



WEST VANCOUVER POLICE DEPARTMENT

Operational Policy

OG3550: Demonstrations or Civil Disobedience

1.0 PURPOSE

- 1.1 The purpose of this policy is to provide guidelines to Members responding to demonstrations or civil disobedience and assist in ensuring that potentially violent demonstrations or events involving large numbers of people are dealt with in an organized and appropriate manner having regard to the maintenance of public order.

2.0 DEFINITIONS

- 2.1 For the purposes of this policy, the following definitions will apply:

“Act” means the BC Police Act, [RSBC 1996], Chapter 367, as amended from time to time.

“CCC” means the Criminal Code of Canada, R.S.C. 1985, c. C-46, as amended from time to time.

“Department” means the West Vancouver Police Department.

“Duty Officer” means the on-call Executive Officer (Inspector rank or above and includes Acting Inspector), outside normal business hours.

“Field Commander” means the Member assigned and charged with managing the scene including deployment of resources and tactical considerations. The Field Commander reports directly to the Incident Commander.

“Incident Commander” means the Member responsible for all aspects of an emergency response; including quickly developing incident objectives, managing all incident operations, application of resources as well as responsibility for all persons involved.

“Member” means a sworn peace officer employed at the Department.

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“MVA” means the BC Motor Vehicle Act, [RSBC 1996], Chapter 318, as amended from time to time.

“OIC Operations” means the Inspector in charge of the Operations Division and includes an acting Inspector.

“Patrol Duty NCO” means the Patrol Duty Sergeant or Acting Sergeant.

3.0 POLICY

3.1 The Department will provide guidelines to assist Members in responding to demonstrations and civil disobedience. In the event police involvement becomes necessary the basic obligation must be focused on keeping the peace and protecting life and property.

3.2 The Department recognizes the public’s right to lawfully protest, and that at times the rights of protestors will collide with the rights of others and so discretion in enforcing the law is necessary.

3.3 The Canadian Charter of Rights and Freedoms sets out the fundamental freedoms of all Canadians including freedom of peaceful assembly. All federal and provincial statutes, as well as municipal bylaws must be consistent with the Charter.

3.4 Civil disobedience can be a peaceful violation of particular laws or government policies by a single person or group who believe the actions taken by the government or its subsidiaries are immoral or unjust. Through civil disobedience, an individual or group’s objective is to disrupt the rightful use of the facility while promoting their particular cause.

4.0 PROCEDURES

4.1 When policing public demonstrations, the Department’s goals include but are not limited to:

- a) ensuring the safety of the public, the protesters, and the police is maintained;
- b) preventing criminal acts from taking place;
- c) ensuring the public peace is maintained;
- d) protecting a citizen’s Charter of Rights; and
- e) protection of property.

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- 4.2 The Department's approach regarding crowd control and policing public demonstrations can be best described as emphasizing public safety first and foremost.
- 4.3 During lawful demonstrations, the Department will take reasonable steps not to escalate confrontations which may lead to violence, or injuries to the public or to its Members.
- 4.4 The Department will use its discretion in allowing public gatherings which may violate the MVA or municipal bylaws. The Department may tolerate demonstrators occupying an intersection for a short time to get a message conveyed, but step in once the demonstration becomes unlawful by unduly disrupting traffic. It is the opinion of the Field Commander or onsite NCO when a demonstration unduly disrupts traffic.
- 4.5 The importance of discretion and proportionality relative to material circumstances has long been recognized by the courts as legitimate considerations for law enforcement. The fact police have a duty to enforce the law does not eliminate or over-ride such discretion.
- 4.6 The B.C Criminal Justice Branch, Ministry of Attorney General, Crown Counsel Policy states "Acts of civil disobedience, including conduct involving public demonstrations may come into conflict with the law and obstruct or interfere with the rights of others. The use of criminal sanctions in these situations may not always be in the public interest". This is an important principle and one all Members should adhere to while deployed at civil disturbances.

Response

- 4.7 Police responses to demonstrations may include but are not limited to:
 - a) observation - maintaining discreet surveillance on the crowd;
 - b) video – recording the events that unfold;
 - c) escort – utilizing motorcycles and marked police vehicles to escort parades/demonstrations and minimize traffic disruptions;
 - d) containment – maintain order and control by blocking access to buildings or areas that may be the focus of the protest; and
 - e) Crowd Liaisons – consideration should be given to utilizing "Crowd Liaisons" to interact with the demonstrators in a non confrontational manner. Crowd Liaisons should be identifiable but in plain clothes i.e. reflective vests marked "Police".

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- 4.8 Interacting with crowd members as individuals can be successful in preventing a situation from deteriorating. Members are encouraged to interact with demonstrators in a pleasant non-confrontational manner.
- 4.9 Strategies or tactics deployed by Members should ensure:
- a) initial contact and communication is made as soon as possible;
 - b) if appropriate or reasonable, a graduated tactical approach is employed;
 - c) targeted intervention based upon reliable information;
 - d) clear, concise communication; and
 - e) the public are made aware of likely police action.

