



TOWN OF NEWTOWN
BOARD OF POLICE COMMISSIONERS

The Board of Police Commissioners
Regular Meeting, Tuesday, September 1, 2020
Council Chamber, Newtown Municipal Center, 3 Primrose Street, Newtown

MINUTES ARE NOT FINALIZED UNTIL APPROVED BY THE BOARD OF POLICE COMMISSIONERS

Present: Joel Faxon, Scott Cicciari, Neil Chaudhary, Joan Plouffe, Andy Sachs

Also Present: Chief Viadero, Capt. Vanghele (in person), and two members of the press (via phone).

Chairman Faxon called the meeting to order at 6:36p.m.

Public Participation: none.

Police Union Participation: Chief Viadero reported Officer Penna stepped down as President of the union after the union contract was signed. The current union representation is as follows: Det. McAnaspie, interim President until the election in January, Sgt. Seabrook, Vice President, Ofc. Lorancaitis, Treasurer and Ofc. James, Secretary.

Consideration and action on the minutes: Commissioner Chaudhary moved to accept the minutes of July 7, 2020. Commissioner Cicciari seconded. All in favor.

Chief's Report: The last few months have been very busy. Officers are doing well as far as COVID-19; protocols are still in place.

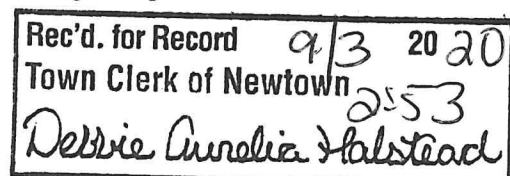
Old Business:

a.) Police Building Update: There has been phenomenal progress. Chief Viadero encouraged the board to attend the next walk through, Sept. 3 at 3:30pm. They are finishing up on IT and finishes. The road from Pecks Lane is done. The building is beautiful inside; state of the art. The project is on time and within budget.

Correspondence: Attached are thank you notes and letters to the Bee. Officers have done a phenomenal job. A traffic calming request was submitted; Chief Viadero will get back to that individual.

New Business:

a.) Police Accountability Bill: Chief Viadero went through a power point presentation, talking about information, from House Bill 6004, he believes to be pertinent to Newtown (att.). POSTC currently oversees training, hiring, retention and anything to do with certification of municipal law enforcement officers. Now POSTC will also be responsible for the certification of state police officers. Once certification is pulled by POSTC a law enforcement officer cannot be a certified police officer in the state of Connecticut. Every three years each officer has to go through a re-certification process which will include sixty hours of training in certain mandated areas and undergo drug test for controlled substance



and steroids. The department is in discussion with a group that is formulating a specific program, relative to Implicit Bias Training, for law enforcement. The Police Accountability Task Force has not yet defined what primary and secondary violations are. Behavioral Health Assessments must be performed every five years. Police Chiefs do not want to make this punitive; they want this to have a positive impact, looking out for the well being of officers. Most departments have peer support groups as well as an EAP (Employee Assistance Program). Newtown has a social worker/mental health clinician assigned to the department, shared with Danbury PD, who works closely with officers on cases. 80% of Newtown officers are CIT trained. Chief Viadero said some of the items will be costly, such as the mental health assessments and drug testing. As these are unfunded mandates the cost will be part of the operating budget. Officers can no longer ask for consent to search a vehicle if the stop was based on a motor vehicle violation. Searches can be made if probable cause exists. The Use of Force language has changed significantly. The standard on how an officer is trained has changed as well as the legal standard. The policy is being worked on at POSTC; Chief Viadero is on this committee. The implementation date is April 1, 2021. Every officer in the state of Connecticut needs to be trained. Many Chiefs are on the committee as well as a law professor and Dr. McCabe. Training has to be scenario based training and will be a monumental task. Chief Viadero voiced concern about training element. He wants to make sure the officers are trained to the best standard; it is crucial. De-escalation, scenario based training will take place once some COVID-19 travel restrictions are lifted. Duty to Intervene elements are already in the NPD policies. Qualified Immunity creates civil cause of action against an officer. The new language states if an officer's conduct is malicious, wanton or willful they are responsible for their own representation and possible expenses from such act. C.A.L.E.A is an independent entity; the Newtown PD is accredited Tier 1 through POSTC. POSTC accreditation mirrors C.A.L.E.A. There will be further discussion on this portion of the bill. Many of what is brought forward in the Accountability Bill are things that are already in place in numerous police departments. The bill will force consistency. Commissioner Chaudhary asked about Senator Murphy's proposal regarding law enforcement in schools. Chief Viadero said the Superintendent fully supports the program. Newtown does not take any federal funding for SRO's; it should be an individual decision by the Board of Education and the Town. A falsehood is that an SRO is school security. An SRO is in the schools to enhance the relationship between law enforcement and community; to have a good ambassador in the schools, working with the students. There are some towns in CT that can't run the SRO program without federal funding. Newtown is funded and supported by the Town. SSO's are armed security; retired police officers.

b.) Crowd Management Policy: Ofc. Silver worked on the Crowd Management document (att.) Chief Viadero noted it is straight forward, addresses concerns in House Bill 6004 and is ahead of the mandate. Ofc. Silver reached out to other departments with similar policies, researched online and looked at what Newtown PD does day to day. Chairman Faxon said it is comprehensive and includes direct guidance. There will be a contact with the group planning an event and responsibilities will be delegated out depending on the event. Permit requirements are protests are rarely followed. If an officer is in a deadly force situation a vehicle can be used. Following a brief discussion on language Commissioner Plouffe moved to accept the Policy Number 1.28 Crowd Management with the changes as discussed. Commissioner Chaudhary seconded. All in favor. The final document is attached.

Commissioners Participation: Chairman Faxon said that while the letter to the Bee (att.) spoke to a very unfortunate situation, it spoke very highly about the rapid response of police officers and their ability to try to save the life of the person performing a service at a home in town. Police, Fire and EMT's were all on scene and deserve the recognition.

Public Participation: none.

Executive Session – Personnel Matters: Commissioner Cicciari moved to enter into executive session for personnel matters per state statute 1-200 (6a) to discuss performance/employment of a public employee and to invite Chief Viadero and Capt. Vanghele to join. Commissioner Sachs seconded. When asked, Chief Viadero noted the employee was informed and requested the meeting be held in executive session. All in favor. Executive session was entered into at 7:50pm and returned to regular session at 8:15pm with no motion taken.

Adjournment: Having no further business to report the police commissioners adjourned their regular meeting at 8:15 p.m.

Attachments: Correspondence; Police Accountability Bill power point presentation; Crowd Management Policy.

