COMMONWEALTH OF MASSACHUSETTS

MPTC

Municipal Police Training Committee

In-Service Training

Freedom of Assembly & Crowd Management

Version: A2025

INSTRUCTOR LESSON PLAN

The Municipal Police Training Committee (MPTC), an agency of the Executive Office of Public Safety and Security (EOPSS), serves the Commonwealth by establishing training standards, oversight, and policy guidance for policing professionals.

Title:	Freedom of Assembly & Crowd Management
Version:	A2025
Course Purpose:	To provide law enforcement officers with the information and training needed to balance the freedoms of speech and assembly against public safety in ways that are procedurally just.
Length:	3 hours
Learning Objectives:	By the end of the lesson, participants will be able to: 1. Explain the dynamics of protests, social movements, and gatherings. 2. Identify police responsibilities and best practices for responding to mass gatherings. 3. Evaluate how to preserve the right to assemble while maintaining public safety.
Course Sequence	Introduction, Protests, Movements, and Gatherings (50 minutes) Police Response to Gatherings (50 minutes) Tactical Decision Exercise (50 minutes)
Instructional Methods:	Direct Instruction (Lecture) Individual Reflection Cooperative Group Work Video Analysis Open Discussion
Case References:	*Cox v. New Hampshire,* 312 U.S. 569 (1941). *Desrosiers v. Governor*, 486 Mass. 369, 390-391 (2020)
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INSTRUCTOR NOTES

1. Delivering instructor for this section must have an active Defensive Tactics or Firearms instructor certification or be a supervisor with five (5) years of law enforcement experience and have taken the 3-Day Tactical Instructor Development course. For lessons taught at MPTC-operated academies, instructors must also have an active state contract at the time of instruction. Instructors at operated academies without an active state contract at the time of instruction will not be paid.
2. Instructors should use and refer to the Massachusetts District Court Criminal Model Jury Instructions when describing Massachusetts General Laws (MGL) elements. The document is available online.
3. Instructors must use the "Instructor" lesson plan and deliver the lesson in its entirety. Instructor NOTES are inserted throughout the lesson plan to choreograph delivery and ensure content is presented as intended and within the prescribed timeframe.
4. Opportunities for facilitated discussion are provided throughout the lesson. Key takeaways are included with these discussion questions to clarify the purpose of the facilitated discussion. The takeaways help instructors confirm that participants understand the key ideas presented.
5. Instructors are encouraged to share relevant personal work experiences to help illustrate concepts in the lesson. Instructors should be mindful of the time allocated to the lesson so that all material in the lesson plan is presented.
6. "Version" numbers are used to identify the most current In-Service lesson plans, visual aids, and handout materials. Instructors must confirm they have the most current materials for delivery by checking MPTCtraining.com.

ICONOGRAPHY


Corresponding Slide Title


Video


Sound Clip


Instructor Note


Facilitated Discussion


Refer to Handout

INTRODUCTION



Introductions

Instructors should introduce themselves and share their professional backgrounds.

Explain and emphasize that the primary goal of this training is to provide law enforcement officers with the information and training needed to balance freedoms of speech and assembly against public safety in ways that are procedurally just.



Learning Objectives & Learning Objectives cont'd

Review the course objectives with participants. By the end of the lesson, participants will be able to:

1. Explain the dynamics of protests, social movements, and gatherings.
2. Identify police responsibilities and best practices for responding to mass gatherings.
3. Evaluate how to preserve the right to assemble while maintaining public safety.



Why Here? Why Now?

According to the Carnegie Endowment For International Peace, a group that tracks global protests since 2017, as of March 2024:[1]

- There have been over 400 significant antigovernment protests worldwide
- More than 132 countries have experienced large-scale protests
- 23% of significant protests have lasted more than three months

The Carnegie Endowment groups what they call "police brutality protests" as one phenomenon. If you break that protest down further, you see it fueled by a perfect storm of unemployment, COVID lockdowns, and longstanding grievances against law enforcement. Estimates of the number of people who participated in the 2020 "police brutality protests" range from 15 to 26 million people. Some scholars argue it is the largest protest movement in American history.[2]

[1] Carnegie Endowment for International Peace. (2024, March 6). Global protest tracker. https://carnegieendowment.org/publications/interactive/protest-tracker.
[2] Buchanan, L., Bui, Q., & Patel, J. (2020, 3 July). *Black lives matter may be the largest movement in U.S. History.* New York Times. https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html.

