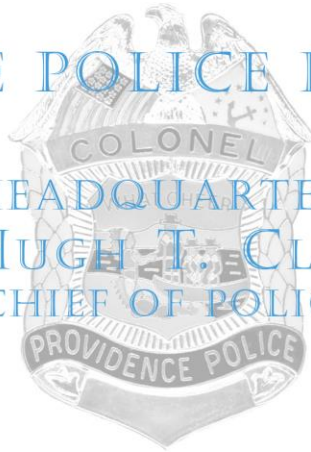


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS
COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	380.06	3/23/2021	3/25/2021
SUBJECT TITLE	PREVIOUSLY ISSUED DATES		
Public Demonstrations	12/17/2017; 5/2/2017; 3/28/2014; Supersedes G.O. #44 Series 1996		
REFERENCE	RE-EVALUATION DATE		
N/A	12/17/2023		
SUBJECT AREA	DISTRIBUTION		
Law Enforcement Operations	All Sworn Personnel		

PURPOSE

This policy is issued to provide guidelines for uniformed personnel when they are required to deal with labor disputes, strikes, picketing, protests, or the like (hereinafter collectively referred to as “demonstrations”). For the purposes of this policy, individuals involved in any type of demonstration will be referred to as “demonstrators.” This policy supersedes all previously issued directives concerning police action in these matters.

POLICY

The Providence Police Department (“Department”) recognizes that the First Amendment to the United States Constitution affords all individuals the right to free speech. Free speech may be legally exercised by the peaceful and orderly conduct of demonstrations, subject only to “reasonable restrictions,” as to the time, place, and manner of the demonstration. Any limitations must be (1) content/message neutral, (2) as least restrictive as possible, and (3) must afford demonstrators an alternative means of communicating.

Additionally, the Department shall not engage in an undercover capacity with groups in non-public places based solely on those groups’ participation in First Amendment protected activities, nor shall it engage in targeted electronic surveillance to collect or retain information about the lawful activities of targeted individuals or groups without reasonable suspicion that such activities relate to criminal activity or a judicial warrant specific to the time, place, and target of such surveillance.

DISCUSSION

This policy is intended to protect our citizens' First Amendment rights while maintaining a safe and orderly environment for demonstrators, businesses, the general public, and law enforcement officers. "Public Safety" is the primary mission of officers dealing with public demonstrations, and as part of this mission, officers shall:

1. Protect life and property.
2. Ensure that privacy, civil rights, and civil liberties protections are upheld.
3. Practice fair and impartial enforcement of laws, statutes, and ordinances.
4. Adhere to any operations plans in effect, unless otherwise directed by supervisors. Expanded activity should not be conducted without supervisory approval unless criminal activity is identified by the officer.
5. Enforce reasonable time, place, and manner restrictions as discussed in any operations plans that may be in effect.

Officer shall not:

1. Engage in unauthorized enforcement activities, including unauthorized information collection.
2. Document information on persons solely on the basis of:
 - a. Ethnicity, national origin, or race.
 - b. Religious, political, or social beliefs or associations.
 - c. Sexual identity/orientation.
 - d. Support for unpopular causes.
3. Conduct investigative activity without direct supervisory authorization or unless criminal activity is identified by the officer.
4. Allow personal beliefs and opinions to interfere with their duties as a law enforcement officer.
5. Express personal, political, or religious views during the assembly while on duty.
6. Infringe on any person's right to peaceably assemble and associate with others.

The key to effective police action in these circumstances is to be fair and objective in the performance of police duties. These goals are best achieved by using tolerance, patience, a professional demeanor, and a pro-active approach to de-escalating potential threats to public safety.

PROCEDURE

I. GENERAL PROVISIONS

- A. The Department's duties in connection with demonstrations are "to protect life and property and to maintain order."
- B. The Department is required to protect the rights of all citizens, including those who choose to exercise their right to peaceably assemble.
- C. The Department alone is charged with the duty of monitoring conduct and directing traffic. Non-sworn individuals, including private security personnel, shall not be permitted to assist officers assigned to this duty.
- D. Demonstrations peacefully conducted are legal, and may be regulated only in accordance with reasonable time, place, and manner restrictions. Arrests may be made only when there is evidence of a violation of city ordinance or state law. Grounds for any arrest must be clearly and fully documented in an incident report.
- E. In addition to all relevant state statutes and federal laws, the following ordinances may apply:
 - 1. *Demonstrations generally*: Code of Ordinances, City of Providence Sections 16-3, 16-13, 16-13.1, 16-13.2, 16-21, and 23-24.
 - 2. *Demonstrations in parks*: Code of Ordinances, City of Providence Sections 18-2, 18-7, 18-10, 18-11, 18-13, 18-14, 18-15, 18-16, 18-17, 18-18, and 18-21.
 - 3. *Noise and nuisance*: Code of Ordinances, City of Providence Sections 16-3, 16-10, 16-11, 16-12, 16-21, 16-91, 16-92, 16-93, 16-95, and 16-100.
 - 4. *Leaflets*: Code of Ordinances, City of Providence Sections 3-1, 3-3, 3-4, and 3-5.

