Twenty-first Century Protest Response:

Promoting Democracy and Advancing Community and Officer Safety

A Reference Resource for Local, State, and Campus Law Enforcement Managing Protests

COPS
Community Oriented Policing Services
U.S. Department of Justice

National Policing Institute
PURSUING EXCELLENCE THROUGH SCIENCE AND INNOVATION

About This Resource

The following checklist is based on recommendations from the 2022 report *21st Century Protest Response: Promoting Democracy and Advancing Community and Officer Safety* (https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-p459-pub.pdf), authored by the U.S. Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS Office) in partnership with the National Policing Institute (NPI). This resource was also reviewed and augmented by the International Association of Campus Law Enforcement Administrators and by university public safety department executives and other experts to ensure recommendations are appropriate for the nonmunicipal agencies that frequently respond to campus protests. Thanks to all who contributed to developing the original protest response guide and those who provided additional support in developing this checklist as a resource for all law enforcement agencies.

The checklist is presented in a suggested chronological order but should be revisited often throughout a protest response based on each campus community's and agency's specific needs and resources.

Well in Advance of Protests

☐ Engage with and meet campus and community leaders and organizations including local government representatives; relevant student, faculty, and staff leadership; relevant local, national, and international groups; relevant civil and human rights groups; and social services offices.
  ☐ Establish at least one point of contact within each group and check-in before, during, and after protests.
  ☐ Provide each group with a law enforcement point of contact for raising concerns leading up to, during, and following protest activity.

☐ Consult about mass demonstration planning with campus and community leaders and organizations. Solicit specific feedback on the following:
  ☐ Developing and reviewing agency policies, procedures, and data metrics and collection strategies.
  ☐ Assessing how the agency has responded to past demonstrations.
  ☐ Reviewing coordinated and well-publicized methods of transparency and accountability, including procedures for individuals to file complaints or commendations for law enforcement personnel working the protests.

- ☐ Consult about mass demonstration planning with elected officials, special interest groups, prosecutors, and other legal experts. Solicit specific feedback on the following:
  - ☐ Reducing arrests by considering alternatives, including using citations in lieu of arrest.
  - ☐ Determining based on relevant laws and ordinances whether firearms are allowed during or near protests or in common protest locations.

- ☐ Developing, implementing, and regularly reviewing memoranda of understanding (MOU) or other formalized agreements with mutual aid providers to clearly define each party's roles, responsibilities, and protocols during mass demonstrations.

- ☐ Develop an overarching "response to dynamic protests and civil unrest" policy that accounts for the nuances of this type of event, incorporates critical thinking skills, and offers decision-making models to guide responding personnel. Policies should include the following:
  - ☐ Clear guidance on the use of body-worn cameras and how community and media footage will be used in complaints and investigations.
  - ☐ Stipulations that community liaison officers and related positions will be treated like other specialized units in terms of status, pay, training, recognition, and promotions.
  - ☐ A process of transparency and accountability that requires every use of force incident during a protest to be clearly documented and assigned a distinct tracking number.
  - ☐ Routine inspection of all area camera systems, access control systems, and relevant officer equipment for functionality.
  - ☐ In the case of long-term protests and encampments, clear and transparent plans for handling personal property recovery, storage, reunification, and potential disposal. Circumstances for any movement of property and how protesters can pick up their items should be clearly communicated ahead of time and immediately after protests.
  - ☐ A process to review incidents that incorporates the appropriate governing representatives, including local and state government and student, faculty, and university leaders.

- ☐ Identify and coordinate planning and training with all applicable agencies, including other local, state, federal, and campus law enforcement agencies.

- ☐ Provide all agency personnel with annual training and updates regarding policies, procedures, and legal issues related to mass gatherings and demonstrations.

- ☐ Review all protest response training to ensure it has contemporary application and incorporates updated evidence-based theories of crowd psychology and dynamics, de-escalation, social structures, and community organizing. Training review should prioritize the following:
  - ☐ Adopt and regularly use National Incident Management System (NIMS) training during smaller incidents to keep NIMS protocols at the forefront of officers' minds.
  - ☐ Emphasize and reinforce officers' interpersonal and communication skills throughout academy and in-service training.

- [ ] Participate in the DOJ Community Relations Service (CRS) training *Reducing Risks During Public Events: Contingency Planning* (https://www.justice.gov/crs/file/1129486/dl?inline=).
- [ ] Provide supervisors with additional training on circumstances under which less-lethal munitions can and should be deployed and the potential impacts those decisions can have on crowd psychology and behavior.
- [ ] Conduct regular reviews and updates of mobilization plans and include the participation of all involved campus, state, and local agencies.

- [ ] Convene event-specific training that incorporates specific intelligence regarding planned mass demonstration events and includes robust participation from all involved agencies in preparation and response. Training should include specific guidance around incident command, operational plans, approaches to arrests, and policy application.
  - [ ] Develop and widely share a strategic communications plan that includes an infrastructure for communicating with the public in real time. Adopt a formal, in-person joint information center (JIC) to provide agile and responsive 21st-century messaging.
  - [ ] Consider and incorporate into communications plans any local or institutional ordinances that require public notification (i.e., Clery Act policies for campus law enforcement).

- [ ] Develop a wellness program that goes beyond traditional employee assistance programs (EAP) and meets the specific needs of law enforcement. This program should accomplish the following:
  - [ ] Support the use of counseling, peer support, and other wellness activities and encourage informal agency leaders to acknowledge their use openly.
  - [ ] Ensure, to the extent possible, that personnel have scheduled time off following protracted or intense deployments to work protests.
  - [ ] Conduct annual equipment checks to ensure appropriate personal protective equipment is available, tested, and restocked for all personnel.

- [ ] Prepare a support plan for law enforcement personnel who may be held over during shifts.