Respectfully submitted,
Susan Marcinek, Clerk

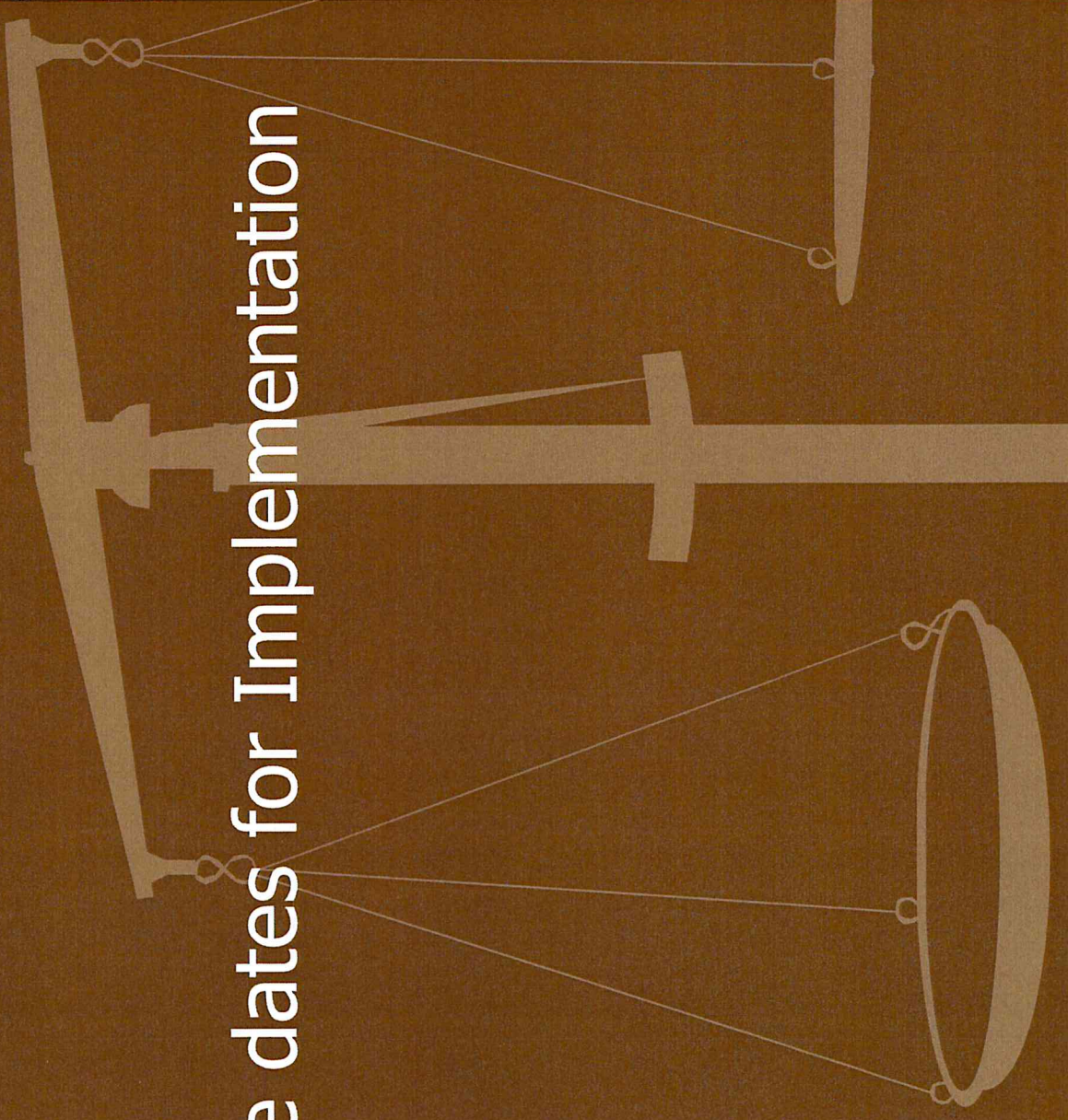


Police Accountability Bill

Chief James Viadero
Newtown Police Department
September 2020

House Bill 6004

- 64 Pages
- 44 Sections
- Various effective dates for Implementation



POSTC Responsibilities

Effective 7/1/20

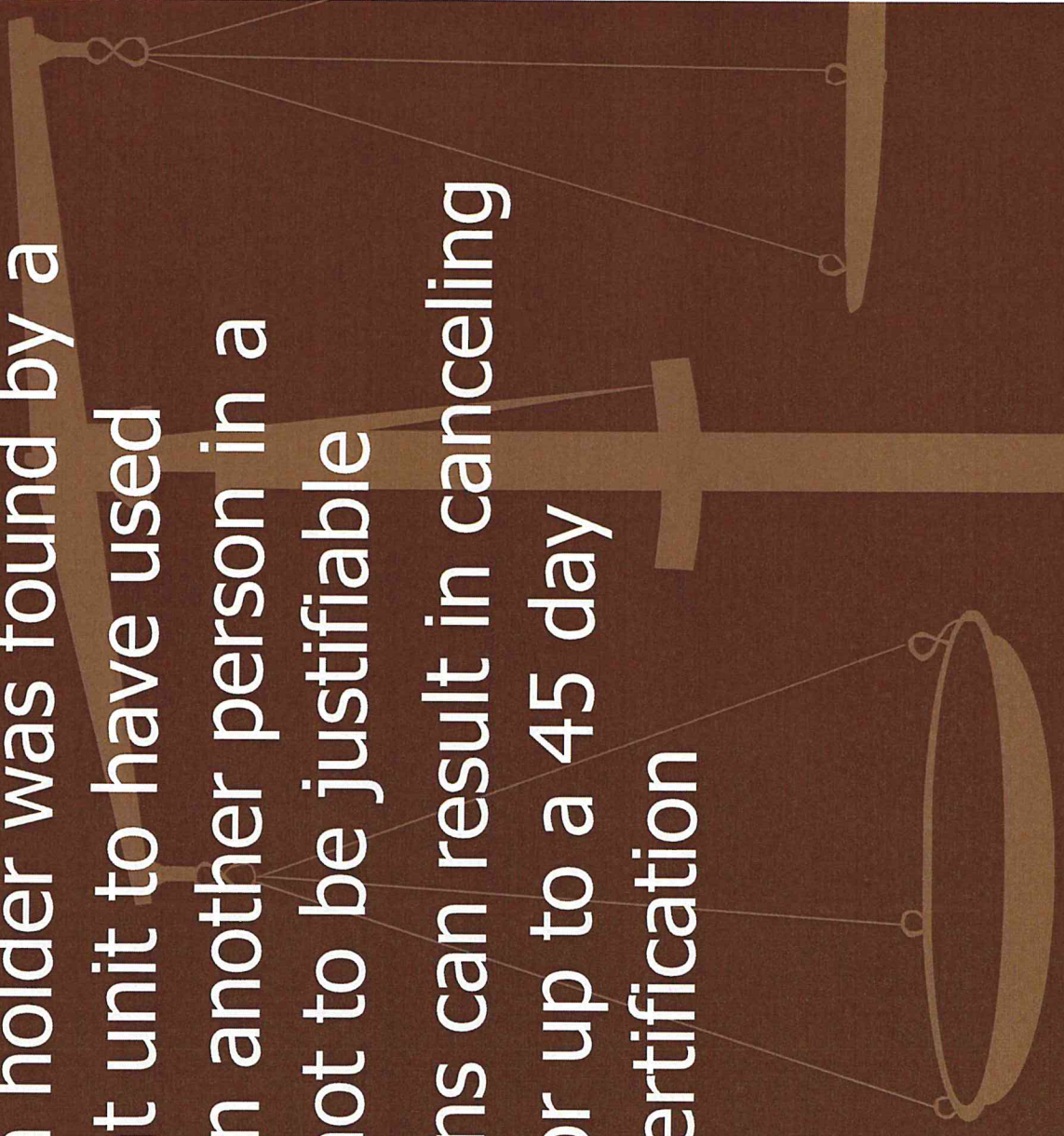
- Additional POSTC authority to cancel certifications of officers:
- Issued under administrative error
- Issued under misrepresentation or fraud
- Falsifying of documents/obtain certification
- Certification holder is a convicted felon
- Certification holder found not guilty of a felony by reason of mental disease or defect

POSTC Continued

- Certification holder was found by a law enforcement unit to have used firearm in an improper manner which resulted in the death or serious injury of another person
- The certification holder was found to have engaged in activity that undermines the public confidence (POSTC establishing language to define this category, severity of incident as well as on or off duty conduct to be considered)

POSTC Continued

- The certification holder was found by a law enforcement unit to have used physical force on another person in a manner found not to be justifiable
- Offense violations can result in canceling of certification or up to a 45 day suspension of certification



Urinalysis

- POSTC requirement for recertification
- Component of 3 year recertification cycle
- Testing for controlled substances as well as steroids
- Implementation procedures to be determined by law enforcement unit of officer holding certification, i.e. administration of test

Implicit Bias Training



- Implicit Bias Training is about recognizing and mitigating unconscious bias against particular people that may influence judgment and decision making while interacting with them
- ***NPD in discussion with a group that is formulating a specific program for law enforcement***

POSTC Continued

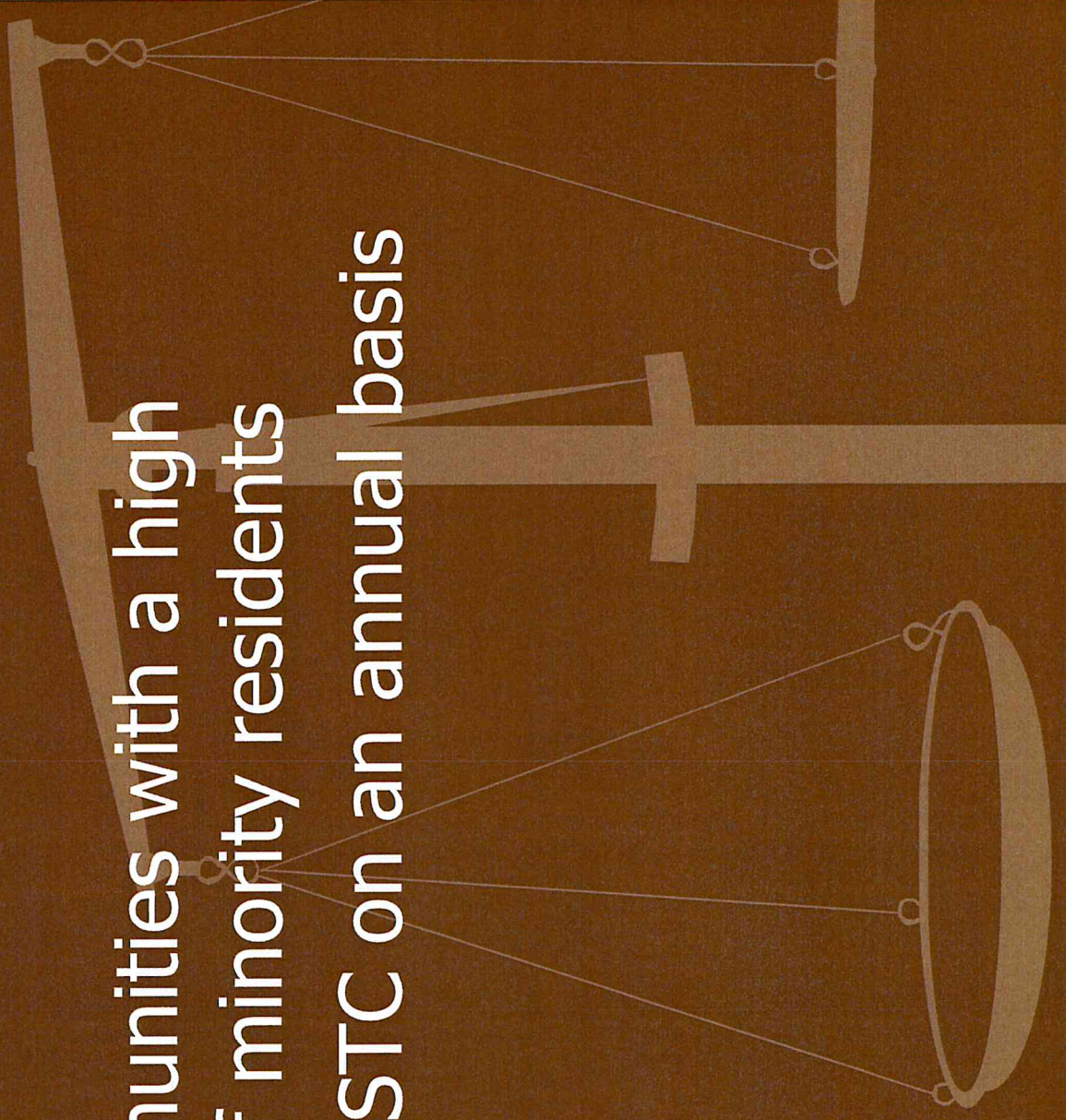
- POSTC will be formulating a model Crowd Control Policy
- Components:
 1. Protection of 1st Amendment Privileges
 2. Addresses use of physical force
 3. Mandated training
 4. Mandated after action reporting
- *Policy presented this evening to address mandate*

POSTC Continued

- Mandated Uniform Identification Policy
- 1. Officers shall affix names and badges to uniform
- 2. POSTC will promulgate rules and exceptions
- ***NPD has existing policy addressing this issue**

Reporting, Recruiting, Retaining and Promoting of Minority Police Officers

- Applies to communities with a high concentration of minority residents
- Reporting to POSTC on an annual basis



Police Accountability Task Force

- Originally created under PA 19-90
- Will study the following:
 1. Feasibility of officers retaining liability insurance
 2. How officers conduct no-knock warrants
 3. The requirement that traffic stops be based on primary violations

