
First Amendment Assemblies

429.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

429.2 POLICY

The Grafton Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

429.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disorderly conduct. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

Grafton Police Department

Policy Manual

First Amendment Assemblies

429.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

429.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

429.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

429.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

First Amendment Assemblies

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

429.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

- (a) Command assignments, chain of command structure, roles and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) Liaison with demonstration leaders and external agencies
- (h) Liaison with Village government and legal staff
- (i) Media relations
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
- (k) Traffic management plans
- (l) First aid and emergency medical service provider availability
- (m) Prisoner transport and detention
- (n) Review of policies regarding public assemblies and use of force in crowd control
- (o) Parameters for declaring an unlawful assembly
- (p) Arrest protocol, including management of mass arrests
- (q) Protocol for recording information flow and decisions
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
- (s) Protocol for handling complaints during the event
- (t) Parameters for the use of body-worn cameras and other portable recording devices

First Amendment Assemblies

429.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy). [See attachment: Ozaukee County Multi-Jurisdictional Mobile Field Force MOU \(Signed\).pdf](#)

429.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order. [See attachment: UNLAWFUL ASSEMBLY-ORDER TO DISPERSE.pdf](#)

429.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Electronic Control Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage. Any use of electronic control devices must conform to the Electronic Control Device Policy.

First Amendment Assemblies

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

429.8 ARRESTS

The Grafton Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see Citation Releases Policy).

429.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

429.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

First Amendment Assemblies

429.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Dispatch Center records/tapes
- (g) Media accounts (print and broadcast media)

429.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with Village legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

429.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Attachments

**Ozaukee County Multi-Jurisdictional Mobile
Field Force MOU (Signed).pdf**

Ozaukee County Multi-Jurisdictional Mobile Field Force Team

A cooperative police service comprised of personnel from the Ozaukee County Sheriff's Office, Cedarburg Police Department, Grafton Police Department, Mequon Police Department, Port Washington Police Department, Saukville Police Department and Thiensville Police Department.

- Memorandum of Understanding
- Operational Policy and Guidelines
- Deployment Guidelines

Memorandum of Understanding

BACKGROUND AND HISTORY

Ozaukee County Sheriff's Office, Cedarburg Police Department, Grafton Police Department, Mequon Police Department, Port Washington Police Department, Saukville Police Department and Thiensville Police Department mutually agreed to establish, equip, train and maintain a thirty-two-person multi-jurisdictional Mobile Field Force Team.

As part of this agreement the Ozaukee County Sheriff's Office will assume the lead role to provide oversight of the team, coordinate training, maintain documentation, and manage deployments and team personnel.

AGREEMENT

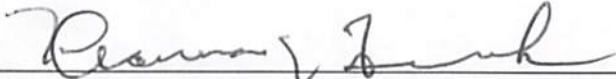
In accordance with this agreement, each agency agrees to assign an officer(s) to fulfill the role of Team Member and acknowledges that the Team is expected to train a minimum of twice per year. The costs related to fulfilling the Team Member role and responsibility remain with the member's employing agency.

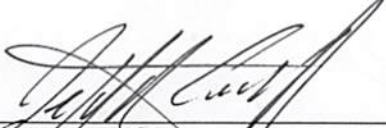
Each agency further acknowledges that the Team may be activated and deployed to meet mutual aid requests anywhere within the Southeast Wisconsin Emergency Police Services region. Expenses incurred for these deployments remain with the officers employing agency and may be reimbursed in accordance with Wisconsin statute §66.3013.

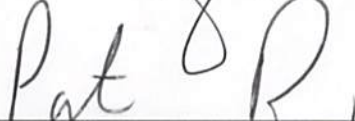
Each agency acknowledges that Team deployments within the jurisdiction of a member agency that result in the use of munitions may incur an invoice for the costs associated with the physical munitions, but not the personnel costs. Personnel costs incurred for a deployment remain with the officers employing agency and may be reimbursed in accordance with Wisconsin statute §66.0313.

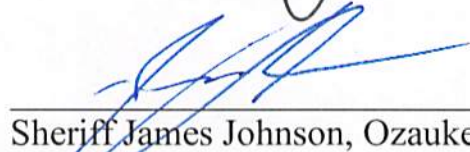
This memorandum of understanding shall remain in effect until the Ozaukee County Multi-Jurisdictional Mobile Field Force Team is dissolved.