Immediately Prior to Protests

- [ ] Develop an easy-to-understand document that provides critical information on protest activity and responses and share it with campus and community members and organizations.

- [ ] Discuss and agree upon clear identifiers (vests, shirts, etc.) for campus and community leaders and partners for easy recognition and communication during demonstrations.

☐ Establish a process with local government and campus leaders for creating and issuing badges or identifiers for media (both traditional and nontraditional/social media reporters) covering mass demonstrations and protests.

☐ Meet with businesses, neighborhood leaders, and other groups in potential protest locations to address concerns about the possible impact on their businesses, homes, and other property and discuss suggestions for bolstering safety.

☐ Identify and vet which technology solutions and strategies are appropriate during protest response. Do not assume the campus or community will support using all forms of technology during responses.

☐ Finalize a communication plan that ensures information gathered to improve public safety during protests is appropriately disseminated among command-level personnel, campus leadership, and other law enforcement mutual aid partners. Additional considerations include:
  ☐ Develop and share a communication plan with protesters (or their liaison) to ensure clear information is provided on the expectations for both protesters and agency personnel before and during protests.
  ☐ Identify ways to incorporate traditional and nontraditional (i.e., social media platforms) outlets in communication and coverage plans.
  ☐ Develop policies and procedures that use all relevant jurisdiction social media accounts to push information to the community and quickly disseminate accurate information in response to rumors, misinformation, and false accusations.
  ☐ For events with multiagency responses, consider designating one organization or body in the jurisdiction to coordinate messaging from local government, campus, and public safety leaders.
  ☐ Identify alternative communication channels to engage groups that do not want to engage directly with the police.
  ☐ Establish a family hotline so officers' family members can call to get updates about their loved ones.

During Protests

☐ Provide regular updates to campus and community leaders throughout the protest.

☐ Use roll call training to highlight incidents from the previous 24 hours and update personnel on the current incident action plan (IAP).

☐ Secure necessary resources to provide an appropriate span of command and control during protests.

☐ Ensure consistent communication, messaging, and response tactics across all relevant officials (including elected government representatives, campus leadership, campus and community groups, and government offices) and all present law enforcement agencies during mass demonstrations.

☐ Establish real-time communication among first-line supervisors of all involved agencies in the field and appropriate leaders in the command center to facilitate unified command and allow for more immediate decision-making and strategy adaptation.

☐ Consider linked radio and other formal communications to ensure effective decision-making during protest events.

☐ Ensure all policies and procedures offer clear definitions of different types of uses of force, appropriate and authorized types of force, examples of uses of identified levels of force, and documentation processes. Policies and procedures should do the following:
  ☐ Require multiple discernable dispersal warnings consistent with any applicable local or state statutory requirements, using various communication methods and locations (both on-site and virtual) prior to any police use of force. The warnings should be spaced out to provide protesters time to comply, explain reasoning as appropriate, and stage resources to assist anyone attempting to leave the area.
  ☐ Clearly prohibit certain uses of force—including the deployment of less lethal munitions—against demonstrators who do not pose an immediate threat to officers, members of the public, or property.

☐ Develop precision tactics with campus and community members to identify individuals engaging in violent or destructive activity and extract them from the crowd without jeopardizing overall event security.

☐ Communicate with protesters in person and online during the event in respectful, procedurally just, clear, and informative ways.

☐ Use social media communication during ongoing demonstrations.

☐ Clearly and widely communicate to both officers and protesters the behavioral expectations and consequences for not abiding by public safety rules.

☐ Train officers on the consequences of actions that violate agency policy or criminal code or jeopardize the community's trust during response to protests.

☐ Establish an officer safety and wellness commander as part of the Incident Command System (ICS) structure to help maintain officers' wellness during protest response.

☐ Provide breaks and rotate personnel through positions where they have direct contact with demonstrators, especially when tensions are high.

☐ Encourage personnel and their families to distance themselves from social media and traditional media to the extent possible during ongoing protest responses.

After Protests

☐ After Action Reviews (AAR) are used as a platform for honest conversations with all relevant community stakeholders about necessary improvements. AARs should include a credible, comprehensive accounting of events as well as a thorough review of all policies, procedures, and actions taken during the event under review. The review should also incorporate an evaluation of all available materials, including documents, electronic communications, and any available video footage from body-worn cameras, social media, traditional media, and area cameras. AAR findings should be summarized in cogent reports and made available to relevant stakeholders.

   ☐ For more detailed information on AARs, see the 2020 NPI and COPS Office guide *How to Conduct an After Action Review* (https://www.policinginstitute.org/wp-content/uploads/2020/02/How-to-Conduct-an-AAR.pdf).

☐ Continue to collaborate with other public safety and social service agencies and identify ways to enhance co-response and provide effective and efficient emergency services.

☐ Intentionally create opportunities for campus and community members and other stakeholders to sit at the table during AARs and collaborate on needed modifications to training, policy, and programs.

☐ Engage with outside experts to continuously improve metrics, data collection, and analysis to evaluate protests and corresponding police responses. Data should be tailored to jurisdiction needs and made public as soon as possible after protests.

☐ Complete the learning cycle by establishing a transparent process to ensure that the findings of any AAR are broadly disseminated, mindful of possible attorney/client privilege concerns.

☐ Ensure lessons learned and recommendations made during an AAR are incorporated into policy, process, and training.

☐ Continue community policing efforts, including hosting and attending meetings with local campus and community members and organizations likely to organize and participate in protests.

☐ Create information-sharing processes with the campus and community to continue building relationships and trust.

☐ Contact agency partners' associations to provide resources for aftercare and officer wellness.

☐ Conduct internal debriefing sessions with personnel and publicly address stressful events that could have impacted agency staff.