



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-39 (Formerly 4-21)

P&P DRAFT 03/22/2023

2-39 FIELD SERVICES BUREAU RESPONSE TO DEMONSTRATIONS, INCIDENTS, AND EVENTS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-64 K-9 Unit (Formerly 4-12 and 6-9)
- 2-8 Use of On-Body Recording Devices (OBRD) (Formerly 1-39)
- 2-23 Use of Canine Unit (Formerly 2-45)
- 2-35 Emergency Response Team (ERT) (Formerly 2-29)
- 2-56 Use of Force: Reporting by Department Personnel

B. Form(s)

PD 3116 Demonstration Post Form for Non-ERT Call-Out

C. Other Resource(s)

- NMSA 1978, § 30-20-3 Unlawful Assembly
- ROA 1994, § 2-9-1-1 Definitions
- ROA 1994, §§ 7-3-1 to 7-3-99 Albuquerque Free Expression and Parades Ordinances (AFEPO)
- U.S. Const. amend. I.

D. Rescinded Special Order(s)

None

2-39-1 Purpose

The purpose of this policy is to uphold community member protected activities under the First Amendment of the United States Constitution and Albuquerque City Ordinances, such as the Albuquerque Free Expression and Parades Ordinance (AFEPO), and for the Albuquerque Police Department (Department) to fulfill its responsibilities to uphold the law; to provide for the safety of community members and sworn personnel; and to safeguard public and private property.

2-39-2 Policy

It is the policy of the Department to establish procedures for Field Services Bureau (FSB) sworn personnel and FSB supervisors to follow when present at or responding to demonstrations. This policy is also applicable to situations in which a large number of community members gather and where there is articulable reason to believe that there is the potential for positive or negative impact on community members and sworn personnel, and/or public or private property. For the Department's policy pertaining to situations that escalate



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beyond FSB's control, Department personnel shall refer to SOP Emergency Response Team (ERT).

N/A 2-39-3 **Definitions**

A. Civil Emergency

An incident or event as defined by Albuquerque City Ordinance § 2-9-1-1 such as unlawful assemblies, riots, and natural disasters.

B. Crowd Control

Techniques used to address civil emergencies, to include deploying crowd dispersal equipment, tactics and preparing for multiple arrests.

C. Crowd Management

Techniques used to manage demonstrations before, during, and after the incident or event. These techniques will involve event planning and coordination; pre-event contact with group leaders, issuing permits when applicable; intelligence gathering; observational assessment of participants and community members; personnel training, and other similar means.

D. Demonstration

A public assembly or gathering of persons designed to engage in protected activities under the First Amendment of the United States Constitution, federal or state law, or city ordinances. Demonstrations may include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Demonstrations may devolve into civil emergencies that may require law enforcement action.

E. Event

A demonstration or civil emergency of which the Department has prior knowledge.

F. Exigent Circumstances

An emergency situation(s) requiring swift action to prevent imminent danger to life, to forestall the imminent escape of an individual, or to prevent the destruction of evidence.

G. Incident

A demonstration or civil emergency of which the Department has no prior knowledge.

6 2-39-4 **Procedures for Demonstrations, Incidents, and Events**



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A. Department Personnel

1. Consistent with the First Amendment and the AFEPO, Department personnel shall uphold community members' constitutionally protected rights of free speech, to peaceable assembly, and to petition for the redress of grievances; however, Department personnel may take the narrowly tailored steps set forth in this Standard Operating Procedure to address the following security concerns:
 - a. Incident or event participants engaging in activity that presents a threat to the security of others;
 - b. Incident or event participants engaging in activity that constitutes a substantial articulable hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property; or
 - c. When Department personnel have reasonable suspicion that a crime is being or will be committed.
2. Sworn personnel shall be prohibited from deploying Police Service Dogs (PSD) for crowd control (refer to SOP K-9 Unit for sanction classifications and additional duties), and as a force option during crowd control situations (refer to SOP Use of Canine Unit for sanction classifications and additional duties).

