

138214

	TOLEDO POLICE DIVISION		SPECIAL ORDER		Chief of Police <i>[Signature]</i>
	Originated By: Planning/Inspections		Staff Review By: Planning/Inspections		Processed By: Planning/Inspections
	SUBJECT: Non-Violent Demonstrators, Use of Force			Manual Sections Revised: Section 519, Public Law 101-140, Law Department Opinion, 01/22/90	
TO: All Sworn Personnel	Distribution: 1	Number: 90-04	Date of Issue: 02-06-90	Effective Date and Time: Upon Receipt	

BACKGROUND

Effective January 1, 1990, all Municipalities receiving Community Development Block Grants from the Federal Government must conform with the provisions of Section 519 of Public Law 101-140, also known as the 1990 HUD Appropriations Act. Section 519 mandates instituting a policy specifically prohibiting law enforcement officers from using excessive force against any individual engaged in a non-violent civil rights demonstration.

PURPOSE

To specifically address the requirements of Section 519 of the HUD Appropriations Act and to reinforce the Division's policy regarding the use of force.

ORDER

In accordance with Section 519 of Public Law 101-140, (the 1990 HUD Appropriations Act), no member of the Toledo Police Division shall use excessive force, i.e., unreasonable force, against any individual engaged in non-violent civil rights demonstrations, as long as the individual conducts himself/herself in a physically non-violent manner.

More specifically, when officers encounter instances of civil demonstrations, the use of pain compliance techniques on pressure points shall not be used on any person engaged in non-violent passive resistance. The use of these techniques is authorized only on those persons physically resisting an arresting officer with force. Officers are reminded that they are authorized to use only "... that force which is reasonable and necessary to protect others or themselves from bodily harm.", (Division Manual Section 1/225).

**READ AT ALL ROLL CALLS
AND POST ON ALL BULLETIN BOARDS
FOR THREE CONSECUTIVE DAYS**

**NCJRS
AUG 28 1990
ACQUISITION**

138214

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Toledo Police Division

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Bureau: FIELD OPERATIONS		BUREAU ORDER		Commander DEPUTY CHIEF RICHARD L. KWIATKOWSKI <i>RK</i>	
SUBJECT: ANTI-ABORTION DEMONSTRATIONS			Reference:		
Distribution: All Sections and units		Number: 1-90	Date of Issue: January 2, 1990	Effective Date and Time: Upon Receipt	

BACKGROUND

The proper handling of demonstrations is a major concern of the Toledo Police Division. Recent anti-abortion protests throughout the country, as well as in the City of Toledo have shown a need for a response procedure to these types of situations.

PURPOSE

To develop procedures and provide the training necessary to successfully respond to anti-abortion demonstrations where the intent is to obstruct the operation of a clinic for as long as possible through a non-violent sit-in and passive resistance to arrest.

ORDER

The Communications Section dispatcher shall notify the beat unit and the district sergeant to check the situation whenever there is reason to believe there is unusual activity occurring at one of the clinics involved in performing abortions. If the sergeant feels the activity is a potential "rescue" operation, where the intent is to block the entrance to an open clinic or a clinic that will soon be opening for business, the sergeant shall notify the dispatcher to make the sector lieutenant, the shift captain, the Deputy Chief of the Field Operations Bureau, and the Chief of Police aware of the situation. The lieutenant and the captain shall respond to the scene.

The sergeant shall then consider whether to order all officers at the scene to go to a tactical channel. If a tactical channel is used, the dispatcher shall then be notified to have any additional officers responding to the scene use that channel.

A police line shall be placed around the affected area as soon as possible using barricade tape. Officers shall be placed in position to protect this line.

All directed policing officers working at the time shall be directed to report to the scene. Additional officers should be called as necessary to secure the scene.

Assignments shall be made to pick up a spare wagon and the equipment used in the operation. Most equipment is kept in the old interrogation room off the roll call room. The keys to this room are kept in the patrol commander's and directed policing

ANTI-ABORTION DEMONSTRATIONS

Page 2

offices.

The following equipment is available:

1. stretchers
2. barricade tape
3. video camera
4. video tapes
5. Polaroid camera
6. Polaroid film
7. report forms and affidavits
8. clip boards
9. grinder tool
10. grinder blades
11. tarps
12. rags
13. water bottle
14. hand tools
15. flex cuffs
16. Kevlar protection cover
17. goggles
18. generator (stored at Mounted Stables; keys at patrol commander's office)

NOTE: When equipment is available, video pictures should be taken of demonstrations at abortion clinics. The pictures should include locking devices on the demonstrators, arrests being made, resistance where it is necessary to carry the subjects to the wagons on stretchers and any other behavior or activity that can be used as evidence to prove police arrest cases.