II. ENFORCEMENT OF REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS

- A. The Department will enforce the following policies and procedures concerning the time, place and manner of demonstrations:
 - 1. Demonstrations may take place on any day and time, provided that demonstrators do not otherwise violate an ordinance or applicable state or federal laws.

2. City ordinances prohibit demonstrations at an individual's residence, and/or in a place or manner that would disturb public school sessions.
3. Any individual or group may participate in a demonstration – it need not be the person, organization or group that is the focus or subject of the demonstration (for example, the individuals conducting a labor strike or otherwise affected by the issue they are advocating).
4. There is no limit on the number of demonstrations a person or organization may conduct, as long as the demonstrations are peaceful and orderly.
5. Demonstrations/demonstrators may not impede the flow of vehicular or pedestrian traffic.
6. Demonstrators may not in any manner block a door, passageway, driveway, crosswalk or other business entrance or exit so as to prohibit free access to a facility that is subject or adjacent to the demonstration.
7. Demonstrations shall be confined to the outside (curb side) of the sidewalk; participants must maintain at least three (3) feet of unobstructed sidewalk access so as not to interfere with the safe passage of persons. Demonstrators must allow individuals to pass along the sidewalk.
8. If officers feel that there is a threat to public safety, officers should advise appropriate personnel and offer the demonstrators a reasonable alternative (e.g. Officers may ask demonstrators to move from the street to the sidewalk).
9. Demonstrators may distribute leaflets or pamphlets as long as the demonstrators do not block any entrance or impede traffic.
10. Demonstrators have a right to talk to people in the area, whether passing by or entering or exiting a location, as long as the demonstrator is orderly; however, no person is required to engage in conversation or interact with the demonstrator.
11. Intimidation, threats, and coercion will not be permitted. All persons may freely go about their business without being stopped, impeded, or threatened with bodily harm.
12. Private security details are not permitted to impede the demonstration or otherwise coerce, intimidate, threaten or assault the demonstrators.

13. Assaults, battery, violence, or threats of bodily harm are not permitted. Law enforcement may arrest individuals engaged in any such actions.
14. Illegal possession or use of firearms, knives, clubs, and other weapons is prohibited.
15. Demonstrators must comply with applicable noise ordinances and laws. Bullhorns are legal, provided they are not in violation of the noise ordinance. Any and all sound trucks must obtain a permit from Commissioner of Public Safety. Each vehicle must obtain a separate permit. Sound trucks may not remain stationary, but must keep moving.

III. OFFICER CONDUCT

- A. Police officers shall act in accordance with and/or in the furtherance of the following:
 1. Prior to or upon arrival at the scene of a demonstration, officers assigned to “demonstration details” shall determine who their immediate supervisor is, and shall contact such supervisor with respect to any questions or issues that arise.
 2. Officers should be fair and objective in the performance of police duties. Officers must not allow themselves to become the focus of the dispute. They must avoid taking sides or provoking any action that could result in violence.
 3. All parties in a public demonstration have definite rights and responsibilities. The duty of law enforcement is to protect the rights of all. This can become increasingly difficult as demonstrations become protracted. Officers should remain mindful of the intent and guidance in this policy.
 4. Officers assigned to “demonstration details” shall not leave their posts unless officially relieved from duty.
 5. Officers shall remain professional, objective, impartial, and shall avoid “fraternization” with demonstrators and other parties to the dispute. Officers shall not accept items from parties on either side of an issue.
 6. To best ensure the safety of law enforcement officers, any officer directing vehicular or pedestrian traffic or performing any other duties shall face the demonstrators.
 7. Positive relationships/communications between the police and demonstrators can ease law enforcement functions, and help to minimize the need for police intervention.

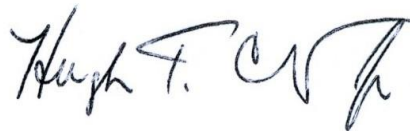
8. Officers should make every effort to identify demonstration representatives, in addition to representatives of the property owner, company or their security detail.
9. Officers should communicate with the designated representatives concerning the laws and regulations applicable to the demonstration.
10. Officers should seek the cooperation of the representatives to maintain public safety and good order.
11. If an incident arises, it should be called to the attention of the demonstration representative immediately. Officers should encourage the representative to resolve the problem promptly.
12. When demonstrations are in violation of the law, law enforcement (unless otherwise directed by a supervising officer) shall give demonstrators specific instructions as to how to remedy the violation(s). Where a violation requires immediate remedial action, officers may make an arrest without warning. Any persons resisting or interfering with remedial action or committing flagrant violations of law may be arrested and removed from the scene.
 - a. Notwithstanding the above, decisions to arrest based on violation of noise, non-physical disorderly conduct, violations of lack of permit, or other violations of state or city law that do not present imminent harm or injury shall be made by the highest-ranked on-scene supervisor.
13. If violence does occur, the police cannot ignore their duty to restore order. In doing so, they are reminded to use the minimum force necessary to effectuate arrests.
14. NO TWO DEMONSTRATIONS ARE ALIKE. Officers who are unsure of what action to take should seek the guidance or direction of the highest-ranked on-scene supervisor.

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
COLONEL
CHIEF OF POLICE