

Principles of Policing Mass Demonstrations

The relationship between the police and the news media in a democratic society is characterized by complementary rather than conflicting interests. The news media have a legitimate need for information about public safety activities and they also offer an excellent channel for informing the public about the nature of police tasks and problems. The news media, like law enforcement agencies, serves the community residents, in part, through collecting and sharing important information.

Law enforcement agencies should view the media as an avenue by which to communicate with and educate the public on matters of importance. The police and the media have very different jobs to perform during mass demonstrations, but conflicts and problems can be minimized with communication and understanding of each other's roles. To accomplish this, the media must be given as much access as legitimately possible, to assist them in their news-gathering and reporting duties. Law enforcement agencies should strike a balance between the public's right to know versus the police responsibility to manage the event and provide overall safety for everyone attending the event.

Mass demonstrations and other large events can have lasting effects—negative and positive—on the police, the media and the community. Law enforcement agencies should actively seek to establish a cooperative climate in which information in matters of public interest may be obtained in a manner that does not hamper police operations or abridge the rights of persons accused of crimes.

Mass demonstrations and protests, and police efforts to manage them, are a matter of public concern. Members of the news media legitimately need information or photographs about these events. Under such circumstances, the members of law enforcement agencies, both sworn and civilian, have a number of responsibilities:

- Protect the First Amendment rights of public participants (e.g., convention delegates) media representatives, and demonstrators;
- Maximize journalists' access to proceedings and demonstrations;
- Cooperate with media efforts to obtain and disseminate factual information;
- Maintain public safety and security, including the prevention of organized efforts to disrupt or stop legally allowable behavior, such as conventions;
- Protect lives and property; and
- Facilitate journalists' coverage of demonstrations and protests under occasionally chaotic conditions.

Similarly, journalists have responsibilities as well, both to the public and to the police.

Four of the responsibilities that pertain to mass demonstrations are:

- Media organizations should encourage participation by journalists in planning and education activities offered by law enforcement agencies;
- Media representatives should be able to clearly identify themselves as media;
- Media representatives should be familiar with their legal rights; and
- Media representatives should be located in positions where they can report on the events without interfering with the police.

Guidelines for Police-Media Relations

A. Planning for the Event

1. Provide a “police-media forum” to discuss expectations and establish ongoing communications: Prior to any major event, police agencies should provide an opportunity for law enforcement, journalists and government officials to meet for the purpose of establishing expectations about the event. Participants in the forum may want to develop written guidelines for the event and distribute them widely among journalists. Participants should include representatives of the local media, including non-traditional media, and the meeting should be held well in advance of the event.
2. Define “journalist”: Law enforcement and government officials, with input from media representatives, may need to develop a working definition of “who is a journalist.” With the decline of the newspaper business and the growth of independent journalists and bloggers, the traditional definition of journalist no longer applies. This has ramifications for law enforcement agencies and their ability to secure the event. Ultimately, the necessarily varying levels of security may determine the degree of credentialing required for journalists (e.g., observations areas or inner and outer perimeters).
3. Determine roles and responsibilities: The police-media forum (see item 1 above) should clarify for journalists and police alike the expected roles and responsibilities for both parties. Bear in mind that the roles and responsibilities may vary according to specific situations, or may change as events unfold. Nonetheless, one of the most important factors in successful planning for a major event is communication between police and media about roles, responsibilities and expectations.
4. Identify key terms and concepts: Define “unlawful assembly,” “dispersal orders” and other key terms and concepts as well as police procedures associated with these terms. Any written guidelines should address the detention and arrest of journalists during the event. Ensure that journalists understand the consequences for not following police orders, and know that their press credentials are not necessarily a “get out of jail free” card. The purpose of this exercise should be to engage both parties in a discussion to

identify and clarify key terms prior to any events where the fast pace of activity will not allow for time-consuming on-the-scene discussions.

5. Develop media identifiers: The police-media forum should address whether journalists should carry readily available identifiers or wear identifiable clothing or other markers, such as a vest or armband, in addition to their press credentials (credentials are discussed in Section C below).

B. Educating Reporters for the Event

1. Identify education topics: Law enforcement, in conjunction with the police-media forum, should provide important background information to journalists who will cover the event. Police and media attorneys should be included in the development of topics and/or the actual educational materials. Potential topics could include:
 - Police and media expectations
 - Media credentials
 - Skirmish lines and mobile field force procedures
 - Citations and arrests—how to avoid, and “what if” scenarios
 - Unlawful assemblies and parades
 - Law enforcement crowd dispersal policies and procedures
2. Develop resource materials: Law enforcement should provide journalists with a resource packet of materials, including items such as agency media policies and policies specific to the event.
3. Clarify rules about access: Law enforcement should ensure that journalists know where they can and cannot go during the event. Similarly, the police agency should ensure that law enforcement officers know where journalists can and cannot go.
4. Invite media to observe police training: Law enforcement should invite journalists to observe mobile field force skirmish line training.