N/A

B. ERT Lieutenant

1. The ERT Lieutenant shall determine whether to activate ERT for an incident or event.
2. Whenever ERT responds to the incident or event, the ERT Lieutenant shall take command of the incident or event, consistent with SOP Emergency Response Team (ERT) (refer to SOP Emergency Response Team (ERT) for sanction classifications and additional duties).

N/A

C. Incident Commander

The Incident Commander (IC), whether it is the Operations Review Lieutenant (ORL), an ERT Lieutenant, or an FSB supervisor, shall attempt to gather incident or event information from available sources, such as from group organizers, social media, or other means, if not already provided through pre-event planning and intelligence gathering.

D. On-Scene FSB Supervisors

1. Upon notification of an incident or event, FSB supervisors shall:



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- a. Ensure that the on-call ERT Lieutenant is notified when it appears, based on articulable facts, that the incident or event will escalate to a civil emergency, or that danger to life or property is imminent;
- b. Immediately respond to the scene when such information is known to the Department;
- c. Approach the incident or event with the understanding that participants have constitutionally protected rights. Those rights shall not be restricted unless there is imminent danger of harm to community members, sworn personnel, or private or public property;
- d. Make efforts to contact the group leader(s) of the incident or event, in order to gather information about the situation, and to ensure accurate assignment of Department personnel and resources. Information gathered about the incident or event shall address the following concerns and FSB supervisors shall convey such information to the on-call ERT Lieutenant:
 - i. What incident or event is planned or occurring?
 - ii. When will it begin and end?
 - iii. Where are the participants meeting?
 - iv. Will it coincide with any other large event?
 - v. Is opposition expected?
 - vi. How many participants are expected?
 - vii. What are the planned travel routes, if any?
 - viii. What actions, activities, or tactics used by the participants are anticipated?
 - ix. What critical infrastructures are located nearby, such as schools, hospitals, and/or government facilities?
 - x. Is there a need to request mutual aid? (BSCO, RRPD, State PD, AFR, etc)
 - xi. Based on the history of conduct at prior incidents or events, are event leader(s) cooperative or willing to help in support of Department operations at their incident or event?
- e. When appropriate, notify other departments and agencies, such as Albuquerque Fire Rescue (AFR), emergency medical services (EMS), and other law enforcement agencies;
- f. If the supervisor has direct and specific information that would lead a reasonable and prudent officer to believe violence may be an outcome of the assembly, contact the Real Time Crime Center (RTCC) to give them information concerning the incident or event;
- g. Assess the potential number of sworn personnel necessary to ensure the community's and sworn personnel's safety, based on observed participant behavior and intelligence obtained;
- h. Depending on existing conditions, deploy sworn personnel at vantage points to report on the actions of participants and non-participants;
- i. If necessary establish an inner perimeter and contain the incident or event with as few visible sworn personnel as feasible. FSB supervisors shall have sufficient sworn personnel in reserve to provide a quick response if the incident or event escalates;
- j. Maintain sufficient distance between opposing demonstrators, to limit any hostile actions from either side, to the extent that those involved can be identified; and/or



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N/A

k. Give dispersal orders, consistent with SOP Emergency Response Team (ERT), if it appears that an immediate threat to life or serious property damage is occurring (refer to SOP Emergency Response Team (ERT) for sanction classifications and additional duties).

E. FSB supervisors shall not take action for an incident or event that may discourage the peaceful and lawful gathering of community members.

