



# Protest and Riot Response 2020 — Lessons Learned

BY TRAVIS NORTON

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The George Floyd incident in May sparked protests, riots and looting across the country. Many agencies were unprepared for these events due to a lack of experience and planning. Leaders added to the problem by failing to provide responding officers with the commander's intent and the desired end state. The employment of impact munitions has been an additional source of controversy as numerous protestors and rioters were struck in the face or head, causing severe injuries.

Agencies can mitigate these problems by properly planning, training, providing rules of engagement for officers, and implementing lessons learned in future training, planning, and operations. It also is crucial for protest planners to understand the use of the negotiated model and its role in protest planning. This article will focus on these lessons learned and provide recommendations to improve law enforcement's future response efforts. Undoubtedly, protests and riots will continue in the near future, and law enforcement cannot afford to lose legitimacy with the communities they serve by responding poorly.

## THE NEGOTIATED MODEL

Protest policing styles changed from the 1960s and '70s to the 1980s and beyond. In the '60s and '70s, police used "escalated force" in which any show of force by a crowd was met with overwhelming force in return.<sup>1</sup> This police protest style relies on micro-managing demonstrations to stop any disorderly or illegal activity during a protest. It sets strict guidelines on acceptable behavior, and there is little negotiation with demonstration organizers. This style also relies on increased confrontation and force levels in response to minor violations of rules established for the event.<sup>2</sup>

Due to growing violence at protests during the 1960s and '70s and the "escalated force" model's failure, a new philosophy of "negotiated management" emerged. This philosophy's foundation is better cooperation between police and protesters, avoiding arrests, and limiting the use of force to situations where violence occurs.<sup>3</sup> In this model, force is used only when there is an imminent threat of violence or property destruction.

Despite the current anti-police climate, the negotiated model has proven successful on numerous occasions throughout the country. However, in circumstances where protest leaders will not negotiate with police, the response will be based on the circumstances and behaviors police experience from the crowd.

In the past, the focus of protests has not been law enforcement, which meant officers were not the target of participants' emotions. However, the death of George Floyd changed that, and now protestors' emotions are aimed directly at officers. Many agencies realized that uniformed officers incite crowds, especially if they don riot gear during a peaceful protest. Contrarily, less police presence can calm crowds and lead to fewer acts of violence.

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A Dallas Police Department after-action report noted that moving police traffic control points out of sight of protesters succeeded in not inciting the crowd and lessening the possibility of confrontations.<sup>4</sup> In these circumstances, agencies should stage their Mobile Field Force (MFF), SWAT team, and Quick Response

Teams (QRT)<sup>5</sup> out of sight during peaceful protests. This posture will mitigate the chances of inciting a peaceful crowd but ensure they are nearby should the event turn violent, such as in Chicago on July 17, 2020.<sup>6</sup>

**THE LACK OF PROTEST RESPONSE PLANNING**

Pre-plans lack the situational awareness for implementation but are of great value for identifying resources, contacts and contingency planning. In the context of protests, written pre-plans outline the commander's intent, command structure, rules of engagement, how detentions and arrests are to be made, and contingencies. Many agencies who experienced protests and riots had no pre-plans and were hastily preparing plans as the events unfolded.

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### THREE DIFFERENT CROWD DYNAMICS

While protests and riots occur in several forms, there are three primary ways they have unfolded recently. The first is when violent agitators are embedded in a peaceful protest crowd, causing serious issues for law enforcement due to the density of the crowd and other associated factors. The second is when protestors and looters arrive separately from the peaceful protest and begin committing violent acts. The final is a crowd that begins rioting very early after assembling. These riots are transpiring primarily at night and it appears they are planned and not spontaneous.

**Violent agitators embedded in the crowd:** Violent agitators who embed themselves in peaceful crowds pose unique challenges for

law enforcement officers. Police often see these violent agitators but mistakenly generalize their behavior to the entire crowd.<sup>7</sup> When police respond in this manner, it provokes individuals who were not involved in any violence. If this happens, complaints are likely to be, “We weren’t doing anything wrong and the police attacked us.”<sup>8</sup> To counter this issue, agencies should develop plans to target violent individuals and respond to their behavior instead of the entire crowd. As with any critical incident, the tactics used to address the embedded violent protestors will be context dependent.