Intervention

- 4.10 Member intervention in demonstrations or civil disobedience should only be considered if:
- a) there is a safety issue involving the general public or the participants involved in the demonstration or civil disobedience;
 - b) there is violence against persons or willful damage against property;
 - c) the rights of the general public are being unduly restricted (it is the opinion of the Field Commander or onsite NCO when the rights of the general public are being unduly restricted);
 - d) there are elements of trespass or an unlawful assembly; and
 - e) adequate police resources are available to ensure there is a safe resolution to the incident.
- 4.11 If it is determined that a person or persons are trespassing on private property, the person in charge of that property may be advised that he has a right to eject the trespassers. A trespasser who refuses to leave when requested commits an offence (Provincial Trespass Act or CCC – Assault/Mischief/Obstruct Peace Officer) and triggers a peace officer's powers of arrest to remove the person.
- 4.12 Recent Court decisions have differentiated between passive resistance and overt resistance, stating that simply refusing to leave a property, absent some overt act by the trespasser, was not an assault (R. v. K.B. [2012] B.C.J. No. 271). Members will consider this differentiation in determining the appropriate level of force utilized in intervening and the appropriate charges to be laid if required.

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Use of Force

- 4.13 Any use of force by a Member intervening must be in compliance with the CCC, the Act and Department **Policy OH0020: Use of Force**.
- 4.14 The level of Force utilized during an incident will be determined by the Field Commander in consultation with the overall Incident Commander. It is the responsibility of the Field Commander to advise Incident Command of any changes which require an escalation or de-escalation of the level of force. This does not preclude Members from taking whatever action is reasonably necessary to protect the lives or safety of themselves or others.
- 4.15 Where the circumstances render lower force options ineffective or inappropriate action may be required that is beyond the capacity of the assigned Members to manage the event. In this case consideration must be given to requesting assistance from outside agencies for additional resources or specialized tactical assistance.

Spontaneous or Unplanned Demonstrations or Civil Disobedience

- 4.16 In the event of a spontaneous (unplanned) demonstration or civil disobedience:
 - a) the Patrol Duty NCO will immediately contact the OIC Operations/Duty Officer, who will attend the scene to assess the situation. Consideration should be given to identifying the demonstration leader(s) and creating dialogue in order to determine the demonstrator's objectives;
 - b) the OIC Operations/Duty Officer or his/her delegate will assign sufficient Members as required for preservation of the peace including safety of the public, Members and protection of property; and
 - c) Members at the scene will use their discretion to ensure the civil disobedience, protest or demonstration is not endangering the general public (including protestors) or responding Members.
- 4.17 Members will maintain a fair and impartial position during response to a demonstration or civil disobedience and continually try to establish a rapport with participants in order to mitigate the unlawful activities, identify leaders and ascertain objectives.
- 4.18 Members should be deployed to observation posts in order to monitor the demonstration from a strategic location, and consideration should be given to the use of physical barriers, i.e. barricades or police vehicles in order to contain the protest and prevent others from joining in.

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- 4.19 A Member will be assigned to videotape the protest for the purpose of gathering evidence, identifying participants and capturing the interaction between protestors, Members and the public.
- 4.20 Should the demonstration appear to be escalating beyond the capacity of the assigned Members the OIC Operations/Duty Officer will consider:
- a) assignment of additional Department resources;
 - b) contacting neighboring agencies and requesting assistance and additional resources; and
 - c) deployment of specialized tactical resources from outside agencies.

Planned Demonstrations or Civil Disobedience

- 4.21 Upon notification of a planned demonstration or civil disobedience event the OIC Operations will be notified. The OIC Operations will assign the S/Sgt Patrol Division to complete an Operational Plan that includes the following:
- a) nature of the event;
 - b) identity of protest groups and previous activities;
 - c) protest objectives;
 - d) potential for violence (threat assessment);
 - e) anticipated number of protestors; and
 - f) recommendations regarding equipment and resources.
- 4.22 A Duty Officer/Inspector will be assigned to all Protests/Demonstrations and be designated as Incident Commander. The Incident Commander will establish the overall strategy for the event and will be responsible for the following:
- a) resourcing;
 - b) call-out of tactical resources from outside agencies, if required;
 - c) deployment and authorization of equipment and tactics in consultation with the Field Commander;
 - d) in the event the tactical resources from outside agencies are deployed, liaise directly with the Team Commander with respect to mission, objectives, deployment and tactics; and

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- e) conduct a debriefing at conclusion of event.
- 4.23 A Field Commander will be assigned to the event and charged with managing the scene including deployment of resources and tactical considerations. The Field Commander will report directly to the OIC Operations or assigned Duty Officer (Incident Commander).
- 4.24 The Field Commander or Incident Commander will hold a briefing with all assigned Members prior to deployment. The briefing will include the following:
- a) a clearly defined Mission;
 - b) details of the event;
 - c) intelligence updates and threat assessment;
 - d) policing objectives and policing style;
 - e) command structure;
 - f) deployment; and
 - g) use of force guidelines.

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