F. Responding FSB Sworn Personnel

1. The first sworn personnel to arrive at the scene of an incident or event shall:

- a. Request the assistance of a supervisor and any necessary backup;
- b. Act in a manner that upholds the participants' protected rights while monitoring participants' behavior and conduct;
- c. Observe the incident or event from a safe distance to establish and determine whether it is peaceful or if articulable facts exist indicating that the participants are likely to escalate the event or incident to a civil emergency;
- d. Notify the Emergency Communications Center (ECC) of the location and reason for the incident or event, known presence of improvised or deadly weapons, an estimated number of participants and their current activities, such as blocking traffic, the direction of any movement, and the availability and recommended ingress and egress routes for emergency vehicles;
- e. Avoid taking any independent actions to impede or restrict the protected rights of peaceful assembly, free speech, or petitioning for the redress of grievances, unless articulable exigent circumstances exist;
- f. Consistent with the AFEPO, when a demonstration begins to occupy a portion of the street, accommodate the incident or event by closing a segment, lane, or portion of the street when doing so will not jeopardize the participants or unreasonably inhibit the flow of traffic on a major traffic route;
- g. Be authorized to limit the available portion of the street, where a segment or portion of the street is capable of accommodating the incident or event; and
- h. Attempt to identify specific participants who are encouraging a disturbance or the performance of criminal acts.

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6 2-39-5 **Crowd Management**

A. If crowd management is required, the on-scene FSB supervisor shall be mindful of the fundamental rights of those who gather, speak out legally, or exercise their rights to assemble and shall safeguard and uphold their rights.

B. On-Scene Sworn Personnel

1. On-scene sworn personnel shall:

- a. Notify the ECC and supervisory personnel of the location, nature, and extent of the incident or event;



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- b. Act and respond to participants with a neutral demeanor;
- c. When necessary to protect community members, evacuate them from the immediate area of the incident or event. FSB supervisors shall allow community members to use hallways, doorways, and roadways without hindrance, so long as this does not jeopardize their safety, impede traffic, or obstruct law enforcement operations;
- d. Establish a command post and staging area for additional resources, and ensure that all assigned personnel know the location of, and response route to, the command post;
- e. Ensure that pedestrian and vehicular traffic are re-routed around and away from the incident or event.
- f. If necessary, based on articulable and reasonable facts and circumstances:
 - i. Control participants' unauthorized ingress and egress during the incident or event; and
 - ii. Plan for and prevent attempts to assist or augment the number of incident or event 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.
- g. Notify the Public Information Officer (PIO);
- h. Ensure AFR and EMS personnel are dispatched and respond to the staging area;
 - i. On-scene FSB supervisors shall provide adequate security to AFR and EMS personnel in the performance of emergency tasks.
- i. Provide support and relief to personnel so that they receive meal and rest breaks, as appropriate, given the situation and local conditions;
- j. Provide ongoing updates to ECC regarding conditions on-scene;
- k. Use their on-body recording devices, consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices (OBRD) for sanction classifications and additional duties); and
- l. Photograph any injuries sustained by participants, community members, or sworn personnel to document the condition of those individuals.

N/A

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- C. Once ERT arrives on-scene, the ERT Lieutenant shall take command of the incident or event, consistent with SOP Emergency Response Team (ERT).

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2-39-6 Reporting Requirements

- A. On-scene FSB sworn personnel shall:

- 1. Write a Uniform Incident Report if there is criminal harm to persons or property as a result of the demonstration or civil emergency; and

N/A

- 2. Report their use of force consistent with SOP Use of Force: Reporting by Department Personnel (refer to SOP Use of Force: Reporting by Department Personnel for sanctions classifications and additional duties).



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- B. If a call for service is generated and the ERT is not activated, the on-scene FSB supervisor in command shall complete the Demonstration Post Form for Non-ERT Call-Out (PD 3116).

REDLINED



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B. Form(s)

PD 3116 ~~Assembly or Gathering~~ Demonstration Post Form for Non-ERT Call-Out

C. Other Resource(s)

- NMSA 1978, § 30-20-3 Unlawful Assembly
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D. Rescinded Special Order(s)

None

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escalate beyond FSB's control, Department personnel shall refer to SOP Emergency Response Team (ERT).

