawful conduct or who are actively resisting arrest. CS shall not be used indiscriminately against groups of people.

(viii) Render Aid: Medical treatment shall be offered, where feasible.

(ix) CN (phenacyl chloride) shall not be used in any instance.

(I) Arrests

(i) Multiple Simultaneous Arrests. When a large-scale event involving possible mass arrests occurs, assemble arrest teams capable of managing multiple arrests safely. The Incident Commander and supervisors shall notify neighboring agencies, including the neighboring Connecticut State Police Troop and or Department of Corrections if housing arrestees become an issue.

(ii) When multiple arrests are needed pre-planning arrangements of transportation shall be made.

(iii) The Incident Commander shall make the decisions to engage in selective individual arrests or multiple arrests as a crowd control tactic with considerations given to the following factors:

(I) Whether any course of action would impact the continuation of First Amendment activities.

(II) The likelihood that police action will improve the situation relative to taking no action.

(III) The seriousness of the offense(s) as opposed to the potential for the arrest to escalate violence or unlawful activity by crowd members.

(IV) Whether individual or mass arrests shall be more effective in ending the criminal activity at issue.

(V) Whether clear and secure egress routes have been established for the crowd and police.

(VI) Whether communication has been established with crowd representatives.

(VII) The contingency plans that are available as options.

(VIII) The types of force may be used in effecting the arrests, if necessary.

(iv) Police Officers shall remain neutral, non-antagonistic, and professional at all times in their response when dealing with crowd control incidents.

(J) Use of Handcuffs and Flex-Cuffs

(i) As used in this subparagraph, “Flex-Cuff” shall mean a plastic strip that can be fastened as a restraint around a person's wrists or ankles.

(ii) Persons subject to arrest during a crowd control/demonstration incident may be secured with handcuffs or flex-cuffs by all related laws, policies, orders, and current training methods and bulletins. Police Officers shall check for proper fit when safe to do so. It is recommended to use metal restraints for violent persons.

(ii) Each Law enforcement unit involved in the detention or transportation of arrestees with flex-cuffs shall have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available.

(K) Arrest of Juveniles

(i) Juveniles arrested in demonstrations shall be handled consistent with Connecticut State statutes and the respective department policies on arrest, transportation, and detention of juveniles.

(g) Documentation.

(1) Video and Photographic Recording. Law enforcement officers should use body-worn recording equipment consistent with the requirements of Conn. Gen. Stat. § 29-6d and all POST Council Model Policies. In addition, it is recommended that law enforcement conduct their own video recording and photographing of those participating in a crowd control event.

(A) Each video operator specifically assigned to record the event shall write a supplemental report.

(2) Reporting.

(A) All Police Officers involved in crowd control incidents shall prepare reports as required by their respective departmental policies. Incident Commanders shall notify their chain of command as soon as practicable.

(3) Public Information and the Press.

(A) The press has a right to cover demonstrations, including photography, videography, or filming, as long as press personnel do so in a safe area that may be designated by law enforcement for their safety and in an area that will not interfere with any law enforcement function during the incident and that would not jeopardize the safety of press personnel.

(B) Police Officers shall coordinate with the press by respective department policies.

(C) Official members of the press, legal observers, crowd monitors, police liaisons, or organizers shall never be specifically targeted for dispersal or enforcement action based on their media status.

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Statement of Purpose

The proposed regulation establishes a uniform, statewide crowd control policy for police officers by the provisions of July Special Session Public Act 20-01. This policy shall serve as the minimum standard for all crowd control and policy management in Connecticut. The proposed regulation has five sections: (1) Purpose, (2) Policy, (3) Definitions, (4) Training Requirements, and (5) Procedures. Specifically, the proposed regulation addresses the following areas required by the July Special Session Public Act 20-01:

1. A definition of the term "crowd" and factors that affect the management of crowds by police officers, including, but not limited to, the size of the crowd, the location where a crowd has gathered, the time of day when a crowd has gathered and the purpose for any such gathering.
2. Protection of individual rights and preservation of the peace during demonstrations and civil disturbances.
3. The permissible and impermissible uses of force by a police officer and the type and amount of training in crowd management that each police officer shall undergo,
4. The documentation required following any physical confrontation between a police officer and a civilian during a crowd management incident.