The 2020 election, one of the most momentous in American history,[3] occurred amid nationwide demonstrations and culminated with the January 6 assault on Capitol Hill. Three years later, 749 federal defendants have had their cases adjudicated and received sentences for their criminal activity on that day. Approximately 467 have been sentenced to periods of incarceration, and 154 defendants have been sentenced to a period of home detention.[4]

In addition, between October 2023 and March 2024, more than 6,000 pro-Palestine protests over the Gaza conflict took place in 802 localities across the United States, with at least 1,209,054 participants. During the same period, 322,322 people participated in 897 pro-Israel events across 338 localities.[5]

2024 is an election year in a polarized nation. Officers need to be ready to protect life and property in procedurally just ways while preserving the bedrock freedoms of speech and assembly.

PROTESTS, MOVEMENTS, AND GATHERINGS

OBJECTIVE 1: Explain the dynamics of protests, social movements, and gatherings.

Responding to Mass Gatherings

Under the First Amendment, people have a right to freedom of assembly. This includes public demonstrations, protests, and marches. Unrest or civil disorder can occur quickly with any size crowd. Officers must understand the dynamics of crowd behavior because they are responsible for maintaining public order. Understanding these dynamics prepares officers to act quickly to resolve situations before they become a public safety hazard.

Right of the People to Peaceably Assemble

The First Amendment, ratified by the states in 1791, reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[3] Shulman, B. (2020, November 4). *BU historian: 2020 presidential election a 'momentous episode in the story of American democracy.'* Bostonia Magazine. https://www.bu.edu/articles/2020/historic-2020-presidential-election/
[4] United States Attorney's Office, District of Columbia. *Three years since the Jan 6 attack on the Capitol.* Department of Justice. https://www.justice.gov/usao-dc/36-months-jan-6-attack-capitol-0.
[5] Crowd Counting Consortium. (n.d.). Israel/Palestine Protest Data Dashboard. *Counting Crowds.* https://countingcrowds.org/.

When the Bill of Rights, the first ten amendments to the Constitution, were being drafted, some representatives in Congress believed the freedom of assembly should be omitted from the proposed First Amendment because it was too trivial. Another representative responded that without the freedom of assembly, every other right in the Bill of Rights could be taken away.[6]



Freedom of Assembly

The Supreme Court has made clear that governments may restrict the time, place, and manner of assemblies, but that may not be used as a pretext to prevent people from peaceably assembling. *Cox v. New Hampshire* (1941).

"States may impose reasonable restrictions on the time, place or manner of protected speech and assembly 'provided the restrictions' are justified 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'" (citations omitted). *Desrosiers v. Governor*, 486 Mass. 369, 390 -391 (2020).

To determine what reasonable time, place, or manner restrictions may be appropriate, cities and towns may require event organizers to obtain a permit. Permit applications typically require information about the time, place, expected number of attendees, organizer, and details about the assembly. This information can then be used by the city or town to take appropriate steps ensure to the safety of everyone involved during the gathering.



Types of Crowds

There are three (3) common types of crowds:

1. **Event-based** crowds are groups of people attending a scheduled sports game, concert, fair, or other gathering where attendees are connected by the common event. Event-based crowds also include groups of people who gather spontaneously for crime scenes, traffic crashes, or other circumstances that pique people's interest.
2. **Public demonstrations** are lawful crowds of people engaged in First Amendment activities. They include assemblies, marches, or protests.
3. **Civil disturbances** are crowds that violate established state and local laws. They include threats to public safety, violence, destruction or theft of property, and riotous behavior.



Protests vs. Social Movements[7]

[6] Monk, L. (2015). *The Words We Live By: Your Annotated Guide to the Constitution.* Stonesong Press.
[7] *Sociology: Understanding and Changing the Social World.* (2016). University of Minnesota Libraries. https://pressbooks.howardcc.edu/soci101/chapter/21-3-social-movements/.

