

Constitutional Policing of Demonstrations

Gerald P. Richard II, Esq.

First Amendment

- The **First Amendment (Amendment I)** to the United States Constitution prevents Congress from making any law respecting an establishment of religion, prohibiting the free exercise of religion, or abridging the **freedom** of speech, the **freedom** of the press, the **right** to peaceably assemble, or to petition for a governmental redress of grievances.

Incitement of Imminent Lawless Action

- The two legal prongs that constitute incitement of imminent lawless action is as follows:
 - Advocacy of force or criminal activity does not receive First Amendment protections if
 - (1) the advocacy is directed to inciting or producing imminent lawless action, and
 - (2) is likely to incite or produce such action.



Internal

Legal Advisor or City Attorney

Community Liaison to the Chief – Chain of Command

Community Liaison Detectives/Officers

Social Media Representative

Cultural Competency Trainers



External

Community Leaders

City Advisory Groups

**Resources (Fire, Homeland Security,
Other Agencies)**

The Team

1968 Chicago Demonstration



1968 Chicago Demonstration



Every March You Take...They Will Be Watching



FERGUSON

August 9, 2014

- Community Relations – Non-Existent
 - Ministers & Community Leaders
- Social Media
 - Behind the Curve
- Free Speech Zone
 - Media vs. Independents
 - None to Insufficient
- Outsiders
 - Nonconformists Techniques

August 9, 2015

- Community Relations Established
 - Chief to Officers
 - Visit Community
- Social Media Specialist
 - Coordination with other local agencies
- Establish Demonstration Area
 - Flood Lights
 - One Way Traffic
 - Officer Presence
 - Less Optics

INITIAL RESPONSE





OPTICS



OPTICS



Not Part of the Team

Out of Control



NO WINNERS





NO WINNERS



Know Your Demonstrators...and Professions

Demonstration Planning

Peaceful Preparation

- Permits
- Demonstration Plans
- Route
- Approximate Number
- Water
- Marshalls
- First Aid
- Lost and Found
- Clean Up

Tactical Response

- Counter Protesters
- Potential Violence
- Outside Groups
- Assistance of Other Agencies & Resources
- Tactical Team Readiness
- Arrest Plan
- Coordination with Sheriff's Office
- Coordination with Prosecutor

Marshalls





Marshalls – The Contact



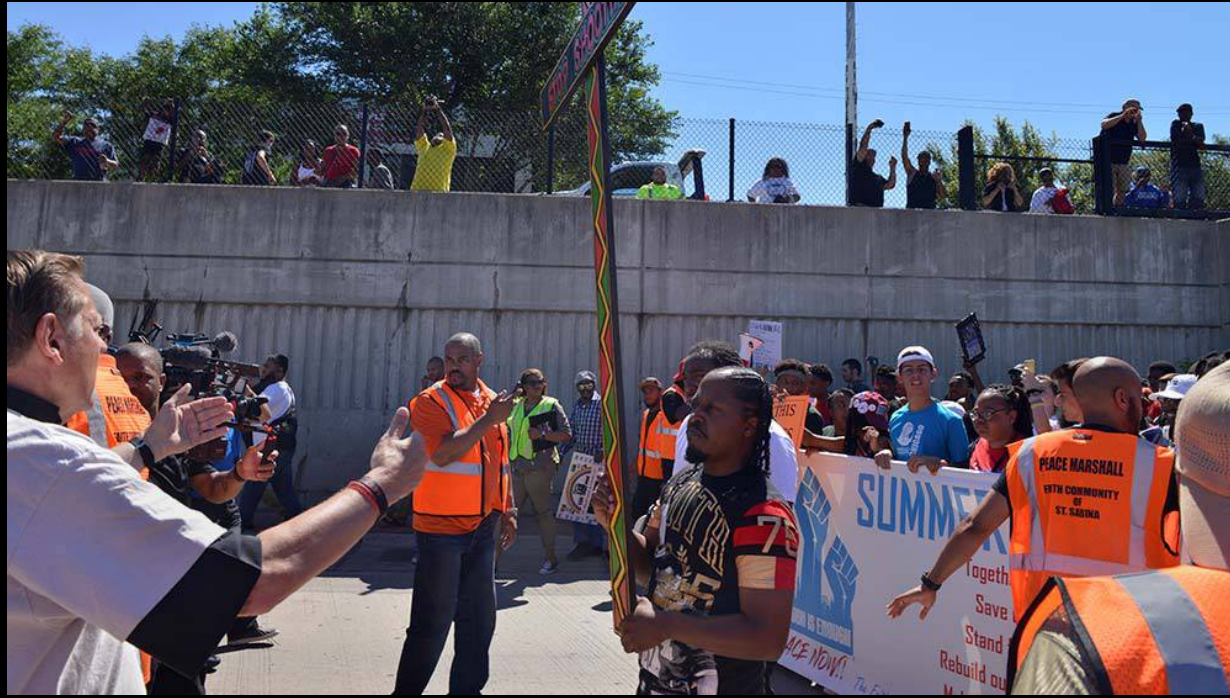
Marshalls – Let Them Take Charge



Mobility



Importance of Presence Along the Way



Watching Overhead



In the Bushes

Spectators and Photographers



If it is Peaceful...Give it to Them



Personal Protection





The Gold Rope

Bringing Other Issues to Your Demonstration





Staging Issues

Economics – Protestors Arrested



THANK YOU

Gerald P. Richard II, Esq.

602-600-5833

grichard8159@gmail.com

Photographs Credits

Slides 5-6 Chicago Tribune

Slide 7 John J. Kim/Chicago Tribune

Slide 9 watercoolerconvos.com

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Slide 13 duckduckgrayduck.com

Slide 14 tunnelwall.blogspot.com

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Slides 18-30 Stephen Marc, Professor, Arizona State University

Slide 31 Stacy Wescott/Chicago Tribune