Signed and agreed upon September 14, 2021
Date

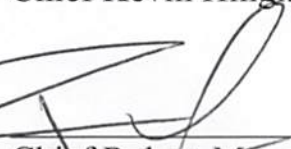

Chief Thomas Frank, Cedarburg Police Department

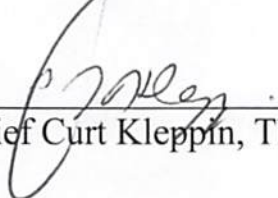

Chief Jeff Caponera, Grafton Police Department


Chief Patrick Pryor, Mequon Police Department


Sheriff James Johnson, Ozaukee County Sheriff's Office


Chief Kevin Hingiss, Port Washington Police Department


Chief Robert Meyer, Saukville Police Department


Chief Curt Kleppin, Thiensville Police Department

Operational Policy and Guidelines

The Ozaukee County Multi-Jurisdictional Mobile Field Force (MFF) Team is a Civil Disturbance Team made up of sworn law enforcement officers from the Ozaukee County Sheriff's Office, Cedarburg Police Department, Grafton Police Department, Mequon Police Department, Port Washington Police Department, Saukville Police Department and Thiensville Police Department

POLICY AND PURPOSE

The Ozaukee County Multi-Jurisdictional Mobile Field Force (MFF) Team respects the rights of people to peaceably assemble. It is the policy of the MFF not to unreasonably interfere with, harass, intimidate, or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life, and preventing the destruction of property.

DEPLOYMENT

The Ozaukee County Multi-Jurisdictional Mobile Field Force (MFF) Team is configured for emergency deployments, as well as pre-planned events. The MFF team is accessible through the MFF Team Commander who will coordinate with the local Incident Commander and activate the MFF Team members as appropriate. Team members who are available will respond to the designated staging area for deployment.

The deployment of the Ozaukee County Multi-Jurisdictional Mobile Field Force (MFF) Team will be in accordance with Wisconsin statute §66.0313

RESPONSIBILITIES

MFF Team Member

MFF Team Members are responsible for front-line deployment in a skirmish line, as well as specialty sub-groups including arrest teams. When assigned to a skirmish line, officers will follow the orders given by the MFF Squad Leader / Platoon Leader.

MFF Squad Leader / Platoon Leader

The MFF Squad Leader / Platoon Leader is responsible for the tactics and field operations of the Mobile Field Force. The MFF Squad Leader / Platoon Leader will coordinate with the Team Commander and relay information necessary to make deployment decisions, while managing Team Members and specialty groups within the Field Force (arrest teams, medical groups, etc).

The MFF Squad Leader / Platoon Leader can direct the following duties:

1. Direct officers on the line.
2. Have agitators within the crowd arrested by arrest teams.
3. Have arrests made for blatant criminal activity committed by protestors. For example; destruction of property, on view burglary, personal threats to officer safety and assault.
4. Ensure the integrity of the skirmish line.
5. Be cognizant of officer safety and watch for signs of fatigue while on the line.

MFF Team Commander

The MFF Team Commander will be responsible for interacting with the Incident Commander from the jurisdiction(s) where the civil unrest is occurring. The MFF Team Commander will coordinate with the MFF Squad Leader / Platoon Leader to develop a team structure based on the size and complexity of the situation.

The MFF Team Commander or designee will have the authority to develop a response to the following types of civil disobedience events:

1. The blocking of a highway ramp or roadway.
2. Blocking access to any hospital or critical infrastructure.
3. Blocking access to any business.
4. Blocking access to any residential home.
5. Reckless driving.
6. Enforcement action of any state or municipal law violations.

The MFF Team Commander or designee has the authority to deploy the Mobile Field Force and will serve as a tactical resource to the local Incident Commander. The MFF Team Commander will ensure that deployed units have a clear purpose and direction. For example; controlling crowd movements, crowd dispersal and addressing lethal threats.

The MFF Team Commander will direct units in the deployment of any control items at their disposal (chemical munitions, less lethal munitions, smoke, etc.), in conjunction with the local Incident Commander and the jurisdiction's scope.

The MFF Team Commander will identify report writers to capture and document each event such as; a march, sit-in, a mass arrest, etc.

OPERATIONAL GUIDELINES

Chain of Command/Span of Control

The number of officers assigned to the MFF will be determined by the Sheriff/Chiefs.

Incidents will be managed utilizing the Incident Command System (ICS) and officers will adhere to the chain of command.