N/A 2-39-3 Definitions

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 - xi. Based on the history of conduct at prior incidents or events, are event leader(s) cooperative or willing to help in support of Department operations at their incident or event?
- e. When appropriate, notify other departments and agencies, such as Albuquerque Fire Rescue (AFR), emergency medical services (EMS), and other law enforcement agencies;
- f. If the supervisor has direct and specific information that would lead a reasonable and prudent officer to believe violence may be an outcome of the assembly, contact the Real Time Crime Center (RTCC) to give them information concerning the incident or event;
- g. Assess the potential number of sworn personnel necessary to ensure the community's and sworn personnel's safety, based on observed participant behavior and intelligence obtained;
- h. Depending on existing conditions, deploy sworn personnel at vantage points to report on the actions of participants and non-participants;
- i. If necessary Establish an inner perimeter and contain the incident or event with as few visible sworn personnel as feasible. FSB supervisors shall have sufficient sworn personnel in reserve to provide a quick response if the incident or event escalates;
- j. Maintain sufficient distance between opposing demonstrators, to limit any hostile actions from either side, to the extent that those involved can be identified; and/or



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E. FSB supervisors shall not take action for an incident or event that may discourage the peaceful and lawful gathering of community members.

F. Responding FSB Sworn Personnel

1. The first sworn personnel to arrive at the scene of an incident or event shall:

- a. Request the assistance of a supervisor and any necessary backup;
- b. Act in a manner that upholds the participants' protected rights while monitoring participants' behavior and conduct;
- c. Observe the incident or event from a safe distance to establish and determine whether it is peaceful or if articulable facts exist indicating that the participants are likely to escalate the event or incident to a civil emergency;
- d. Notify the Emergency Communications Center (ECC) of the location and reason for the incident or event, known presence of improvised or deadly weapons, an estimated number of participants and their current activities, such as blocking traffic, the direction of any movement, and the availability and recommended ingress and egress routes for emergency vehicles;
- e. Avoid taking any independent actions to impede or restrict the protected rights of peaceful assembly, free speech, or petitioning for the redress of grievances, unless articulable exigent circumstances exist;
- f. Consistent with the AFEPO, when a demonstration begins to occupy a portion of the street, accommodate the incident or event by closing a segment, lane, or portion of the street when doing so will not jeopardize the participants or unreasonably inhibit the flow of traffic on a major traffic route;
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6 2-39-5

Crowd Management

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- b. Act and respond to participants with a neutral demeanor;
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- d. Establish a command post and staging area for additional resources, and ensure that all assigned personnel know the location of, and response route to, the command post;
- e. Ensure that pedestrian and vehicular traffic are re-routed around and away from the incident or event.
- e.f. If necessary, based on articulable and reasonable facts and circumstances, ~~on-scene sworn personnel shall:~~
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 - ii. Plan for and prevent attempts to assist or augment the number of incident or event 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.
- f.g. Notify the Public Information Officer (PIO);
- g.h. Ensure AFR and EMS personnel are dispatched and respond to the staging area;
 - i. On-scene FSB supervisors shall provide adequate security to AFR and EMS personnel in the performance of emergency tasks.
- h.i. Provide support and relief to personnel so that they receive meal and rest breaks, as appropriate, given the situation and local conditions;
- h.j. Provide ongoing updates to ECC regarding conditions on-scene;
- j.k. Use their on-body recording devices, consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices (OBRD) for sanction classifications and additional duties); and
- k.l. Photograph any injuries sustained by participants, community members, or sworn personnel to document the condition of those individuals.

N/A

4 C. Once ERT arrives on-scene, the ERT Lieutenant shall take command of the incident or event, consistent with SOP Emergency Response Team (ERT).

7 2-39-6 Reporting Requirements

A. On-scene FSB sworn personnel shall:

1. Write a Uniform Incident Report if there is criminal harm to persons or property as a result of the demonstration or civil emergency; and

N/A

2. Report their use of force consistent with SOP Use of Force: Reporting by Department Personnel (refer to SOP Use of Force: Reporting by Department Personnel for sanctions classifications and additional duties).



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- B. If a call for service is generated and the ERT is not activated, the on-scene FSB supervisor in command shall complete the Demonstration Post ~~Assembly or Gathering Post-Form for Non-ERT Call-Out (PD 3116)~~.

REDLINED