What's the difference between a protest and a social movement? The key difference between a protest that rallies for a cause and a social movement, a.k.a. "mass movement," is the level of organization, duration, and tactics. A social movement may be defined as:

> *An organized effort by a large number of people to bring about or impede social, political, economic, or cultural change.*

Social movements work outside established systems and engage in protests, including demonstrations, picket lines, sit-ins, and sometimes violence. Put another way, social movements are "politics by other means" because they lack the resources and access that interest groups have.[8]

There are three types of social movements:[9]

1. **Reform:** seeks limited but significant changes to a nation's political, economic, or social systems. Examples: the New Deal, Civil Rights Movement, the "Reagan Revolution"
2. **Revolutionary:** overthrow an existing order to establish a new order or way of life. Examples include the American Revolution and the Civil War.
3. **Reactionary**: block social change or reverse social changes that have been achieved. Examples: Antiabortion movement and Occupy Wall Street.



Protests vs. Social Movements

Here are the general differences between protest and social movements:[10]

	Protests	Social Movements
Duration	Short-lived	Long-term
Organization	Spontaneous. If organized, the goal is mobilization	Organized with formal structures, hierarchy, and communication
Tactics	Highly visible (blocking traffic, occupying public spaces, etc.)	Varied (lobby, organize, protest, campaign, civil disobedience)

[8] Gamson, W.A. (1990). *The Strategy of Social Protest.* Wadsworth.
[9] *Sociology: Understanding and Changing the Social World.* (2016). University of Minnesota Libraries. https://pressbooks.howardcc.edu/soci101/chapter/21-3-social-movements/.
[10] Meyer, D. (2014). *The Politics of Protest: Social Movements in America* (2nd Ed.). Oxford University Press.

Size	Varies with cause and media coverage	Large; include members and allies
Goals	Immediate and specific	Substantive, long-lasting changes



A Night at the Garden



Video - A Night at the Garden (7:05 minutes)

In 1939, 20,000 Americans rallied in New York City's Madison Square Garden to celebrate Nazism and America. The short film, A Night at the Garden*, was made entirely from archival footage filmed that night.*

Counter-protesters assembled outside. The New York City Police Department deployed 1,700 officers, which the police commissioner noted was enough "to stop a revolution." While New York City Mayor LaGuardia despised the group, he, along with the American Jewish Committee, supported the right to rally, exclaiming, "If we are for free speech, we have to be for free speech for everybody, and that includes Nazis."[11]



Facilitated Discussion

1. **How would you characterize the crowd? Is this a protest or a social movement?**

   Takeaways:

   - *The rally combines event-based and public demonstrations. Sometimes, mass gatherings combine different types of crowds. While protestors gathered outside, the banners, lights, sound, pomp and circumstance, coordination, matching uniforms, and the crowd saluting in sync indicated this was more than an impromptu gathering.*
   - *This is a social movement looking to overthrow the democratic government in favor of a fascist one that privileges certain groups over others.*

[11] Kramer, S.K. (2019, February 20). When Nazis took Manhattan. *NPR All Things Considered.* https://www.npr.org/sections/codeswitch/2019/02/20/695941323/when-nazis-took-manhattan.

2. **What stood out to you as you watched?**

   Takeaways:

   - *Answers will vary.*

3. **Is a hate rally protected by the First Amendment?**

   - *Yes. Protected speech includes spoken and written words, the act of not speaking, and symbolic conduct. The First Amendment also protects certain actions intended to convey meaning or symbolic speech.*
   - *In order to prevent potential public safety hazards, the government may require reasonable time and place restrictions in certain circumstances. The German American Bund organized the rally and worked with New York City government officials to ensure all requirements were met.*
   - *Peaceful protests against the government are protected unless the speaker is inciting the crowd to imminent violence or lawless action.*

4. **Assume this has occurred in Massachusetts. Could Isadore Greenbaum, the 26-year-old protestor who charged the stage, be charged with disorderly conduct?**

   - *Disorderly Conduct has three elements:*
     - *The defendant either engaged in fighting or threatening; or engaged in violent or tumultuous behavior; or created a hazardous or physically offensive condition by an act that served no legitimate purpose of the defendant's;*
     - *His actions were reasonably likely to affect the public; and*
     - *He either intended to cause public inconvenience, annoyance or alarm or recklessly created a risk of public inconvenience, annoyance, or alarm.*
   - *Greenbaum was arrested immediately and taken to the police station. He faced 10 days in jail unless he paid a $25 fine for disorderly conduct; his wife managed to scrape the money together.*
   - *At his arraignment, he explained, "I went down to the Garden without any intention of interrupting, but being that they talked so much against my religion and there was so much persecution I lost my head and I felt it was my duty to talk."*