Behavioral Health Assessments

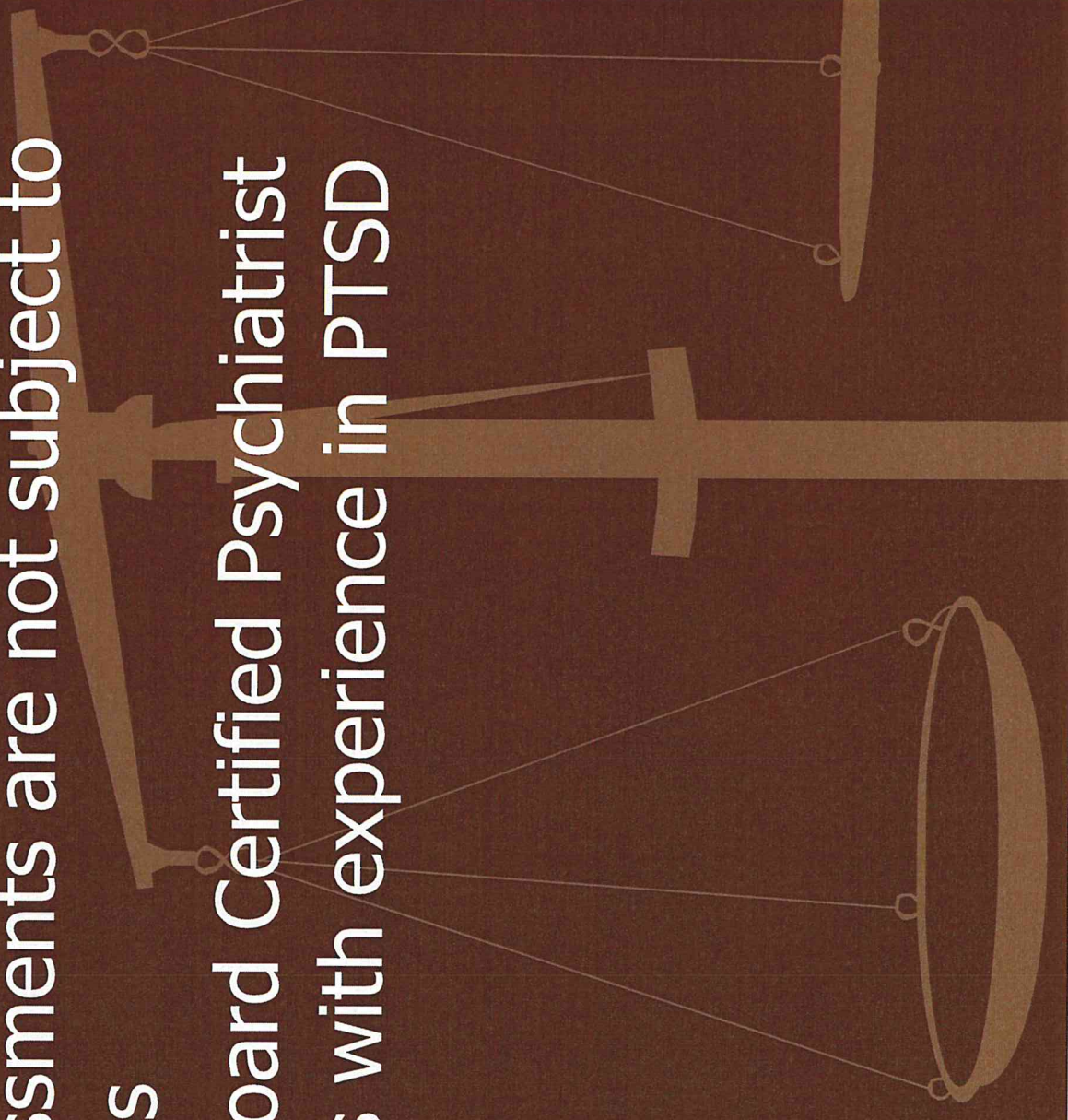
Effective 1/1/21

- Becomes a condition of hiring
- A condition of certification renewal
- Performed every 5 years
- Chiefs can stagger 20% per/year of department to maintain a cycle
- If good cause is demonstrated as a result of assessment Chief can require additional testing

Behavioral Assessments

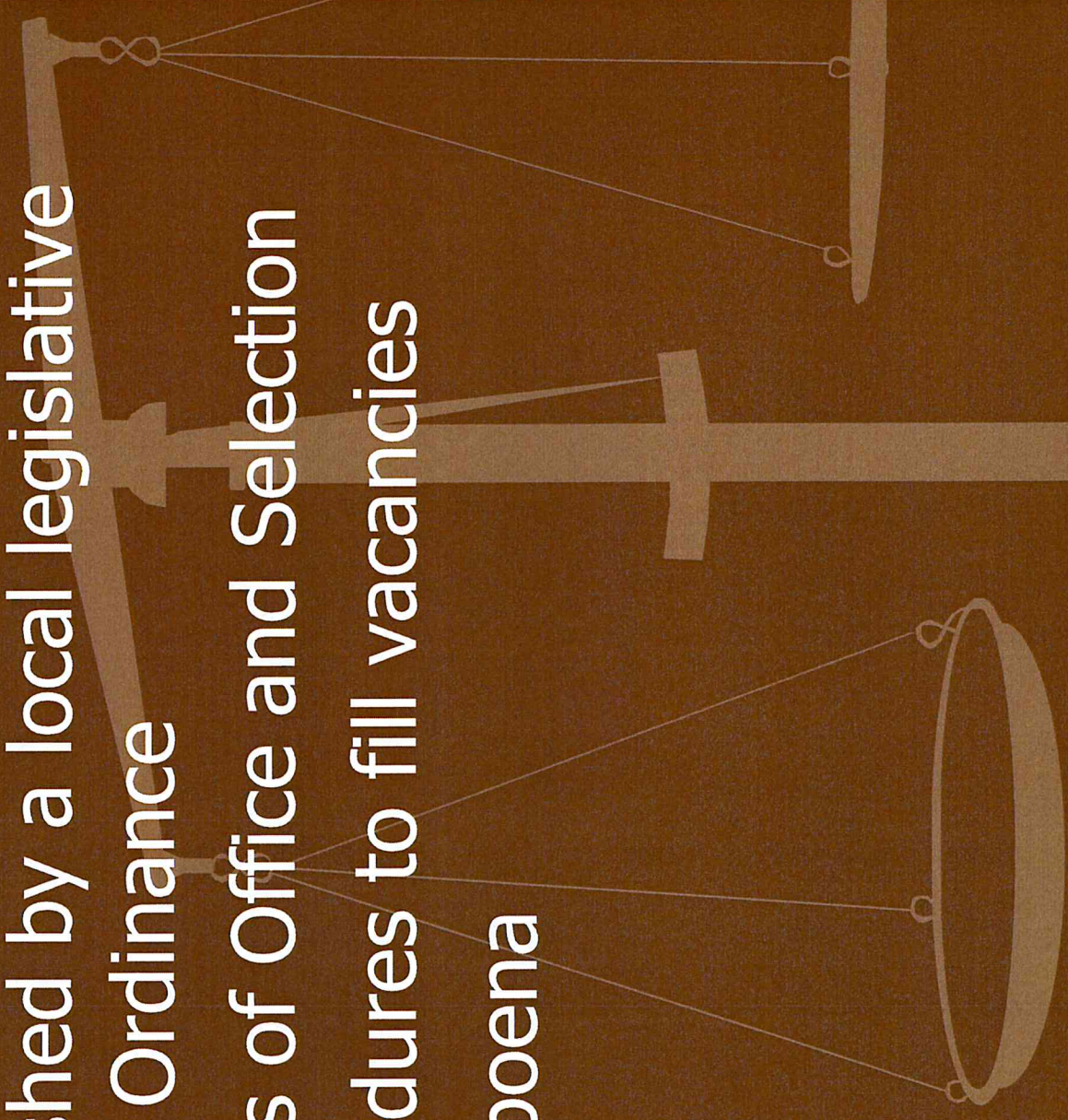
Continued

- Results of assessments are not subject to FOIA regulations
- Performed by Board Certified Psychiatrist or Psychologists with experience in PTSD diagnosis



Civilian Review Board

1. Can be established by a local legislative body or; Town Ordinance
2. Specifies Terms of Office and Selection
3. Specifies Procedures to fill vacancies
4. Powers of Subpoena



Feasibility and Impact Of Social Workers Responding for Calls For Service

- Can clinicians remotely respond
- Response person requirements
- Accompaniment of officers with proper training
- * **NPD has a robust program, 80% of officers are CIT trained, have a social worker/mental health clinician assigned to department, shared with Danbury PD**

Dashboard and Body Cameras

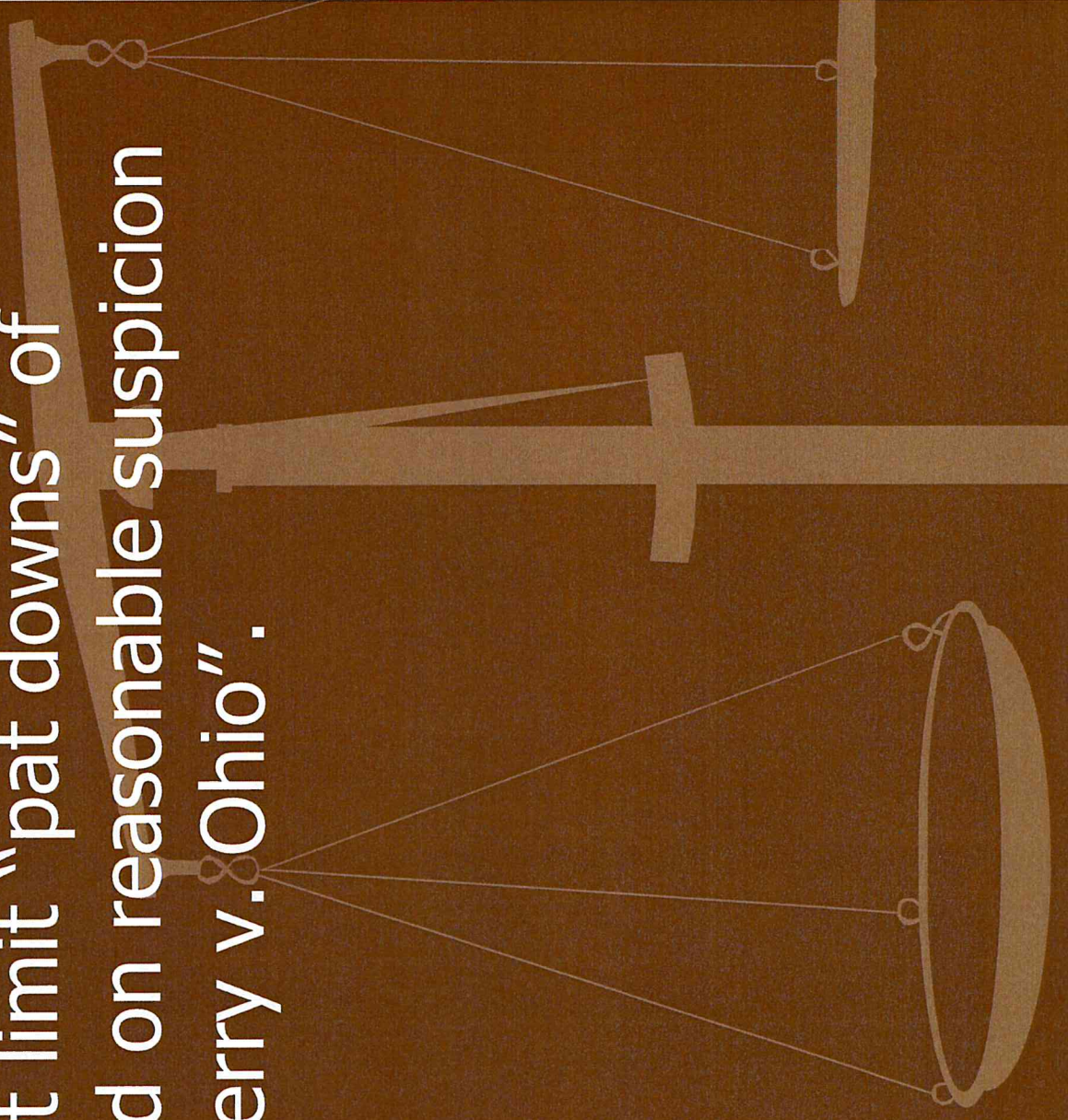
- Effective 7/1/22
- All departments will have Dash and Body worn cameras operational
- Officers are responsible to notify commanders in writing if equipment is broken or inoperable
- ***NPD program already implemented**