C. Media Credentials

1. Develop and issue media credentials: To ensure that law enforcement officers are communicating with authorized news media representatives, and to ensure the media representatives that they will not be obstructed in the pursuit of their duties, the law enforcement agency should develop a credentialing system for journalists who will report on the event. The necessary levels of security may determine the degree of required credentialing. For some events, such as a national political convention, a number of different entities, such as the organizing agency and media outlets, may issue their own credentials. However, the local law enforcement agencies may want to issue credentials for activities that occur outside the venue.

D. The Event

Law Enforcement

1. Ensure the media's right to cover the story: Law enforcement officers should not restrict the movement of properly credentialed journalists unless their actions clearly and directly interfere with police operations. Police agencies should recognize and incorporate into the protocol the fact that journalists may need to cover unlawful assemblies within the assemblies themselves without engaging in unlawful conduct.
2. Respect the media's tools of the trade: Law enforcement officers should not damage or confiscate any property (e.g., cameras, films, recorders, notes, etc.) without due process of law.
3. Addressing problems: Officers who experience extreme difficulties in dealing with individual journalists should report the circumstances through their chain of command to the police public information officer (PIO).
4. Accommodate journalists during unlawful assemblies and parades: Police departments should recognize that journalists have the right, without interfering with police operations, to cover events that may result in the declaration of an unlawful assembly and an order to disperse. Agencies should make efforts to accommodate this reporting obligation. However, such efforts will be made consistent with the agency's primary obligation to maintain public safety and order.
5. Allow only credentialed journalists into restricted areas: It is the responsibility of officers to ensure that only credentialed journalists are allowed to cross police lines or enter areas set aside for the news media. This will require checking journalists for approved media credentials and requiring them to wear these credentials on their outermost garment. Officers should direct questions about media credentials to the ranking officer at the scene or the PIO representative.
6. Ensure the right of access: To ensure public safety and to prevent citizens from entering a restricted area, police personnel will establish police lines where necessary at all major events. Law enforcement may choose to allow credentialed representatives of any news service, newspaper, television, or radio station to enter areas normally closed to the public by police lines. Allowing journalists into such areas is, however, dependent upon the tactical situation and the need to ensure that the success of the police response will not be jeopardized. In certain situations, there may be a separate area set aside for news media representatives to allow them to cover an event. In some situations the law enforcement agency may have to provide escorts for journalists. In situations where it is impossible to accommodate large numbers of journalists, conditions may necessitate the use of a "pool" reporter—a selected journalist who will later share his or her findings with news media colleagues.

7. Establish a media observation area: Law enforcement should determine whether to establish a media observation area. Whenever an agency develops an operations plan for a planned event that will involve a public assembly, the agency should designate an observation area outside of the anticipated area but within reasonable viewing distance and audible range of the event. This location should provide a better view of the event than that granted to the general public. The agency should try to prevent the media viewing area from becoming part of any area affected by an unlawful assembly declaration and order to disperse. The law enforcement agency may need to establish an outer and inner perimeter to accommodate journalists without compromising police operations.
8. Remain flexible with the observation area: Law enforcement should relocate the media viewing area if, due to changing conditions, the initial area no longer affords the media a reasonable view of the event or becomes a tactical concern for officers.
9. If possible, exclude media from mass arrests: When arrests are imminent, police officers should work from the premise that journalists who are not committing violent or illegal acts should either be removed from unlawful assemblies or permitted to leave as early as possible. Mass arrests can be complex events, but the goal should be to make every effort to avoid arresting members of the media. This can be accomplished by warning journalists when arrests are imminent. In the event that journalists are arrested, they can be extracted after arrests have been made.
10. Facilitate communications: Law enforcement should establish effective electronic communication methods for inquiries from the media in order to provide information to the media in a timely way.
11. Dedicate an adequate number of PIO staff members to the event: Law enforcement should assign PIO staff to be physically present at the scene of any demonstrations or other large gatherings. PIO staff should be "on the ground" and in proximity to media where there can be constant communication during evolving, often volatile situations. If property destruction, violence or other law-breaking activities are expected, law enforcement should consider assigning at least one PIO staff person to every mobile field force division.
12. Utilize PIOs in arrest situations: The law enforcement PIO should be on the scene of any skirmishes to help identify journalists for the purpose of avoiding arrests. Agencies may choose to use a number of PIO assistants at the scene of disturbances to help journalists who are detained or arrested communicate with their offices and obtain the return of their equipment. Such officers should have the authority to release journalists who were covering the disturbance and not taking part in it. Deference should be given to journalists wearing credentials pursuant to law enforcement's credentialing process.