A Team Commander will be designated to lead the MFF. Squad Leaders / Platoon Leaders may be assigned to assist.

The MFF Squad Leaders / Platoon Leaders will report to the MFF Team Commander or designee.

No line officers are to take individual actions unless immediate action is necessary for life safety or the protection of property. Immediate action to protect property should be coordinated by the MFF Squad Leader / Platoon Leader.

All direction/action for Team Members on the skirmish line will be given by the MFF Squad Leaders / Platoon Leaders.

General Guidelines Regarding Use of Force

Officers will assess the situation to determine the best method to safely bring the incident under control with the least amount of force applied. Officers may use objectively reasonable force for the resolution of incidents as follows:

- To protect themselves or others from physical harm,
- To restrain or subdue an individual, or
- To bring any unlawful situation safely and effectively under control.

Officers will use the least amount of force necessary to accomplish their lawful objectives while safeguarding their own lives and the lives of others.

When considering use of force actions officers should adhere to their Department's policy.

Prior to deployment, the MFF Team Commander should brief all personnel on the purpose of the deployment and actions to be taken when engaged with the crowd. Physical contact by protesters is unacceptable and verbal threats that can be articulated such as "I'm going to kill you" will not be tolerated. Spitting on officers, finger pointing within inches of an officer's face and eyes and throwing objects at officers intended to harm officers may be cause for arrest.

Follow-up /Debrief /Documentation

At the conclusion of any civil disobedience event where the Mobile Field Force was activated the jurisdiction(s) Chief of Police / Sheriff will conduct a critical incident review of the event.

Disclaimer

This policy provides general guidance and direction to members of a regional mobile field force but does not replace or supersede the policies, procedures, or directives in place for the officer's local jurisdiction / agency.

Deployment Guidelines

The Ozaukee County Multi-Jurisdictional Mobile Field Force (MFF) Team is configured for emergency deployments, as well as pre-planned events. The team is accessible by making a written mutual aid request through the Ozaukee County Sheriff's Office Dispatch Center. The MFF Team Commander will coordinate with the local Incident Commander and activate the MFF team members as appropriate. Team members who are available will respond to the designated staging area for deployment.

The deployment of the Ozaukee County Multi-Jurisdictional Mobile Field Force (MFF) Team will be in accordance with Wisconsin statute §66.0313.

PROCEDURE

Municipalities requiring crowd control assistance for spontaneous and/or pre-planned events will request the deployment of the team through Ozaukee County Sheriff's Office Dispatch Center. Requests received by telephone will be directed to send a written mutual aid request through the TIME System administrative message feature.

The MFF Team Commander will be notified of the request for the team, including the nature of the event, duration of the deployment and the Incident Commander / point of contact.

The MFF Team Commander will review the request to determine whether the event falls within the response scope for the Mobile Field Force. The MFF Team Commander may consult with the Sheriff or other executive personnel from team member participating jurisdictions before responding to the request.

If the Team Commander accepts the request, all team members and administrators will be contacted and advised of the deployment through the approved communication application (IamResponding). Team Members shall respond in an appropriate time frame to permit proper planning for the deployment.

GUIDELINES

- **Response requests should be within a reasonable geographic area. The Mobile Field Force may respond within the Southeast Wisconsin EPS region.**
- **Responses should include additional MFF teams to facilitate a proper resolution to the incident. The Ozaukee County Multi-Jurisdictional Mobile Field Force (MFF) Team is not of sufficient size to manage an incident alone.**
- **Available personnel will dictate the ability to respond. The MFF Team Commander will identify a minimum staffing requirement.**

UNLAWFUL ASSEMBLY-ORDER TO DISPERSE.pdf

UNLAWFUL ASSEMBLY ENFORCEMENT GUIDE

- ___ 3 or more persons**
- ___ Upon order to disperse (hear or read)**
- ___ Failure or refusal to promptly disperse**
- ___ Reasonable to believe assembly will cause injury to person(s) or damage to property unless it is immediately dispersed.**
- ___ Assembled for purpose of blocking, obstructing the lawful use by others to private or public thoroughfares, property or access or exit to any building public or private or dwelling place**

ORDER TO DISPERSE

I am (Rank, Name), a member of the (Agency Name), I hereby declare this assembly to be unlawful, and hereby order you to disperse. Refusal to disperse will be in violation of Wisconsin State Statute 947.06. If you do not disperse immediately you will be arrested.