- *"Don't you realize that innocent people might have been killed?" the judge asked.*
- *"Do you realize that plenty of Jewish people might be killed with their persecution up there?" Greenbaum replied.*
- *Two years later, the United States went to war with Nazi Germany. Greenbaum signed up, first serving as deck engineer and eventually attaining the rank of chief petty officer.*[12]



Motivations For Protest

Mass demonstrations occur for a variety of personal and social reasons rooted in practicality and psychology:[13]

1. Recruitment: Increase the size, awareness, and network of the group or cause.
2. Discontent with existing conditions: People hope for a better future by participating in a protest or joining a social movement.
3. Opportunity for action: mobilize time, money, and energy toward political action.
4. Thrill: the excitement of marching, chanting, and being part of something larger than oneself.

   Historian Eric Hobsbawm explains:

   > "Next to sex, the activity combining experience and intense emotion to the highest degree is the participation in a mass demonstration at a time of great public exaltation. …marching, chanting slogans, singing – through which the merger of the individual in the mass, which is the essence of the collective experience, finds expression."[14]



Crowd Dynamics

[12] Bump, P. (2019, Feb 20). *When Nazis rallied in Manhattan, one working-class Jewish man from Brooklyn took them on.* Washington Post. https://www.washingtonpost.com/news/politics/wp/2017/10/17/when-american-nazis-rallied-in-manhattan-one-working-class-jewish-man-from-brooklyn-took-them-on/.
[13] *Sociology: Understanding and Changing the Social World.* (2016). University of Minnesota Libraries. https://pressbooks.howardcc.edu/soci101/chapter/21-3-social-movements/.
[14] Hobsbawm, Eric. (2002). *Interesting Times: A Twentieth-Century Life.* Random House.

Because of the motivations for protest, mass demonstrations, and social movements, these mass gatherings can become dangerous:

- Police can be seen as the opposition and quickly lose their ability to connect with crowd members, even with people who planned to be peaceful.
- In large, emotional crowds, members may feel anonymous and believe they will not be identified by police for committing crimes or being disorderly.

POLICE RESPONSE AND RESPONSIBILITIES

OBJECTIVE 2: Identify police responsibilities and best practices for responding to mass gatherings.



Police Responsibilities

Police are responsible for maintaining public order and safety, which can be challenging when crowds are involved – whether large or small. Best practices when dealing with crowds include:

- Watching the crowd, not the sporting event, concert, or other event.
- Be fair and impartial. This is critical when crowds with opposing interests are present or when crowd beliefs conflict with the officers' beliefs.
- Ensure the safety of all people present. When a group is gathered to exercise their right to free speech, opposing views may be present, and opposing groups may arrive. Officers are responsible for the safety of both groups, regardless of the views being expressed.

  Safety tactics could include creating physical separation between groups with the use of officers, patrol cars, or traffic control devices. If this tactic is used, officers must ensure there is a means of egress for participants.
- Ensure crowd members follow all applicable laws and adhere to permit conditions.



Department Responsibilities

MGL c 6E § 14(e) and 555 CMR 6.08 require police departments to take certain actions when they have advanced knowledge of a planned mass demonstration. The department must diligently attempt in good faith to:

1. Communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officer and event participants; and

2. Discuss and establish logistical plans to avoid, or if necessary, to de-escalate potential or actual conflict between law enforcement and demonstration participants.

The department must designate an officer in charge of de-escalation planning and communication.



Crowd Management Tactics

To manage crowds effectively, officers must take steps to prevent members from developing an "us vs. them" attitude. To effectively manage crowds, officers should do the following:

1. Gather Information
2. Communicate, Especially with Group Leaders
3. Identify and Manage Risks
4. Conduct Targeted Interactions
5. Conduct Large Scale Interventions (Last Resort)



Gather Information

Gather as much information from group leaders as possible before and during an assembly:

- Motivation - What motivated the crowd to assemble?
- Culture - What do we know about the group? Have there been prior demonstrations? If so, were they well organized, were they peaceful, were they violent, is there a leader?
- Intentions - What does the crowd want to accomplish?



Communicate

- Talk with members before and during the event to decrease the risk of "us vs. them" attitudes from developing. Remain fair and impartial. Do not take sides or share personal beliefs with crowd members even if they are the same.
- Inform crowd organizers/leaders of safety precautions police are taking to monitor the assembly (separation logistics, etc.) and protect members.