With the arrival of the patrol commander and the sector lieutenant, a decision shall be made as to the number of arrest teams needed as well as additional officers needed to accomplish the task. Patrol shifts should not be depleted below 40 to 45 officers, depending on the shift involved and the anticipated activity expected in other parts of the city at the time.

Sources to be considered for officers that may be available for special duty are the Traffic Section, Community Affairs Section, Training Section, Mounted Patrol, and the Harbor Patrol (when their boats are out of the water for the season). If officers are not available from the resources listed, consideration shall be given to holding officers over from the on-duty shift, depending upon the time of day. If these options are not available, the recall procedure shall be used.

Arrest teams shall consist of six officers and a sergeant. Whenever possible, directed policing officers shall be used on the arrest teams. It shall be the responsibility of the arrest team

ANTI-ABORTION DEMONSTRATIONS

Page 3

to make the actual arrests. The arrest team sergeant shall individually warn each suspect of the law violation he/she is committing and the consequences of arrest if the conduct persists. If the suspect refuses to leave the area he shall then be arrested. Two officers from the arrest team shall make all arrests, until a wagon is full.

If the suspect refuses to walk to the wagon, but is passive, showing no signs of violence he/she shall be placed upon a stretcher and carried to the wagon by four officers on the arrest team. When protesters are non-violent or offer only passive resistance, personnel shall not use pressure point or pain compliance techniques.

A maximum of four officers may be needed to effect an arrest. The other two officers assigned to the team should be utilized on perimeter security or other assignment necessary to the success of the operation until such time as they are needed making actual arrests.

Once the suspect is at the wagon, two Polaroid pictures shall be taken of the suspect with the two arresting officers. One of the pictures shall be attached to the original Crime Report. The other picture shall be maintained in the directed policing office for court use by the arresting officers. Every picture shall be marked at the bottom with the name of the suspect, the charge, names or I.D. numbers of the arresting officers, and the date and time of arrest.

An abbreviated Crime Report has been developed for use in abortion clinic "rescue" operations. This report has a check-off system to expedite its use. This report should be completed at the scene when possible and one of the Polaroid pictures of the arrested party attached to it at that time.

In addition, pre-printed affidavits are available for the crimes of trespassing, resisting arrest and disorderly conduct to expedite the paperwork process.

When a wagon is filled, the two arresting officers shall transport the arrestees to the holding area. The same officers shall arrest all suspects that fill a wagon. These two officers will then be available at the holding area or the jail to complete any necessary paperwork.

When the wagon returns to the scene of the demonstration, the next two officers on the arrest team will become the arresting officers. This rotation of officers will continue until the scene is secure and no other arrests are necessary.

Arrestees who refuse to identify themselves shall be booked. They

ANTI-ABORTION DEMONSTRATIONS

Page 4

shall be given an identification number which will be used to identify them on the Crime Report and all affidavits. This number shall be supplied to the booking officers for jail identification purposes.

A sergeant shall be in charge of assigning numbers to assure there are no duplicates issued. Numbers shall begin with John Doe #1 for male arrestees and Jane Doe #1 for female arrestees. The number shall be marked on the picture in cases where a name is not available.

A sergeant shall be placed in charge of the holding area. He shall see that the proper affidavits and/or summons forms are filed. A minimum of three officers shall also be assigned to the holding area. This allows for additional officers to carry stretchers, if needed, and to prepare reports.

If a suspect has not resisted and has cooperated with officers after being placed under arrest, he/she shall be issued a summons after being taken to either the Lucas County Jail or the second floor roll call room, at the discretion of the scene commander. If the suspects resist in any way, either by going limp and making it necessary to carry them or by locking themselves up in any manner, they shall be charged with resisting arrest. If charged with resisting arrest, the suspect shall be taken to the County Jail for booking.

In a case where it is anticipated that several people will be booked, the Lucas County Jail should be notified ahead of time. They will then provide a holding area in the basement of the jail. If the suspects are going to be summoned after arrest, the second floor roll call room can be used as the holding area.

In some instances the demonstrators will be chained or locked together with bicycle locks. These locks cannot be cut with bolt cutters, making it necessary to use the cutting tool that is included in the mass demonstration equipment.

Officers have been trained in the use of the cutting tool. A list of the officers trained will be made available to each shift. If none of the trained officers is working, one shall be recalled to operate the cutting tool.

If the demonstrators are locked or chained together and refuse to unlock themselves, the locks or chains may be cut. The demonstrators shall then be arrested for the appropriate charges.