**Violent agitators arriving separately from the peaceful protest:** Several agencies were caught off guard when looters and rioters arrived in their jurisdictions without

their knowledge. In one incident, peaceful protesters marched while organized looters moved into the city and focused on plundering targeted businesses. The lack of an effective intelligence cell was a major contributing factor to officers’ inability to quickly and effectively identify and address the looters. The arrival of the looters surprised the agency, and they were unprepared to address this serious problem.

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To prevent the surprise factor, the early identification of violent agitators and their transportation methods should be a priority intelligence requirement. Officers placed near the protest and strategically critical areas can identify these violent agitators. For example, officers in elevated positions can identify suspicious persons who can be detained by plainclothes officers. Mobile surveillance units can also assist with the early identification of agitators.

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In addition, uniformed officers and traffic control units can manage the peaceful protestors while the mobile field force (MFF) is out of sight but prepared for any violence at the protest. The MFF should not be split into a smaller force to address small pockets of violent agitators because their focus of effort is to respond to the protest should it turn violent. If rioters or looters arrive, the previously mentioned QRTs can respond to address any targeted areas of violence. Keeping these three entities separate can assist an IC by not having to split their uniformed officers and MFF to address rioters or looters who are not involved in the protest.

**Riots:** The last example focuses on crowds that assemble, mostly at night, and begin rioting almost immediately after gathering. Lessons learned from these occurrences indicate proper planning, an organized mobile field force, clear commander's intent, good

communication, arrests of primary agitators, and a curfew were successful in ending acts of violence, sometimes quickly. Also recommended is coordinating with the district attorney's office to determine what crimes they will prosecute; having a deputy district attorney in the command post for coordination also can be beneficial.

In one riot, the incident commander requested patrol officers to support the overwhelmed MFF. Upon arrival, the patrol officers augmented the MFF with 40mm launchers and impact munitions. Unfortunately, these officers were not given a mission or supervision, causing span of control and indiscriminate employment of impact munition issues for MFF supervisors. Moreover, the patrol officers' lack of training and supervision was evident as they had difficulty working with the MFF, causing coordination difficulties. A lesson learned in this situation is to ensure all patrol officers have MFF training, they are assigned a supervisor, and their equipment is ready.

### **LACK OF LEADERSHIP AT THE STRATEGIC LEVEL**

A review of numerous events reveals poor leadership at the strategic level. Leaders failed to provide the commander's intent and the end state,<sup>9</sup> which provide the essential focus to concentrate activities and facilitate coordination. Without them, an event will begin to run on its own inertia and create self-induced friction. One explanation for these problems is that recent protests and riots happened quickly, sometimes with little warning, and many agencies were caught off guard and have little to no experience with protests and riots.

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### **IMPACT MUNITION EMPLOYMENT ISSUES**

Law enforcement agencies will lose the use of impact munitions during riots if they do not get a handle on the face/head strikes and indiscriminate employment incidents. Since the George Floyd incident, there have been 115 face/head strikes with impact munitions during riots and protests.<sup>10</sup> There is no less-lethal training program in the country that teaches officers to strike a suspect in the face or head with an impact munition unless there is a deadly force threat. Instructors teach officers to avoid the head, neck, and spine. A review of videos taken by protesters, officers and the media, and interviews with officers involved in these incidents, helps diagnose why the face/head hits are happening. This research reveals several explanations that help inform mitigation measures to stop future occurrences. The primary reasons these incidents are occurring include:

- **Density and violent agitators embedded with peaceful protestors.** Density increases the complexity of a tactical problem. The more people, vehicles, and buildings there are, the more decisions need to be made. During protests, density is a factor when violent agitators are embedded in a peaceful crowd, causing unique law enforcement challenges. Law enforcement should take extreme caution when employing impact munitions under these circumstances. Due to the density, the probability of striking an innocent bystander is very high. In one incident, a reporter was struck in the throat after an impact munition bounced off its intended target.<sup>11</sup> To mitigate this problem, move the decision-making authority (DMA) to employ impact munitions up one level to a sergeant.