Limits on Consent Searches

- Effective 10/1/20
- Officers can no longer ask for consent to search a M/V if the stop solely was for a motor vehicle violation
- Searches shall only be made if Probable Cause exist or unsolicited consent is offered
- Consent shall be written or recorded via body worn or dashboard cameras

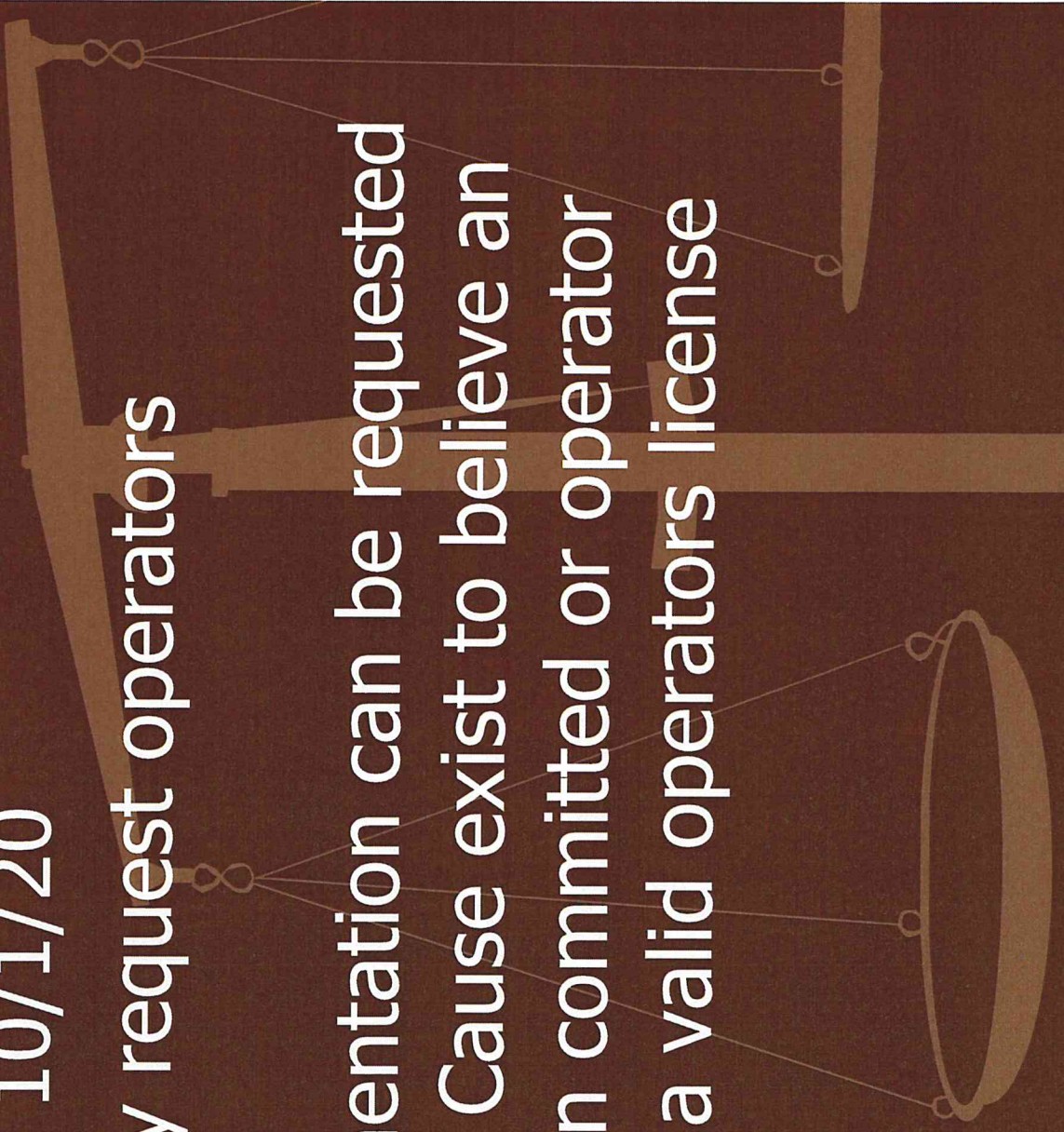
Consent Searches

- The Bill does not limit “pat downs” of individuals based on reasonable suspicion as defined in “Terry v. Ohio”.



Prohibition Against Asking for Non-Driving Identification

- Implementation 10/1/20
- Officers can only request operators License
- No other documentation can be requested unless Probable Cause exist to believe an offense has been committed or operator fails to produce a valid operators license



False Reporting an Incident

- Penalties have increased for False Reporting an Incident or Misusing 911 System Based on Bigotry or Bias
- 53a-18
- Effective 10/1/20

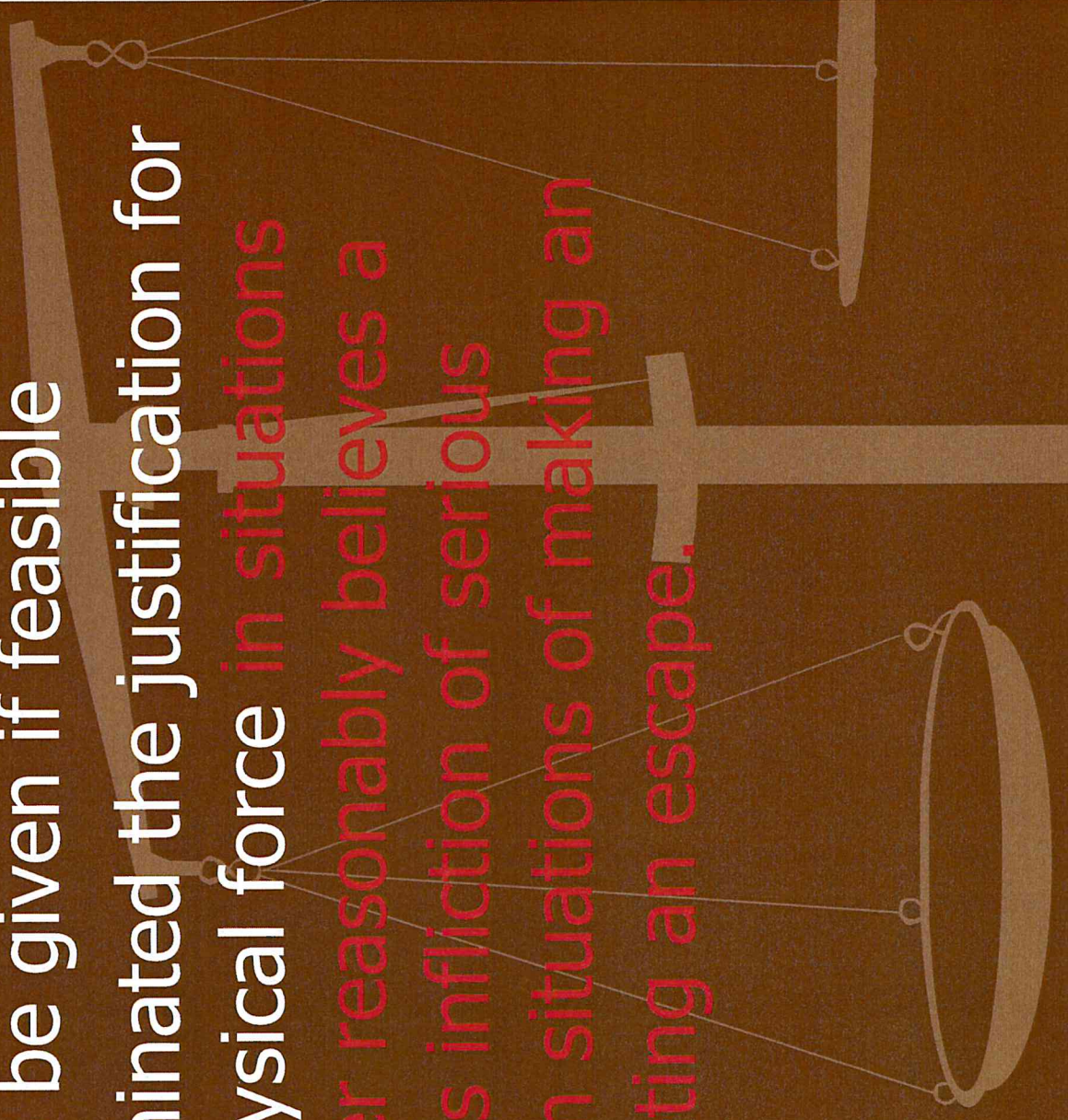


Use of Force Changes

- The Officers actions to use deadly physical force must be objectively reasonable under the circumstances and the officer:
 1. Has exhausted the reasonable alternatives to the use of deadly force
 2. Reasonably believes the force employed creates no substantial risk of injury to a third party

Use of Force Continued

- Warnings are to be given if feasible
- The Bill has eliminated the justification for using deadly physical force in situations where the officer reasonably believes a person threatens infliction of serious physical injury in situations of making an arrest or preventing an escape.