- Clearly communicate expectations for assembly (e.g., times, locations, activities) before and during the event.
- Remind crowd members that police are present to ensure their safety and to protect their First Amendment rights.



Identify and Manage Risks

- Monitor the crowd to identify volatile members or potential situations that may lead to violence or disorder.
- To minimize group members' feelings of *anonymity*, call people out by name when they are known or use video (e.g., a body-worn camera) to record crowd member conduct. Make it known to the crowd that you are recording.
- You are likely being recorded—use that to your advantage. Give clear instructions, provide ample time to comply with your directions.
- Collaborate with crowd organizers or group leaders to prevent disorder or stop it as quickly as possible.
- Diplomacy is preferred when possible. Use de-escalation techniques discussed in the prior training to quell or prevent conflict.



Conduct Targeted Interactions

- Communicate expectations directly to crowd members who are creating a public safety hazard or not following permit requirements.
- Do not treat all crowd members equally by the actions of one. This can be interpreted by crowd members as unfair and perpetuates an "us vs. them" attitude.
- Target and remove specific criminal behavior with minimal intrusion into crowd activities.
    - Making targeted arrests requires timing and adequate resources. In some cases, it may be safer and more effective to wait for targeted members to move outside or away from the crowd before making contact.
    - Never walk into an unstable or hostile crowd alone to make an arrest. Request ample backup and develop an action plan first.



Conduct Large Scale Interventions (Last Resort)

Additional equipment and personnel resources are generally needed when large crowds become disorderly, violent, or commit crimes.

Common tactics used by police to manage and disperse large crowds include:

1. **Communicating police intent to take action:**

   Use a public address system to announce forthcoming police action or consequences for a failure to disperse.

   Communicating intent to take action helps reduce the crowd size before necessary action is taken. When possible or practical, seek assistance from group leaders to communicate the message to disperse.

   According to MGL c. 269 § 1, "if 10 or more persons, whether armed or not, are unlawfully, riotously, or tumultuously assembled, an officer may **in the name of the commonwealth command all persons so assembled to immediately and peaceably disperse**." Failure to "immediately and peaceably disperse" is an arrestable offense.

2. **Demonstrate a show of force.**

   Demonstrating a show of force may be necessary in certain circumstances.

3. **Take action to disperse the crowd.**

   De-escalation of a crowd without the use of force is always preferred, but it is not always possible. Officers must be prepared, in appropriate situations, to use force to protect the safety of people present.

   555 CMR 6.08 states: a law enforcement officer **shall not** discharge or order the discharge of tear gas or any other 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.

   The department is required to report to the Massachusetts Peace Officers Standards and Training Commission whenever an officer uses or orders the use of tear gas or any other chemical weapon, rubber pellets, or a dog against a crowd.

4. **Disperse the crowd and make arrests.**

   Massachusetts law criminalizes specific actions related to unlawful gatherings, destruction or damage to property, or disruptions. Officers can consider charging individuals when there is probable cause to believe that a crime have been committed; however, officers are not required to charge individuals when probable cause exists. Officers must exercise their discretion when deciding whether to press charges.

   Potential relevant charges include, but are not limited to:

   - Disorderly conduct (MGL c 272 § 53)
   - Disturbing the peace (MGL c 272 § 53)
   - Interfering with a police officer (common law offense – see Model Jury Instructions for District Court 7.370)
   - Resisting arrest (MGL c 268 §32)
   - Trespass (MGL c 266 § 120)
   - Vandalism (MGL c 266 § 126A)
   - Wanton or malicious destruction of property (MGL c 266 §127)
   - Destruction of a house of worship, cemetery, or school (MGL c 266 § 127A)



Use of Force and Crowd Management

Throughout this lesson, we covered best practices and different tactics officers may use when dealing with crowds. Officers must also understand the laws that govern the use of force with respect to crowds. 555 CMR 6.08 contains specific language about the use of force that applies to crowd management.

555 CMR 6.08 states:

> (1) A police department shall establish plans to avoid and to de-escalate potential or actual conflict between officers and mass demonstration participants. When a police department obtains advance knowledge of a planned mass demonstration within the police department's jurisdiction, the police department shall diligently attempt in good faith to:
>
> > (a) communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants, and

(b) discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants.

(2) The department shall designate an officer in charge of de-escalation planning and communication to carry out the above plans within the department.

