

POLICING PROTESTS TO PROTECT CONSTITUTIONAL RIGHTS AND PUBLIC SAFETY: BEST PRACTICES

The right to engage in peaceful demonstration is a cornerstone of American democracy. Yet sometimes police fail to strike the right balance, approaching demonstrations as a threat to public safety, rather than as an expression of constitutionally protected rights. This results in bad outcomes for protestors and for police.

This brief provides an overview of how to police demonstrations to protect public safety *and* democratic freedoms. Drawn largely from what policing leaders themselves have identified as best practices, it provides clear guidance to the police, and informs the public of what they should expect. More detailed information is available at policingproject.org/prottests.

POLICY & TRAINING

- 01** Create and make public a written policy that describes how the agency will respond to demonstrations. Emphasize free expression, public safety, and de-escalation.
- 02** Train officers on this policy by instructing them on their role as the facilitators of peaceful demonstrations. Emphasize protection of constitutional rights and adherence to procedural justice. Educate officers that crowds are not uniform and that they must compete with agitators for protestors' good will.
- 03** Provide de-escalation training, including strategies for interacting with protestors who may be antagonistic. Use scenario-based training to simulate high-stress protest environments.

FORCE & SURVEILLANCE

- 04** Ensure that use of force is authorized only when there is a clear risk to personal safety or to restrain acts of property destruction or looting. If authorized, officers must use only the minimum amount of force necessary and proportionate to de-escalate the situation.
- 05** Avoid an unnecessarily militarized presence or aggressive response. Use tiered response plans that increase the level of engagement in proportion only to actual—not assumed or forecasted—conditions on the ground:
 - Response plans should start “soft” with officers wearing regular uniforms and engaging the crowd while avoiding formations like lines or wedges. Demonstrate a commitment to facilitation by providing water or distributing face masks.
 - Ensure that officers have ready access to helmets if needed to protect themselves from head injuries from projectiles.
 - Deploy officers in “hard” riot gear as a last resort, and only when necessary to protect the public or officers from violence or serious injury. Tactical units may be staged nearby, but out of sight of protestors to avoid escalating a peaceful crowd.
- 06** Ban the mass surveillance of protestors, particularly the use of controversial technologies, including facial recognition and social media surveillance.

ADVANCE PLANNING

- 07 Provide all officers with crowd management plans that emphasize a strategy of facilitation and de-escalation, and that clearly communicate officers' roles and responsibilities.
- 08 Develop protocols to address officer wellness during an event. This may include ensuring regular shift changes, and arranging for adequate rest, water, and face masks.
- 09 Reach out to demonstration organizers, or informal leaders of spontaneous events identified through public sources, such as social media. Emphasize cooperation and negotiation, including what behaviors will result in which enforcement actions. For leaderless demonstrations, communicate directly with all demonstrators through regular and social media.

DURING THE EVENT

- 10 Target enforcement to only those who are engaging in violence, property destruction, or other serious crimes. At large protests, taking action against specific individuals without affecting peaceful bystanders will be difficult. Every intervention must therefore be well-focused and carefully consider the likelihood that police action will improve the situation, the seriousness of the offense, and the objective danger presented.
- 11 Communicate transparently—both internally and externally:
 - Maintain a dedicated radio line for logistics and basic needs such as medical attention.
 - Acknowledge the essential roles journalists and legal observers play by enabling their access to information.
 - Ensure announcements or warnings are clearly audible to all affected protestors and well-documented. Multiple, well-spaced warnings in relevant languages should be issued before enforcement.
 - Provide live updates via social media.
 - For multi-day protests, conduct daily press conferences that share rules of engagement, enforcement rationale, and accurate information, while correcting misinformation.
 - Officers should be clearly identifiable by nameplates and badge numbers. If displaying names presents demonstrated harassment concerns, officers should be clearly identified with numbers.

AFTER THE EVENT

- 12 For larger demonstrations or those that result in violence or uses of force, engage in comprehensive after-action review that includes protestor feedback. Make public all findings.
- 13 Re-evaluate, update, and refresh demonstration training at regular intervals to reflect lessons learned from community feedback and internal review.
- 14 Provide officers with access to counseling and peer support as needed in the event of violence or other traumatic or stressful events during a protest.