Use of Force Continued

- The Bill establishes factor to consider when determining whether an officers use of force was reasonable:

1. Whether the person who force was used against possessed or appeared to possess a weapon
2. Did police engage in reasonable de-escalation measures prior to using deadly physical force
3. Any conduct of the officer that led to an increased risk of an occurrence of the situation that precipitated the use of force (i.e. provocation)

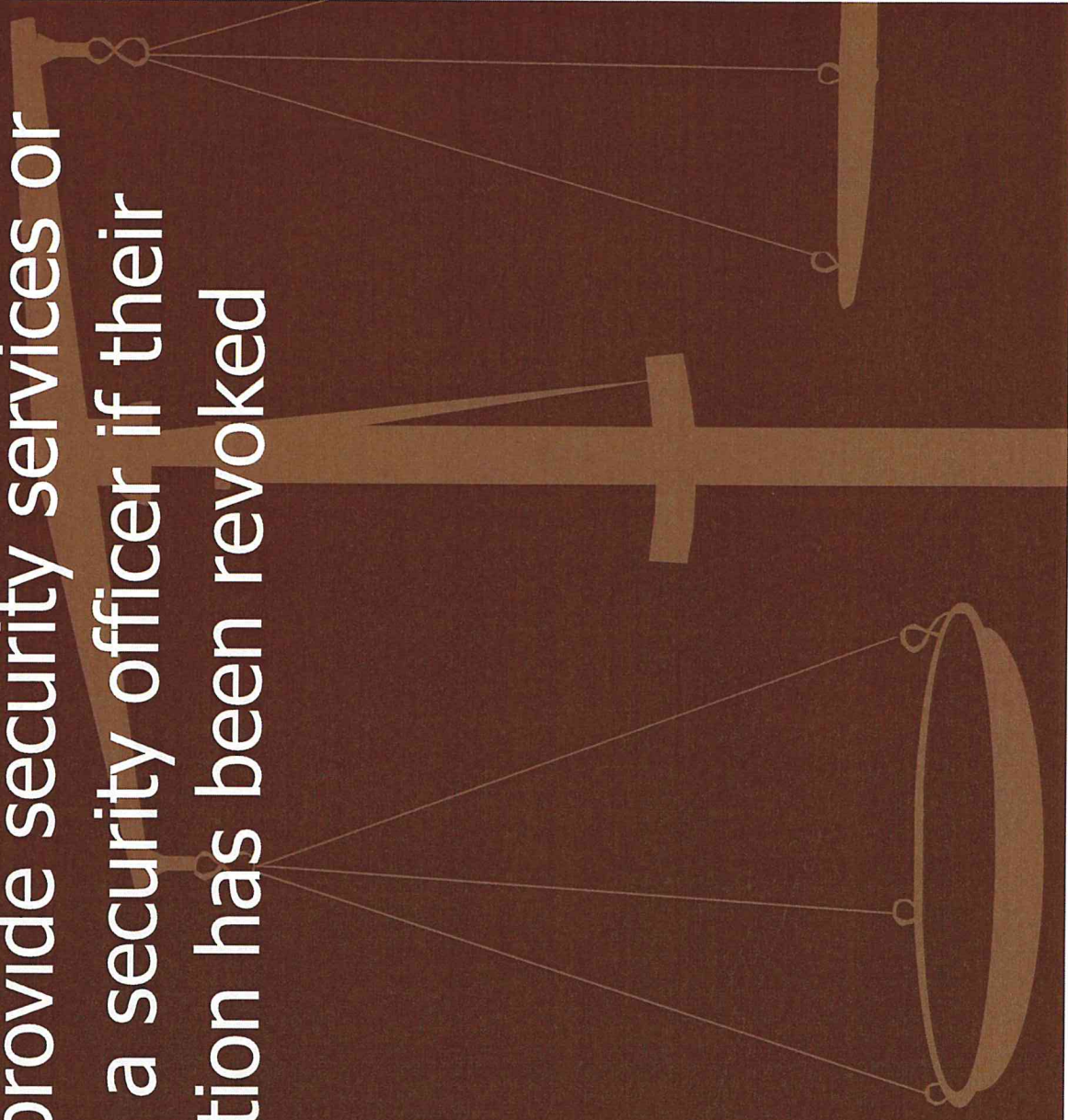
Use of Force Reporting



- Effective 10/1/20
- Report containing any of the following factors to OPM by 2/1/21:
 1. Firearm discharges
 2. Use of physical force likely to cause injury
 3. Vehicle pursuits
 4. Race, Gender, # of times forced used of person used against
 5. Injury to person

Security Officers

- No person can provide security services or be employed as a security officer if their POSTC Certification has been revoked

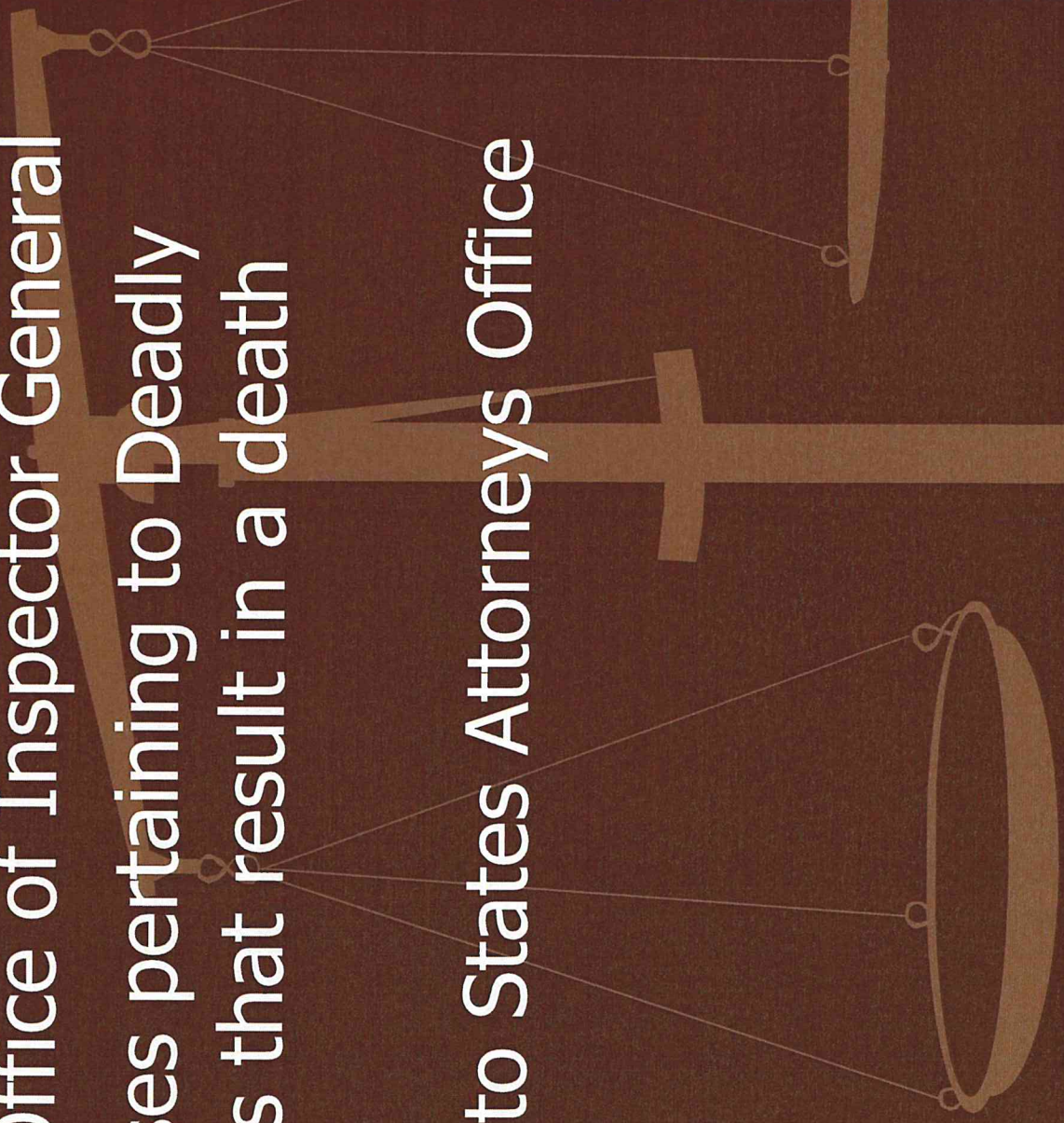


Duty to Intervene

- CGS 53a-8
- Applicable statute for an officer who **Fails to Intervene** in an incident where excessive force is being exhibited or utilized
- **Duty to Report** – A failure to do so may result in a criminal prosecution for the crime of Hindering Prosecution
- **Retaliation Prohibited** – Prohibits retaliation against officers who report such conduct listed above
- ***These elements are contained in existing NPD Policies**

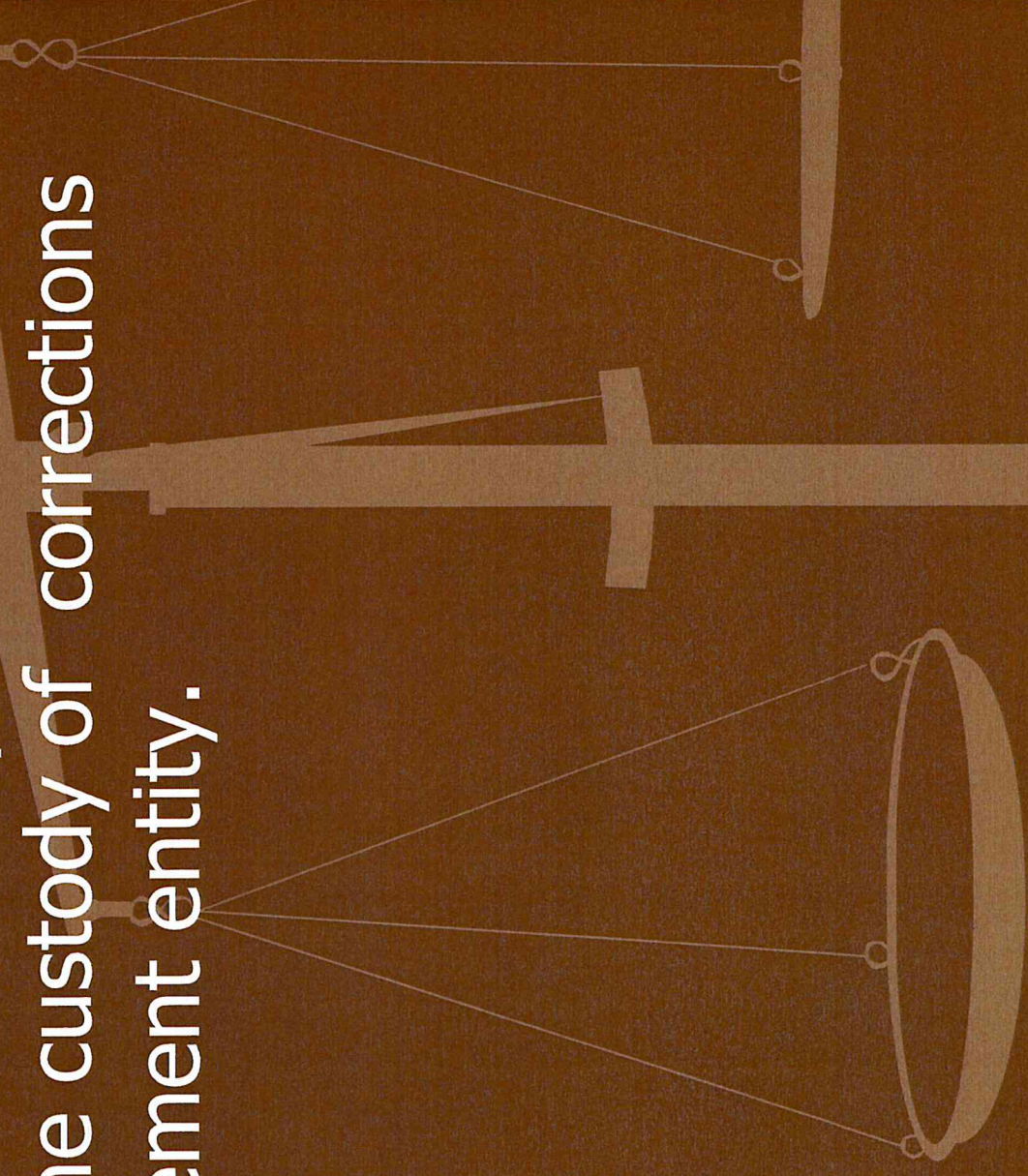
Office of Inspector General

- Bill creates an Office of Inspector General
- Investigates cases pertaining to Deadly Force utilizations that result in a death
- 53a-22
- Makes referrals to States Attorneys Office and POSTC



Office of the Chief Medical Examiner

- Investigates any in custody death of those individuals in the custody of corrections or a law enforcement entity.