(3) A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device or order the release of a dog to control or influence a person's behavior unless:

(a) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and

(b) the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets or dog is proportionate to the threat of imminent harm.

(4) If a law enforcement officer utilizes or orders the use of kinetic impact devices, rubber bullets, electronic control weapons, conducted energy devices, tear gas or other chemical weapon or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the Commission detailing all of the 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 said weapons, including a detailed justification of why use of said weapons was objectively reasonable.

(5) Canines should not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilian personnel.

(6) The use of Kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

Kettling is defined in the CMR as: confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

TACTICAL DECISION EXERCISE

OBJECTIVE 3: Evaluate how to preserve the right to assemble while maintaining public safety.



Activity –Tactical Decision Exercise



For this activity, divide the class into groups of 4-6. The easiest way to do this is to make groups using the classroom tables. Have the rows turn around to join those sitting behind them. There are six scenarios. Depending on your class size, you might be able to have six groups. For larger classes, have 12 groups, two for each scenario, but one group is assigned the Round 1 scenario and the other the Round 2 scenario. Instructors should use their discretion to decide how to best facilitate this. You may also opt to have the supervisors in the room join together in their own group.

Instructors should not facilitate these scenarios as a large class. The goal of the activity is to have the participants engage with one another and work through the scenario. This gives participants the opportunity to actively engage in the learning process and will help begin shifting the culture of training away from receiving information passively toward active and critical engagement.



Activity – Tactical Decision Exercise Round 1

DIRECTIONS:

- ✓ *Assign each group a scenario. For Round 1, distribute copies of their scenario to the groups.* ***DO NOT DISTRIBUTE Round 2 scenarios until after Round 1 is complete.***
  - ➢ *For larger classes, assign two groups the same scenario but assign each group the Round 1 or Round 2 version. The Round 2 group will get a "bye" during Round 1 and respond during Round 2. The second group will need copies of Round 1 and Round 2 scenarios.*

- ✓ *All groups have the same set of instructions atop their Scenario sheets:*

  <u>DIRECTIONS:</u> Read the scenario with your group. Using only the provided details, discuss the scenario, and formulate your actions.

  While your event is occurring, a large-scale investigation is taking place on the other side of your municipality. There will be no supervisor available for the next 20 minutes. Make some decisions!

- ✓ *Groups will discuss their provided scenario and be ready to share the actions they would take and why. (5 minutes)*
- ✓ *Groups brief the rest of the class on their scenario and share their plans. (5 minutes/group)*
- ✓ *Instructors should invite the other groups to share questions, comments, and reactions. These could include whether anyone would do anything different, any steps that are missing, or questions they might pose to the group. Instructors should also enrich the discussion by posing the questions provided below each scenario to prompt critical thinking among the officers (2-5 minutes).*

Scenario 1 – Protest/Counterprotest

You are the sector car dispatched to a report of a large group gathering in the town common. Upon arrival it appears that this impromptu gathering is a reaction to the ongoing conflict in Gaza. There are about 25 people, many of whom are holding signs reading “Free Palestine,” “No more genocide,” and “End Israeli apartheid.” Across the common, a small group of 3-4 individuals is beginning to gather. One is holding a large Israeli flag and pointing at the protesters.

Takeaways:

- *Request additional units.*
- *Identify who the leaders are of each side. Ask what their plans are for today.*
- *Explain your role. As an officer, you do not take sides but preserve the right to express opinions while ensuring no one gets hurt.*
- *Try to keep the two groups separate.*

Scenario 2 – Exposition/Fair

While working the detail at the Exposition/Fair at the public fairgrounds, security asks you to respond to the livestock exhibit. They report that a group of animal rights activists has blocked access to the exhibit and is refusing people entry. When you arrive, you see their arms are interlocked together. A person with a bullhorn is making allegations about animal abuse. A crowd is beginning to gather and watch.

Takeaways:

- *Requesting additional units.*
- *Identify the leader and determine their plans.*
- *Encourage the people watching or gathering to step back to minimize the audience size.*
- *Contact fair management; if possible, request them to the scene. Ask what their wishes are.*

Scenario 3 – Parade

You are a detail officer working the pride parade. The parade is being organized by the group Pride for the People, a private organization. At the staging area, you notice a heated discussion between the parade organizer and a group of 20 people. You ask what is happening and are told the group is comprised of Super Happy Fun America members. They are looking to march in the parade as a symbol of their "white pride" but are being refused entry into the parade. The group is wearing masks and gloves.