- **Changing crowd dynamics.** When an officer employs an impact munition, the intended target might have moved by the time the round reaches that target. Because crowds

are dynamic by nature, with people consistently moving, accidental hits have occurred. Moving the DMA to a sergeant will mitigate this problem.

- **Inconsistent flight characteristics.** The flight characteristics of impact munitions are not consistent, and as a result, officers might miss their intended target. An additional factor is the careless storage of impact munitions, which can damage the rounds and change the flight characteristics. Inspect all impact munitions for damage and store them according to manufacturer’s specifications.

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- **Indiscriminate employment.** Numerous indiscriminate employments of impact munitions have occurred, sometimes causing severe injuries to protestors and rioters. There is no excuse for these incidents, and they cannot continue to occur. Ensure officers understand use-of-force laws, policies and the rules of engagement.

- **Lack of proper training and education.** Many less-lethal training courses are two to eight hours in length and usually include reviewing the launchers, munitions and case law, and a qualification course. Few courses cover how to employ impact munitions in riot situations where density is a severe issue for grenadiers. Training programs need to be modified and should include decision-making exercises.

**RULES OF ENGAGEMENT**

Many MFF officers were not given rules of engagement (ROE) before the protests or riots. The lack of ROEs led to officers not understanding under what circumstances they could arrest violators and employ impact munitions and chemical agents. ROEs enhance planning by describing the conditions under which officers may initiate and continue actions against adversaries.<sup>12</sup> They usually are written to be more restrictive than policy, but not always.

One example is an ROE in a demonstration setting that restricts the individual officer from arresting for minor violations and vests the authority with a squad leader. Another previously mentioned example is moving the DMA to employ impact munitions up one level to a sergeant. This ROE stops one officer from committing the entire MFF to an undesirable course of action and stops rash or reckless acts.

Consider the following ROE example for the deployment of chemical agents at a protest:

*Chemical agents will be deployed only with the approval of the incident commander. Conditions that may require the use of chemical agents include but are not limited to:*

- *When crowd control efforts are proving ineffective and the conditions have become too dangerous for officers to enter or remain in an area.*
- *The dynamics of the crowd demand immediate and forceful dispersal.*

One ROE consideration for chemical agent deployment during a protest is potential damage to businesses. The incident commander should conduct a risk versus gain analysis because chemical agents can seep into businesses causing damage. Consider these businesses in the planning process. A clothing store damaged

by chemical agents does not help an agency maintain its legitimacy with the community.

**MOBILE FIELD FORCE EQUIPMENT AND MUNITIONS**

The following equipment and munitions have been used successfully during recent riots:

**Lasers.** Reports indicate that lasers mounted to 40mm launchers effectively discouraged rioters from throwing missiles at law enforcement officers. The use of lasers made the employment of impact munitions against rioters unnecessary.

**40mm aerial warning/signaling munitions.** Several agencies described the employment of 40mm aerial warning/signaling munitions during riots as “game changers.” These munitions successfully moved violent crowds away from areas where rioters were picking up rocks and other missiles and throwing them at the police. As a reminder, communicate the use of these devices to all participating agencies and officers before employment to stop self-induced confusion.

**CONCLUSION**

Many of the challenges mentioned in this article result from poor leadership, mostly at the command level. These leaders must ensure that officers are correctly trained in MFF tactics, less lethal and chemical agents. They must also ensure thorough plans, which include the desired end state, commander’s intent and ROE, are completed before an event.

The law enforcement response to riots and protests is judged through the lens of many stakeholders, one of the most important being the communities we serve. If law enforcement agencies do not improve the way we respond to protests and riots, we will damage our positive relationships, trust and legitimacy within our communities.



## ENDNOTES

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