Qualified Immunity



- The Bill has created a State/Law civil cause of action against an officer
- Deprives individuals of equal protection or privileges and immunities of State law as listed in Article 1 of the State Constitution
- Furthermore, the governmental immunity (the State law term for the corresponding Federal term of “qualified immunity”) is not a defense in such cases

Qualified Immunity

- “each municipality or law enforcement unit shall protect and save harmless any such officer from financial loss and expense, including legal fees and cost, if any such action, arising from such claim, demand or suit instituted against such officer by reason of any act undertaken by such officer while acting in the discharge of their duties”

Qualified Immunity

- (New Language) Effective 7/1/20

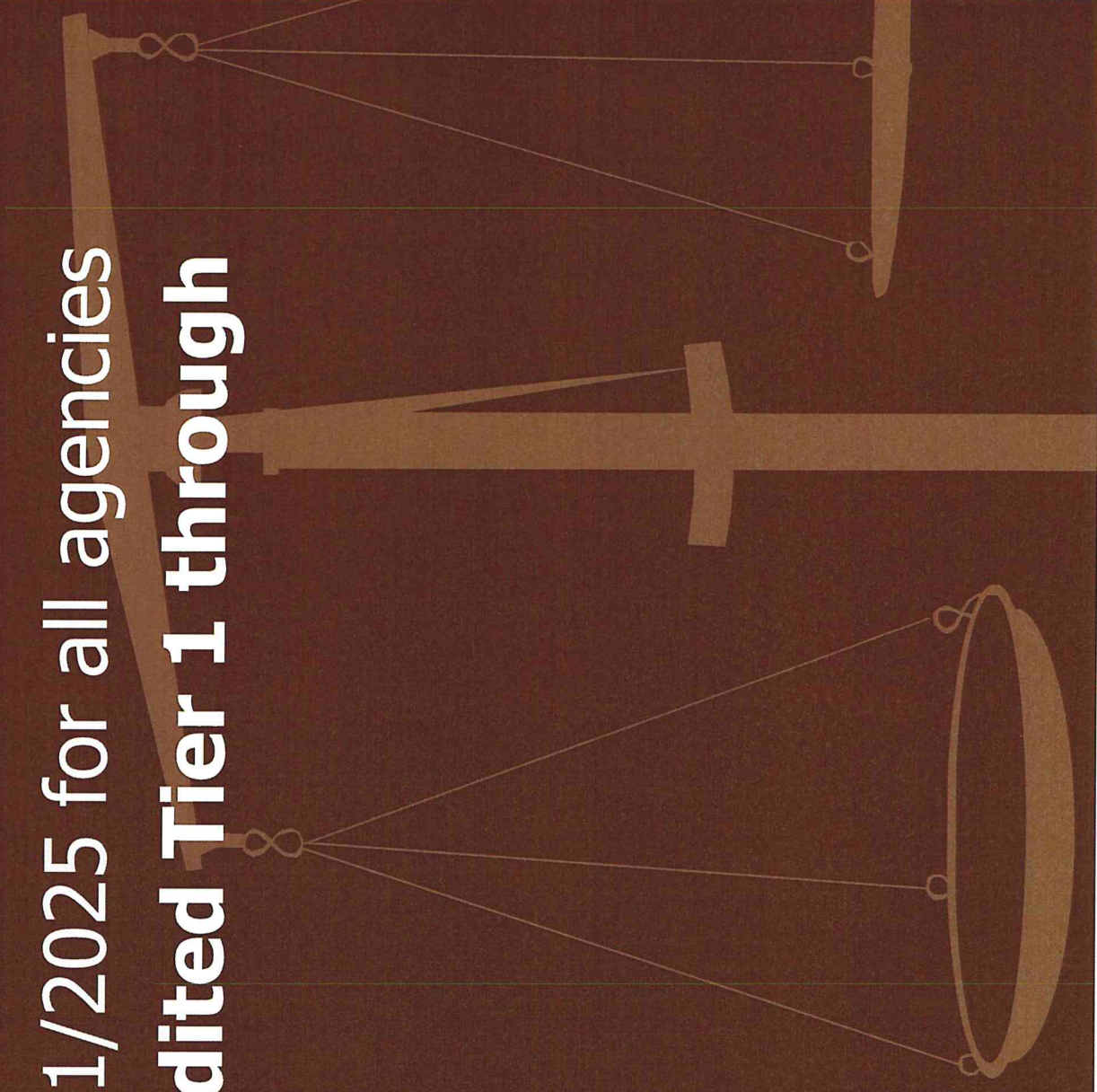
- " In the event, such officer has a judgement against him or her for a malicious, wanton or willful act in a court of law, such municipality shall be reimbursed by such officer for expenses it incurred in providing such defense and shall not be held liable for any financial loss or expense resulting from such act."

Federal Law

- Civil Rights Act 1871 Provides American right to sue public officials
- Civil Action 42 USC Section 1983
 1. Constitutional deprivation of civil rights
 2. Federal civil rights claim a government employee
 3. In their individual capacity it allows a protection of Qualified Immunity
 4. Violation of clearly established law voids this immunity (willful, wanton, malicious)

C.A.L.E.A Accreditation

- Mandated by 1/1/2025 for all agencies
- ***NPD is accredited Tier 1 through POSTC**



Newtown Has Remarkable Emergency Response

Published: Aug 26, 2020 10:35 AM

To the Editor:

I have an exterminator that comes to my house once a month to check on rodent control equipment that they have installed. For two years, Juan always parks his truck in the back by my garage and goes around the house checking his traps and spraying the foundation as needed. When he needs to go to the basement, he knocks on the back door.

Yesterday Juan parked at the front of the house. I did not give it much thought until I realized that I never saw him walking around. I opened my patio doors, no Juan. I walked to where his truck was parked, no Juan. I looked inside, no Juan. I went back inside, and, on a hunch, I opened the front door. There was Juan, lying out of sight under a bush to the left of the steps. He was not moving or breathing. I rushed inside and called 911 to send an ambulance.

I walked back outside to wait for the ambulance. In about four minutes, Police Officer Michael McGowan drove into the driveway and said, "What's happening?" I said, "I think my friend Juan is dead." He rushed back to his car and got his medical kit and started immediately administering CPR. He never stopped until a second police officer arrived and took over. A couple of minutes later, a third police officer arrived. So, in a span of ten minutes from my 911 call, three police officers were working to save Juan.

Very quickly many, many EMT volunteers started arriving. I have a long U-drive, but it was reaching capacity with the outpouring of volunteer help.

As I stood there watching, with my friends at my side, it occurred to me that Newtown is unique. It is not just wonderful town to live in; it is, as my friend Mark DeWolfe pointed out, a community-driven town. The heart and soul of Newtown is a rock-solid Police Department. The mayors of NYC, Baltimore, Chicago, Portland, and Seattle should pay a visit with Dan Rosenthal and see how it is done. Defunding the police department is not in Dan's vocabulary.

Post note: The man that I thought was Juan was his backup. That explains his parking at the front door. He did not make it. I am sure he is looking down saying, "Thank you, guys, you gave it your best shot."

W. Charles Paulsen

119 Boggs Hill Road, Newtown August 24, 2020

TRAFFIC CALMING REQUEST FORM
Newtown Police Department

Today's Date 08/13/2020

The purpose of this form is to enable a neighborhood to request a traffic study in accordance with the Town Of Newtown's traffic calming program. The traffic calming program addresses traffic safety concerns, such as excessive vehicle speeds, cut-through traffic and accidents. If you have such a concern, please fill out and submit this form including as much detail as possible and attach the names, addresses and signatures representing 50% of the households for the street(s) requesting action.

After completing this form, please submit to:

Town Of Newtown
Department of Police Services
C/O Board of Police Commissioners
3 Main Street
Newtown Ct 06470

1. Name of Neighborhood or organized group name: Sunnyview Terr.

Contact Name: Maria Wallenta
Address: 23 Sunnyview Terr
City: Sandy Hook
State: CT
Zip Code: 06482
Day Phone: 203-994-0593
E-mail Address: dakoramoon06@gmail.com

2. Please describe the traffic concerns of the neighborhood, including any safety issues. Use additional sheets as necessary.

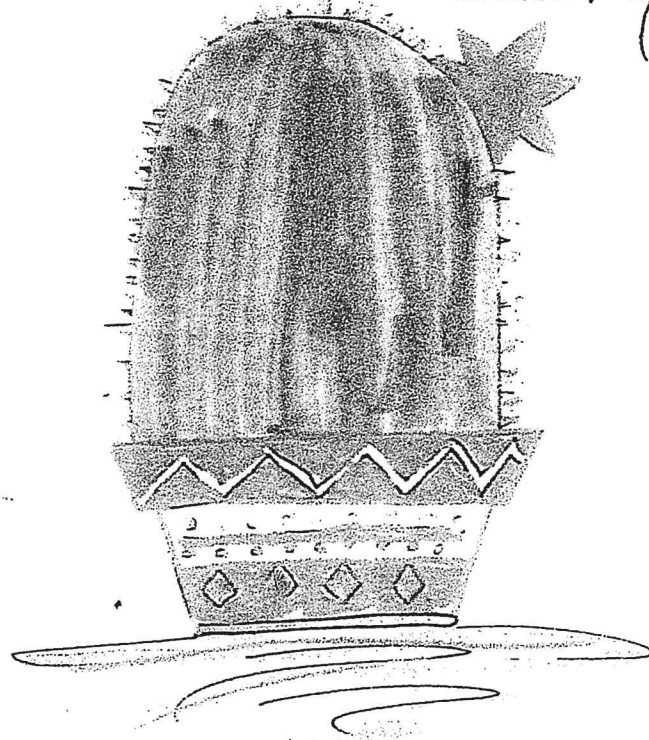
- People are parking in front of 13 and 17 Sunnyview. This is a blind curve for anyone driving down the street towards Riverside. 10 Sunnyview has over grown bushes that extend into the road, if cars are parked between 13 and 17 drivers must enter into the wrong lane and oncoming traffic cannot see them.
- The street is very narrow and people park in front of 19 and 14. If there is an emergency at the end of the street, emergency vehicles would not fit.
- 16 Sunnyview has many, many tenants. They have approximately 7+ cars. No one parks in their driveway causing them to park on the street directly across from 23 Sunnyview driveway. Backing out the driveway is nearly impossible especially in the winter.

