



**Bridgewater State University Police Department  
General Order No. 3-7**

**Dispersal of Unlawful Assemblies**

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Philosophy

The Bridgewater State University Police Department recognizes the rights of all individuals to assemble and to speak freely, as guaranteed by the First Amendment of the United States Constitution and the Massachusetts Declaration of Rights, and the Department will actively protect those rights. However, the rights all people have to demonstrate, protest, march, rally or perform other First Amendment activities come with the responsibility to not abuse or violate the civil and property rights of others. The university has a right to continue normal business without disruption and all members of the campus community have the right to go about their business freely and safely. At times these rights result in competing interests which must be resolved. Toward this end, the university has established "time, place and manner" regulations that should be used as guidelines.

Policy

The responsibility of Bridgewater State University Police Department is to protect the lives, property and rights of all people and to enforce the law. Personal safety is of primary importance for participants, non-participants, and those who must be present by virtue of their positions, including police officers. Protecting university facilities and allowing the normal business activities to continue are also priorities.

When students or others gather to celebrate or protest in a lawful manner, intervention is not required. However, when members of a crowd begin engaging in unlawful activity, and incite a crowd, an active police response is needed. This inciting action includes climbing trees, lamp poles, signs, or any other structure or person to gain height advantage; setting fires; males and females exposing themselves to the crowd; destruction of property, throwing any objects that could cause injury; and intentionally disobeying police announcements.

When it becomes necessary to manage the actions of a crowd that constitutes an unlawful assembly or has committed other violations of law or university regulations, the commitment and responsibility of law enforcement is to manage it lawfully, efficiently, and with minimal impact on the community. A variety of techniques and tactics may be necessary to resolve such an incident. Only that force which is reasonable may be used to arrest violators and/or restore order. Participants are expected to realize their obligation to comply with the lawful orders of police officers and to submit when arrested.

Police Action

While it is highly desirable to avoid situations that require physical police intervention, it is recognized that they will occur. A variety of techniques and tactics may be necessary to resolve a crowd control or civil disobedience incident. The tactics utilized in a particular situation will depend upon available resources and the situation itself. The decisions to use force and the force options that may be applied in response to these incidents range from law enforcement presence



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to the use of force. Police officers need not use the least intrusive force option, but may only use that force which is reasonable under the totality of the circumstances.

The application of nonlethal chemical agents, including Oleoresin Capsicum (OC), has proven effective in a wide variety of crowd control or civil disobedience situations. This department utilizes OC as a defensive and offensive use of force option. The standard hand-held canister is not normally intended to be used by officers to disperse a crowd but it may be used in that way if necessary.

Generally, OC should only be used at the direction of a supervisor in a crowd control situation. Immediate use may be appropriate for self defense in the event of a personal attack or breach of the line or other exigent circumstances.

“Less lethal” force options such as chemical agents or impact weapons may be deployed to disperse a crowd, but only upon the approval of the chief of police whenever practicable. The deployment of such less lethal options shall be in accordance with the Department’s written policies, as established elsewhere in this manual. The use of chemical agents, smoke, or other devices to disperse a crowd shall be coordinated and controlled. The incident commander shall ensure a clear path is available for those who wish to leave the area prior to and during the deployment of such devices.

Dispersal Orders

At such time that it is deemed appropriate to take police action, such as moving a crowd or making arrests at a sit-in, consideration should be given to communicating the intended action to the crowd in advance. While giving such advance notice is often desirable, however, tactical concerns may preclude it. Police personnel should make such an announcement if it is made.

Below are examples of dispersal orders. The incident commander should modify them to fit the specific situation while attempting to cover all the standard elements.

Example Dispersal Order #1: *“I am (police officer’s name and rank), a police officer with the Bridgewater State University Police Department. I hereby declare this to be an unlawful assembly and, in the name of the Commonwealth of Massachusetts, I command all those assembled here to immediately and peaceably disperse. If you do not do so, you will be arrested and subject to other police action. [Routes for dispersing and time allowed for dispersal should be stated]. [Optional: If you fail to submit to arrest, necessary force will be used, including chemical agents.] You have (allow a reasonable amount of time) minutes to disperse.”*



**Dispersal of Unlawful Assemblies (continued)**

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Example Dispersal Order #2 (for trespassing situations): *"I am (police officer's name and rank), a police officer with the Bridgewater State University Police Department. This building is closed.*

*If you remain here, you are in violation of state law. In the name of the Commonwealth of Massachusetts, I command you to immediately leave. If you do not do so, you will be arrested for trespassing. [Routes for dispersing and time allowed should be stated]."*

The dispersal order should be delivered in such a manner that individuals in the group can reasonably be expected to be aware of it, such as by loud speech or amplified sound.

Generally the order should be given at least twice, whenever possible, prior to moving or arresting crowd members.

The incident commander will determine the number of times the dispersal order is to be given based on the immediacy and totality of circumstances. The times and details should be documented in the police report.

Mass Arrests

When it becomes necessary to make arrests of numerous individuals over a relatively short period of time, the incident commander should ensure that:

- The area is contained and the violators isolated.
- Personnel understand whether someone may leave the area and under what conditions.
- The proper dispersal order is read outlining the unlawful assembly, other committed violations, and the dispersal route.
- An arresting/reporting officer is assigned.
- An arrest team is designated to take custody of the demonstrators.
- All arrests are done in accordance with policies, procedures, and training. The use of various types of arrest techniques should be based upon the type of resistance presented as well as the exigency of the situation.
- All arrested prisoners are searched, photographed, and properly identified.
- An adequate number of vehicles are made available to remove the arrestees to the department's holding facility/jail.
- All injured prisoners are provided medical attention as appropriate prior to being incarcerated.
- All evidence and weapons taken from arrestees are processed in accordance with the department's policy on the preservation and custody of evidence.

Additional criminal and student conduct charges should be considered for arrestees engaging in active resistance, including resisting arrest and assault and battery. Further additional charges



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may be warranted for arrestees not cooperating (including non-compliant resistance) after being removed from the incident or with the booking process.

Post-Incident Management

When the event has concluded the incident commander in conjunction with police department's senior command staff should arrange for the following to occur as soon as practical and as appropriate:

- Account for all officers engaged in the incident and assess for personal injuries.
- A debriefing for all supervisors from the event and when possible all staff involved in the event.
- Any uses of force and/or injuries to be identified and properly documented.
- The overall police report and all requisite individual reports and supplements should be completed in an appropriate time so that recollections do not fade and to establish a comprehensive documentation of the basis for, and the department's response to, the event.
- Identify and begin interview of witnesses, suspects, and victims, as appropriate.



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Printable Versions of Dispersal Orders:

**Dispersal Order #1 (for unlawful assembly situations):**

**“I am (police officer’s name and rank), a police officer with the Bridgewater State University Police Department.**

**I hereby declare this to be an unlawful assembly and, in the name of the Commonwealth of Massachusetts, I command all those assembled here to immediately and peaceably disperse. If you do not do so, you will be arrested and subject to other police action.**

**[Routes for dispersing and time allowed for dispersal should be stated].**

**[Optional: If you fail to submit to arrest, necessary force will be used, including chemical agents.]**

**You have (allow a reasonable amount of time) minutes to disperse.”**

**Dispersal Order #2 (for trespassing situations):**

**“I am (police officer’s name and rank), a police officer with the Bridgewater State University Police Department. This building is closed.**

**If you remain here, you are in violation of state law. In the name of the Commonwealth of Massachusetts, I command you to immediately leave.**

**If you do not do so, you will be arrested for trespassing.**

**[Routes for dispersing and time allowed should be stated].”**