Takeaways:

- *Identify the involved parties.*
- *Explain to the SHFA leader that this is a private parade and that if the organizer refuses them entry, that is their right as an organization.*[15]

Scenario 4 – Championship Sporting Event

You are working a detail at the local high school's league championship football game. It has been a close game, with questionable calls that have charged the crowd's energy. After the game, students, parents, and other spectators supporting the winning team storm the field and celebrate. After 15 minutes, the Athletic Director for the host school wants the crowd dispersed so she can turn the lights off and secure the facility.

[15] See *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*, 515 U.S. 557 (1995).

Takeaways:

- *Have the Athletic Director announce over the PA that they need to lock the facility up and people need to vacate the field. The lights will go off in X minutes (a reasonable amount of time for people to heed the instructions).*
- *You could also speak to the Athletic Director about their unreasonable expectations after such a momentous event.*

Scenario 5 – Political Event

You are working a detail at the local polling station, stationed inside the gymnasium. Someone comes up to you and tells you there is a "commotion" in the parking lot. Upon walking out, you see a large crowd clearly divided into two camps yelling and screaming at each other. You learn that a woman got into a verbal altercation with one of the sign-holders across the street after she parked her car. They shouted disparaging comments back and forth at each other. The sign holder then crossed the street, entered the parking lot, and confronted the woman as she was about to enter the doors to the polling station. An election worker came outside and told the sign-holder that he needed to return to the picket area across the street. The sign-holder accused the election worker of taking sides and refused to leave. The other 15-20 sign-holders left their signs across the street, surrounded the election worker and the sign-holder, and began shouting.

Takeaways:

- *Call for additional units.*
- *The detail officer should speak with the Election Warden on site as to their orders.*
- *It is important to remain neutral and not show any bias toward either side. Emphasize to the crowd that any enforcement is based on their actions.*
- *Possible offenses:*
    - *Assault (M.G.L. c. 265 § 13A)*
    - *Violating the 150-foot rule (M.G.L. c. 54 § 65), which prohibits any poster, placard, picture or circular intended to influence the action of the voter from being posted, exhibited, circulated or distributed in the polling place, in the building where the polling place is located, or within 150 feet of the building entrance door.*

- *Obstructing Access to a Polling Place (M.G.L. c. 54 § 71)[16] if an election official deems that the crowd is blocking access.*

- *The Massachusetts Secretary of State provided the following guidance to law enforcement when enforcing the 150-foot rule:[17]*

> *The police officer or constable detailed to each polling place assists, when requested, the election workers and aids in enforcing the laws relating to elections. The presiding officer may direct the constable or police officer stationed at the polling place to enforce any and all of the presiding officer's lawful orders. Further, they may request that the police officer take into custody and person who, by disorderly conduct, interrupts or disturbs the proceedings of the election or the work of an election officer or worker. The constable or police officer must enforce lawful orders as directed by the presiding officer. The constable or police officer may only enforce lawful orders given by the presiding officer and may not otherwise act independently unless it relates to matters unrelated to election laws.*

Scenario 6 – Private Property

It is 10:30 PM on a Saturday night. You are dispatched to the McMansion Estate's subdivision on the report of a large gathering in a backyard with live music playing. Upon arrival, you see cars parked legally on both sides of the street. You estimate 40-50 cars. You encounter 7-8 people, in their 30s, in the front yard drinking from Solo cups. They explain that it's their friend's wedding, who is the daughter of the homeowner. You hear a band playing loudly in the fenced-in backyard and hear people singing along.

Takeaways:

- *You cannot enter the home or the backyard. Some might argue that it is an ongoing disturbance that must be quelled. But, at this point, you have not attempted to quell it and thus cannot yet enter the home.*

- *You need to get in touch with the homeowner. Direct the individuals you encounter to go and get the homeowner and have them come up and speak with you.*

[16] MGL c 54 § 71 states: the presiding officer at each polling place shall enforce the performance by election officers of their duties. During an election and the counting of the ballots after the close of the polls, he shall have authority to maintain order and to enforce obedience to his lawful commands, in and about the polling place and to keep the access thereto open and unobstructed, and he may require any police officer, constable, or other person to communicate his orders and directions and assist in their enforcement.