For Town use only

Date Received: _____

Tough Times
NEVER
LAST, BUT
TOUGH PEOPLE DO.

Robert H. Schulley



~~~~~



•ER • DEPTS • FIRE RESCUE  
NURSES • EMTS • DRS •

Please share the  
cards among  
your "co-workers"  
co-Heros that is.

These are the  
continuation of a  
project to "Honor  
our Heros,"

These are kids  
aged 8-11. And  
a very proud  
aunt.

Thank you all  
for all you are  
continuing to do.

God Bless,  
You all.

" Pam Lewis  
& Company " 2020



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Thank  
You All!



For  
being a hero. <sup>(our)</sup> <sup>(es)</sup>

We  
are grateful.  
very

Jiki Owen Brooklyn  
Sydney  
Pier Maggie



## Letters

# In Support Of Our Newtown Police Department

Published: Jul 06, 2020 02:25 PM



To the Editor:

We love Newtown. There are many reasons people have chosen Newtown as their home, including quality education and our community character. Safety is the foundation upon which our community is built. A safe community benefits everyone, regardless of age, sex, creed, or race. SafeWise recently ranked Newtown as the second safest town in Connecticut. We want to recognize our police department's continued success in their efforts to keep us safe.

We, the Newtown Republican Town Committee, like the vast majority of Americans, denounce racism and the instances of police brutality. We join our neighbors in calling for unity and an open-minded dialogue. We all are disgusted by the recent unjustified killings of individuals in police custody, including that of George Floyd. We acknowledge and empathize with those who have been marginalized. Reforms now being presented merit objective consideration for the positive effects on police-community relations they may bear. As we continuously work towards a country built on our founding principles — one in which all are treated equally and with justice — we believe we are best served by reflecting and improving upon that which has served us well.

Policing is a local and state power under our Constitution. Newtown's Police Department (NPD) is one we are proud of. NPD is a respected department and its response to recent national events has been a model for others to follow. Chief Viadero and his officers have been proactive, transparent, approachable, and responsive. Many of the police reforms suggested in the wake of these incidents are already NPD policy. Reforms like the mandatory use of body cameras have been in place for years and we are grateful.

While well intended, some recent reform suggestions will have negative consequences. Defunding the police, for example, will erode safety and stability in our community and disproportionately impact those most in need of their services.

The Newtown Republican Town Committee strongly rejects calls to remove police officers from our schools. Newtown has been visited by tragedy and these officers are in place to protect our children. We feel their presence provides a safe environment for our children that is essential to their growth and education.

Now, at a time when so many good police officers who serve us with honor and dignity feel ostracized for the actions of a relative few, we express our appreciation to our police for what they do for all of us. We are safe in Newtown; law enforcement is fair and consistent. Our NPD has adopted best practices early and is continuously improving. Connecticut has been hit especially hard by COVID-19, and our officers put themselves at risk every day to continue to provide the outstanding level of service to which we are accustomed.

There is always work to be done as we strive to live up to our values. Our police department deserves praise and recognition for their accomplishments and as the role model they are for others nationwide.

On behalf of the Newtown Republican Town Committee,

Dennis Brestovansky, Chairman



44 Great Quarter Road  
Sandy Hook, CT 06482

June 30, 2020

Newtown Police Department  
Main Street  
Newtown, CT

Dear Chief Viadero,

I just wanted to take a few moments to send a letter of recognition. Earlier this year, the CT CHET College Savings Program invited high school freshman to apply for a \$2,023 scholarship, with an added \$500 if they save at least \$500 in their own account before graduation.

For a theme of 'Civic Engagement,' applicants were asked to interview of public official or service personnel (anything from elected official, to police, to clergy or nonprofit foundations). The goal was to learn more about the role, what inspired the interviewee to pursue that profession and important success factors (training, education, etc.).

I'm pleased to share that **Officer Larissa Nosal** was exceptionally generous with her time, spending well over an hour with my son, Kyle Tabor. She detailed her own journey to the police force as a second career, highlighting how it is more than a job, but rather a calling. She talked a great deal about training and preparedness to handle difficult situations and the importance of stress relief and comradery to maintain balance and find peace at the end of each day. She was extraordinarily compassionate and kind as their conversation covered some very sensitive and difficult topics, namely 12/14 and the community aftershocks. Officer Nosal knows my son well (we live in the same neighborhood and my kids have been visiting 'her chickens' for years!). She is very aware of his experiences and struggles as a front-hall witness to the tragedy that day. Her responses to his questions were so thoughtful and insightful – sharing her own vulnerabilities but in a way that emphasized resilience, the importance of finding your purpose, and being grateful for blessings. Clearly, the judges found the recap compelling—we were recently notified he was one of the CT winners!

Given the state of national affairs, I can only imagine how difficult it can be for each of your officers to watch the news and still report for their duties, unsure how a community regards them—toggling between hero and villain depending on the day's narrative. Please know that we appreciate the efforts, selflessness, and dedication of your team. Over the years, we've had occasions to work with **Officer Figol** (who also spent her own time a several years ago to help my son complete his 'dog study' merit badge for boy scouts) and **Officer Chapman** who really made an effort to connect with him while at Middle School.

Following 12/14, my son developed a fear of police (his room was the only one 'stormed'). At 7, it was hard to explain why the 'good guys' came in like that—and appeared to then just leave him there (to clear the building). It has been a process over many years to re-establish trust, but we've remained



committed to doing so because we feel it is important to ensure he understands and respects the role of police. We were very lucky to have formed relationships with **Sgt. Cario** from Southbury Troop A, who initially met with Kyle to clarify the events of that day and explain how and why they responded the way they did. That made a huge impression on him and they've since met annually for 'cookies and catch up' just before the anniversary... sometimes with **Officer Eddie and 'Tex'** as a bonus because who doesn't love a big sloppy bloodhound on your lap!?

In each of those cases, these officers didn't just do their jobs, they committed extra time and energy to invest in their community, and we are especially grateful.

Please accept our sincere appreciation and I hope this letter serves as a formal recognition.

Respectfully,

A handwritten signature in black ink, appearing to read 'Aimee Tabor', with a long, sweeping horizontal line extending to the right.

Aimee Tabor

Thank you!  
-Kyle Tabor



Dear Newtown Police,

It truly breaks our hearts to see what is happening to good men like you across our nation. Men who risk their lives for ours as they are just trying to do their job, all the while knowing the risks they take.

I hope you know the vast majority of Americans support you and know how much we need you. Your part of what gives us peace in our everyday lives.

We just want to encourage you and tell you how very much you mean to us and ~~our~~ families.

We live in Southington, but our church is in Newtown. Please know we are praying for your safety and well being. Keep up the good work.

With love,

Sue & Tom Pelloni



To the cherished officers and staff  
of the Newtown Police Dept -

June 202

I wanted to extend a personal thank you in reflection of all the support given following the passing of Nick Eisele. Attention, presence and assistance, both before and during the funeral services, were second to none. We are immensely proud.

Sincerely,  
Victoria Martin  
and the Staff of Spadaccino Funeral Home



Thank so much of you  
for putting your life on  
the line and doing a  
great job serving our  
community. I was brought  
up respecting the blue uniform  
and I continue to do so today.  
I commend each of you for  
choosing a career of service.  
Your families must be very  
proud. Thank you!

Det. Turb...



Dear Police Officers,

This is such a hard time to be a police officer. I'm sorry for all you are up against and all the stressors and frustrations facing you at work.

We appreciate everything you are doing to keep us safe and secure.

Sincerely,  
The Wasley Family  
Sara, Justin, Stella + Cecilia + Savannah



Thank you for  
making my birthday  
so special day with  
such an awesome  
Parade!



(CJ Capozza)



Romans 13:1-4

Newtown Police Department,  
In the midst of all the  
current hostility, skewed information,  
and opposition in the media to  
law enforcement, we want to take  
a moment to say, Thank You for all  
that you do for us.  
Thank you for being there when  
we call.  
Thank you for putting your lives  
at risk to protect ours.  
Thank you for persevering with  
dignity, honor, and integrity.  
You play a vital role in God's  
plan and common grace to our  
nation. Press on!  
With gratitude, Pastor Joey & Tish Newton



**Policy Number: 1.28    Revision:**  
**TITLE: Crowd Management**

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**I. PURPOSE**

The purpose of this policy is to establish guidelines for managing crowds, protecting individual rights, and preserving the peace during demonstrations and civil disturbances.

**II. POLICY**

It is the policy of this agency to protect individual rights related to assembly and free speech; effectively manage crowds to prevent loss of life, injury, or property damage; and minimize disruption to persons who are not involved.

**III. DEFINITIONS**

*Civil Disturbance:* A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.

*Crowd Control:* Techniques used to address civil disturbances, to include a show of force, crowd containment, dispersal equipment and tactics, and preparations for multiple arrests.

*Crowd Management:* Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining lawful status through event planning, pre-event contact with event organizers, issuance of permits when applicable, information gathering, personnel training, and other means.

*Demonstration:* A lawful assembly of persons organized primarily to engage in free speech activity. These may be scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Lawful demonstrations can devolve into civil disturbances that necessitate enforcement action.

*Impact Projectiles:* Projectiles designed and intended to deliver non-penetrating impact energy from safer than contact range. These may include direct fire or non-direct skip-fired rounds. The latter are projectiles that are discharged toward the ground in front of a target, theoretically delivering the energy to the subject following contact with the ground.

**IV. PROCEDURES**

**A. Preparation and Planning**

1. Every effort should be made to make advance contact with event organizers and to gather the following necessary information about the event to ensure accurate assignment of personnel and resources:
  - a. What type of event is involved?
  - b. When is it planned?
  - c. Will the event coincide with other routine, large-scale events (e.g., sporting events)?



- d. Is opposition to the event expected?
  - e. How many participants are expected?
  - f. What are the assembly areas and movement routes?
  - g. What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest?
  - h. What critical infrastructures are in the proximity of the event?
  - i. Have permits been issued?
  - j. Have other agencies such as fire and EMS been notified?
  - k. Is there a need to request mutual aid?
  - l. Has the appropriate level of properly equipped personnel been allocated to ensure safety of bystanders, officers, and demonstrators?
  - m. Will off-duty personnel be required?
  - n. What is the history of conduct at such events?
  - o. Are event organizers cooperative?
  - p. Who are the potential counter-protest groups?
  - q. Is there a history of violence between the group demonstrating and potential counter-protest groups?