Journalists

1. **Display credentials:** Journalists should be able to display appropriate media credentials at all times when covering the event. This is particularly important in those demonstrations when the media want to cover the event at a close distance and police need a way to distinguish them from the larger crowd. Failure to do so can cause the police to ask journalists to leave the restricted area immediately.
2. **Understand and follow laws:** Journalists are not exempt from any federal, state or local law.
3. **Abide the rules of engagement:** Journalists should be knowledgeable of, and abide by, law enforcement policies and orders regarding assemblies and parades. Journalists may not resist, obstruct or oppose an officer in the lawful execution of his/her duty.

E. Assigning Journalists to Law Enforcement Units

1. **Establish a policy for assigning journalists:** Law enforcement should establish a policy for assigning (i.e. embedding) media to law enforcement mobile field force contingents. The purpose of this is to allow journalists to “ride-along” with law enforcement officers to gather first-hand information for stories. Depending on the situation, the police may “embargo” the information until a later time. In that situation, the reporter is given information or allowed certain access only if the reporter agrees to hold the information until a time specified by the police. The policy should address:
 - When to assign journalists to a law enforcement unit;
 - Under what circumstances (journalists should be always escorted by a uniformed officer);
 - Embargoing stories and reports;
 - Situations for disengaging the assignment; and,
 - Law enforcement responsibilities to journalists.
2. **Develop training for ride-along procedures:** Journalists who will be assigned to law enforcement units should be required to attend a training session on what to expect, what officers are trained to do, and how officers are likely to handle unfolding events. Similarly, law enforcement officers should understand that journalists in these assignments are sanctioned by the law enforcement agency.
3. **Safeguard sensitive police information:** Media ride-along assignments may necessitate that journalists and the police have a clear agreement on the nature of information that is deemed too sensitive for release or may be embargoed only for later release. Generally, restricted information should be limited to that which could compromise police operations or endanger the safety of the public or officers. Any agreements regarding sensitive information should be determined before the start of the event.
4. **Empower commanders:** Unit commanders should be encouraged to facilitate the opportunities for journalists to observe and report events and operations. Those same commanders, however, must be authorized to temporarily hold the transmission of

restricted information, or even terminate a reporter's assignment when necessary, consistent with the policy.

F. Media Aircraft

1. Restrict media aircraft: Law enforcement should request that media aircraft be restricted around the location of a police operation when the presence of the aircraft compromises officer safety or hinders the operation. Law enforcement representatives (the on-scene commander or PIO) should contact the appropriate news agency, provide the reasons for restricting the aircraft, explain when the restrictions will be lifted, and request that they voluntarily remove the aircraft.
2. Enforce restricted airspace: If a news agency does not voluntarily move its aircraft out of the area of the police operation, law enforcement should contact the Federal Aviation Administration and request that the airspace above the incident be cleared.

G. Post-Event

1. Conduct an after-action review of police-media relations: The law enforcement agency should initiate this meeting, just as it should initiate pre-event planning meetings. Participants should be law enforcement agency executives, key PIO staff, members of the media, and other individuals who played key roles during the event. The review should develop lessons learned for future events by focusing on the policies and procedures that did or did not work, and the agency should adjust its policies as a result of the findings.

Conclusion

The relationship between law enforcement and the media is complex, and in the case of mass demonstrations, it can prove especially challenging. Police executives should understand that the relationship deserves an investment for the purposes of building trust, establishing ground rules and utilizing expertise to make the most of a positive arrangement with the media. The media can inform the public about events and can tell the police agency's side of the story, provided they are engaged early in the event preparations. Relationships between the police and the media should be based on mutual respect and trust. Large gatherings of people will always attract the attention of a community, which has a right to know what transpired. The media has a responsibility to report the events and the police have an obligation to ensure that the event is lawful and safe. By adopting guidelines for their mutual interests, the police and the media can accomplish their individual objectives without impeding the goals of the other.

As complex as police media relations are today, chances are good that the relations will grow more complex as the definition—and role—of a journalist changes. The news business is changing rapidly. As the number of print newspapers declines and on-line “newspapers” increase, the definition of a journalist may change significantly. Bloggers and other independent journalists will proliferate. Reporters of all types, both mainstream and non-traditional, may carry smaller, less obtrusive tools to do their jobs (i.e., hand-held cameras and audio recorders, and even cell phone cameras, that are far less cumbersome than the equipment used in the past by traditional media), making it harder for police to identify people—and their motivations—at a big event.

The advent of online media sources will have the effect of changing the 24-hour news cycle. The entire concept of deadlines will no longer apply as the media strive to continually update stories and breaking news. Police departments must be aware of this new paradigm and may need to change how and when they release information to the media and public. There will be a greater emphasis on the police providing timely and accurate information to the media. Online media also provide information instantaneously, rather than the edited and “packaged” stories produced by traditional news media, and this change in the news business will have profound implications in the middle of any big demonstration.

Still, the essence of any successful police-media relationship will be based on effective communication, and not just communication during a mass demonstration, but communication well ahead of and after the event. Law enforcement agencies must understand the larger forces at work in the news business, and they must also understand their local journalists and how they operate on a daily basis.