[17] Election Order #20-12. (2020). https://www.sec.state.ma.us/divisions/elections/download/advisories/Election-Advisory-20-12-Electioneering-and-the-150-ft-Rule.pdf

- *Call for additional units and have them stage.*



The purpose of Round 2 is to reinforce that circumstances can shift quickly during these types of situations. Officers should not get fixated on a proscribed course of action but, instead, think critically about the circumstances confronting them and change tactics as needed. During a complex situation, officers must analyze the problem, determine a flexible and adaptive course of action in line with department policy and legal requirements, reevaluate, and change course as needed to minimize risk and try to achieve the desired outcome.



Activity – Tactical Decision Exercise Round 2

DIRECTIONS:

- ✓ *Distribute Round 2 scenarios to their respective groups. Round 2 poses a changing circumstance to the existing scenario.*
- ✓ *Give them 3-5 minutes to discuss how they would respond to the changing circumstances.*
- ✓ *Have them present the changing circumstance to the class and how they would handle it.*
- ✓ *Instructors should invite the other groups to share questions, comments, and reactions. These could include whether anyone would do anything different, any steps that are missing, or questions they might pose to the group. Instructors should also enrich the discussion by posing the questions provided below each scenario to prompt critical thinking among the officers (2-5 minutes).*

Scenario 1 – Protest/Counterprotest



1977 Pulitzer Prize; Stanley J. Forman, *Boston Herald American*

The man with the Israeli flag crosses the boundary line you established, holding it as a spear, and is walking quickly towards the Pro-Palestinian protestors.

Takeaways:

- *You need to stop the imminent physical attack.*
- *You could charge the individual with Assault with a Dangerous Weapon.*
- *Options available to you include seizing the flag and pole as evidence. Would it be appropriate to take the flag off the pole, return the flag to the group, and keep the pole as evidence?*

Scenario 2 – Exposition/Fair

Fair managers want the protestors removed, but the group is passionate about its cause, refuses to move, and continues chanting at the crowd.

Takeaways:

- *Wait for more officers.*
- *Direct the fair management to tell the protestors to leave and give them an opportunity to do so.*

- *Explain to the protestors that they have been told to leave. By law, they have to leave. If they refuse, they are subject to arrest for trespassing.*
- *Utilize your de-escalation and defensive tactics training as appropriate.*

Scenario 3 - Parade

The leader claims that if they are denied their right to march, they will "shout down the parade from the sidelines."

Takeaways:

- *You will need to request additional officers to the areas along the route where the group assembles to monitor their activity and ensure public safety.*

Scenario 4 – Championship Sporting Event

While many spectators did leave, still on the field after the lights are out are a mix of 35 parents, students, and other spectators. They insist they are just celebrating and that you can't take that away from the kids.

Takeaways:

- *Approach the crowd with other officers and attempt to direct them towards exits.*

Scenario 5 – Political Event

The belligerent sign-holder continues to argue the fact that everyone is taking the woman's side because of the candidate she supports. He refuses to move.

Takeaways:

- *You should ask the Election Warden what they would like to see happen.*
- *If the Warden tells him to get back or leave, or if you advise them of the Warden's wishes, and the person refuses to move back to the 150-foot area or leave, he could be arrested for Trespassing and/or Disorderly Conduct.*
- *Additional units should (hopefully) be on the scene at this point to assist with crowd management.*

Scenario 6 – Private Property

The homeowner comes out. He is very cordial and explains that it's his only daughter's wedding, the band will be done by 1 AM, and people will be "pretty much gone" by 2 AM.

He says he has a permit from the town. He retrieves it. Upon examination, you see that the permit approves the temporary use of a tent.

Takeaways:

- *Congratulate the homeowner on the happy occasion. However, instruct the homeowner to stop the music and that guests need to be quiet for the night.*
- *If he refuses for any reason, remind the homeowner that the wedding reception can continue but needs to be quiet.*
- *You may also want to consider whether your municipality has any by-laws or ordinances related to live music or noise.*



Conclusion

Today, we:

1. Explained the dynamics of protests, social movements, and gatherings.
2. Identified police responsibilities and best practices for responding to mass gatherings.
3. Evaluated how to preserve the right to assemble while maintaining public safety.

Crowds can behave in varied and unpredictable ways, but officers are always responsible for protecting First Amendment rights and public safety.

To effectively manage crowds, police must be visible, communicate effectively, and conduct targeted interventions when needed. When crowd members see police as fair and legitimate, the risk of disorder and violence is reduced.

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