2. The incident commander (IC) or a designee, shall prepare a written plan subject to the approval of the Chief of Police or their designee. The plan should address the following and be distributed to all participating agencies.
- a. Command assignments and responsibilities
  - b. Personnel, unit structure, and deployment considerations to include the need for special response teams (i.e., SWAT, emergency medical personnel, and plainclothes officers).
  - c. Regular communication with legal advisors
  - d. Liaison with event planners, to include their legal advisors, where applicable
  - e. Liaison with outside agencies
  - f. Communications plan, to include release of information to the media
  - g. Pre-event intelligence analysis
  - h. Weather and terrain at the event location
  - i. Transportation, support, and relief of personnel
  - j. Staging points for additional resources and equipment
  - k. Traffic management, including perimeter security
  - l. First aid stations established in coordination with emergency medical service providers
  - m. Demonstrator devices, extrication teams, and equipment
  - n. Transportation of prisoners
  - o. Arrestee processing areas
  - p. Any laws, ordinances, or administrative rules specific to the event

#### B. Management and Organization Principles

1. Government may impose reasonable restrictions on the time, place, and manner in which persons assemble and engage in free speech activity. This agency shall place only those limitations and restrictions on demonstrations necessary to



- maintain public safety and order and, to the degree possible, facilitate uninhibited speech, commerce, and freedom of movement.
2. An Incident Command System (ICS) shall be used in crowd management and civil disturbances to ensure control and unified command.
  3. Organization of responsibilities shall be as follows:
    - a. The Chief of Police shall designate an incident commander (IC) responsible for overall control of a demonstration or civil disturbance.
    - b. The IC shall implement the written plan.
    - c. In the case of a widely dispersed demonstration or disturbance, or event with multiple locations, multiple ICs may be assigned at the discretion of the Chief of Police.
    - d. The IC shall be responsible for preparing operations plans and management details associated with planned demonstrations.
  4. The primary objectives of the IC at a civil disturbance are to accomplish the following:
    - a. Protect persons, regardless of their participation in the disturbance.
    - b. Disperse disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence.
    - c. Arrest law violators, including those responsible for property damage, and remove or isolate persons inciting violent behavior.
  5. Officers shall be briefed on what to expect and appropriate responses. They shall be informed that the IC or their designee(s) shall be responsible for ordering any response deemed appropriate.
- C. General Crowd Response
1. Officers shall be deployed to monitor crowd activity. Sufficient resources to handle multiple unruly persons should be available, depending on the fluidity of the situation and degree of actual or likely disruption.
  2. Uniformed personnel shall wear their badges and nameplates or other identification in a visible location on their person at all times.
  3. Officers shall be positioned in such a manner as to minimize contact with the assembled crowds.
  4. Officers should avoid engaging in conversations related to the demonstration with attendees, refrain from reacting in response to comments from demonstrators, and maintain a courteous and neutral demeanor.
  5. Persons who reside, are employed, or have emergency business within the area marked off by a police line shall not be prevented from entering the area unless circumstances suggest that their safety would be in jeopardy or their entry would interfere with law enforcement operations.
  6. Individuals designated by the IC should establish and maintain communication with event organizers and relay information on crowd mood to the IC.
  7. Supervisors should maintain close contact with their assigned officers to ensure compliance with orders, monitor behavior and disposition, and ensure that they are aware of any changes in crowd behavior or intent.
  8. Audio and video recording of agency crowd response should be considered for evidentiary purposes.
  9. Mass arrests shall be avoided, unless necessary.



10. Officers shall ensure that a means of egress for all individuals is present at all times.

D. Response to Spontaneous Civil Disturbances

1. The first officer to arrive on the scene of a spontaneous civil disturbance should
  - a. observe the situation from a safe distance to determine if the gathering is currently or potentially violent;
  - b. notify communications of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons, the location and estimated number of participants, current activities (e.g., blocking traffic), direction of movement, and ingress and egress routes for emergency vehicles;
  - c. request the assistance of a supervisor and necessary backup;
  - d. attempt to identify crowd leaders and agitators engaged in criminal acts; and
  - e. at the first available opportunity, request the crowd to voluntarily disperse.
2. The first officer or supervisor in charge at the scene should
  - a. deploy officers at vantage points to report on crowd actions;
  - b. establish a perimeter sufficient to contain the disturbance and prohibit entrance into the affected area;
  - c. ensure that, to the degree possible, uninvolved individuals are evacuated from the immediate area of the disturbance;
  - d. establish a temporary command post;
  - e. provide ongoing assessment to communications;
  - f. move and reroute pedestrian and vehicular traffic around the disorder;
  - g. control unauthorized ingress and egress by participants; and
  - h. prevent outside attempts to assist or reinforce participants.
3. The IC should also ensure that
  - a. adequate security is provided to fire and EMS personnel in the performance of emergency tasks;
  - b. support and relief for personnel are available;
  - c. a secure staging area for emergency responders and equipment is designated;
  - d. liaison and staging points for media representatives are established and available information is provided as appropriate;
  - e. the IC event log is maintained to document activities and actions taken during the course of the incident;
  - f. photographic or video evidence is preserved, in accordance with applicable law and agency policy, of crowd actions and officer response;
  - g. photographs or videos are taken of any injuries sustained by law enforcement officers or the public; and
  - h. the need for full mobilization of sworn officers and the recall of off-duty officers are determined.

E. Use of Force

1. Refer to Newtown Police Policy 3.04, Use of Force.



2. Unless exigent circumstances justify immediate action, officers shall not independently make arrests or employ force without command authorization.
3. The following restrictions and limitations on the use of force should be observed during demonstrations and civil disturbances. In all cases, weapons should be carried and deployed only by trained and authorized officers.
  - a. Canine teams may respond as backup when appropriate but should not be deployed for crowd control (i.e., containment or dispersal). Canines should remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of the crowd. Canines may be deployed in appropriate circumstances related to bomb detection, pursuit of suspects in buildings, and related situations as described in Newtown Police Policy 8.18.
  - b. Motor vehicles may be used to contain, control, and direct persons as appropriate but shall not be intentionally brought into contact with them unless the use of deadly force is authorized.
  - c. Bicycles may be used to control and move persons as appropriate.
  - d. Electronic control weapons (ECWs) should be used during civil disturbances only for purposes of restraint or arrest of actively resistant individuals when alternative less forceful means of control are not available or are unsuitable and only when the individual can be accurately targeted. ECWs shall not be fired indiscriminately into crowds.
  - e. Aerosol restraint spray, known as oleoresin capicum (OC), may be used against specific individuals engaged in unlawful conduct or actively resisting arrest, or as necessary in a defensive capacity when appropriate. OC spray shall not be used indiscriminately against groups of people where bystanders would be unreasonably affected, or against passively resistant individuals. High-volume OC delivery systems (such as MK-9 and MK-46) are designed for and may be used in civil disturbances against groups of people engaged in unlawful acts or endangering public safety and security when approved by the IC. Whenever reasonably possible, a verbal warning should be issued prior to the use of these systems.
  - f. A baton or similar device can be used as a defensive weapon; as a means of overcoming resistance (e.g., used in the two-hand horizontal thrust on a police line); to stop, control, or neutralize perceived threatening resistance; as a show of force; or as a means to contain or disperse a crowd.
  - g. All uses of force shall be reported and investigated in accordance with agency policy.

#### F. Crowd Dispersal

1. Before ordering forced dispersal of a civil disturbance, the IC should determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:



- a. Establish contact with event organizers or crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalation and dispersal.
  - b. Communicate to the participants that their assembly is in violation of the law and that the agency wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively.
  - c. Target specific violent or disruptive individuals for arrest.
2. Prior to issuing dispersal orders, the IC should ensure that all potentially necessary law enforcement, fire, and EMS equipment and personnel are on hand to successfully carry out tactical operations and that logistical needs for making mass arrests are in place.
3. When the IC has made a determination that crowd dispersal is required, he or she shall direct unit commanders, where time and circumstances permit, to issue warnings prior to taking action to disperse the crowd.
  - a. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes.
  - b. A second and third warning should be issued at reasonable time intervals before designated actions are taken to disperse the crowd.
  - c. Where possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.
4. Specific crowd dispersal tactics should be ordered as necessary where the crowd does not heed warnings. These include, but are not limited to, any one or combination of the following:
  - a. Display of forceful presence to include police lines combined with motorcycles, law enforcement vehicles, bicycle units, and mobile field forces
  - b. Multiple simultaneous arrests
  - c. Use of aerosol crowd control chemical agents
  - d. Law enforcement formations and the use of batons for forcing crowd movement

#### G. Mass Arrest

During a civil disturbance, it may be necessary to make arrests of numerous individuals over a relatively short period of time. For this process to be handled efficiently, safely, and legally, the following should be observed:

1. Mass arrests should be conducted by designated squads.
2. An adequate secure area should be designated for holding arrestees after processing and while awaiting transportation to a detention center.
3. Arrest teams should be advised of the basic offenses to be charged in all arrests, and all arrestees shall be advised of these charges.
4. Arrestees who are sitting or lying down but agree to walk shall be escorted to the transportation vehicle for processing. Two or more officers should carry those who refuse to walk.
5. Arrestees shall be searched incident to arrest for weapons, evidence of the crime of arrest, and contraband.
6. Photographs should be taken of the arrestee and any arrestee property.



7. Anyone who is injured, to include arrestees, shall be provided medical attention. Photographs should be taken of all known injuries.

#### H. Deactivation

When the disturbance has been brought under control,

1. All personnel engaged in the incident shall be accounted for and an assessment and documentation made of personal injuries.
2. Witnesses, suspects, and others should be interviewed or questioned.
3. All necessary personnel should be debriefed as required.
4. Any equipment utilized by officers should be replaced.
5. All written reports shall be completed as soon as possible after the incident. Comprehensive documentation should include the basis for the incident and the agency's response to the incident, with a statement of impact to include the costs of equipment, personnel, and related items.

#### I. Training

Officers shall receive both initial and ongoing training on appropriate response to crowd control and management. Joint training shall also be conducted with all agencies who are involved in crowd management activities.



