

GENERAL ORDER



DISTRICT OF COLUMBIA

Subject Demonstrations Directed at Foreign Governments		
Topic	Series	Number
HSC	801	02
Effective Date June 28, 2011		
Replaces: GO-OPS 309.04 (Handling Demonstrations Directed at Foreign Governments), Effective Date May 29, 1990		

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I. BACKGROUND

Many foreign embassies and offices of international organizations are located within the District of Columbia. These entities may be the target of protests, demonstrations, or other types of First Amendment assemblies. Metropolitan Police Department members are provided specific training for handling events and incidents that occur at these locations in order to ensure order is maintained and, when necessary, restored, and to take the appropriate police action to stop illegal conduct while ensuring that lawful First Amendment activities may take place.

II. POLICY

It is the policy of the Metropolitan Police Department to recognize that individuals and groups have the right to: (1) Organize and participate in peaceful First Amendment assemblies on the streets, sidewalks, and other public thoroughfares and in the parks of the District of Columbia; and (2) Engage in First Amendment assembly near the objects of their protest so as to be seen and heard, subject to reasonable restrictions that are designed to protect public safety, persons, and property and accommodate the interest of persons not participating in the assemblies in using the streets, sidewalks, and other public ways to travel to their intended destinations and parks for recreational purposes.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. 100-Foot Rule – Rule designed to protect foreign officials and/or official guests from any congregation that intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his/her duties. (18 USCS § 112)

2. Assembly – Grouping of at least three (3) persons including, but not limited to, demonstrations and protests.
3. Incident Commander – Member responsible for the management of all operations at the incident site, including the development and implementation of strategy, approval of orders, and release of resources. Generally, the Incident Commander will be the ranking member on the scene of the incident.
4. Field Commander – Metropolitan Police Department (MPD) Commanding Official designated to act as the Chief of Police.
5. Threat to Peace – Term used to describe “whether normal embassy activities have been or are about to be disrupted,” as defined by the United States Supreme Court [Boos v. Barry, 485 U.S. 312 (1988)].
6. Unified Command – Structure that brings together the Incident Commanders of all agencies involved in an incident in order to coordinate an effective response to the incident.

IV. REGULATIONS

- A. MPD shall provide trained personnel to respond to the scene of First Amendment assemblies/demonstrations in order to preserve peace while protecting the First Amendment rights of individuals and groups to assemble peacefully and exercise free speech.
- B. Members shall make reasonable efforts to employ non-arrest methods of crowd management as the primary means of restoring order when handling First Amendment assemblies at the site of foreign embassies or international organizations.
- C. Arrests shall be based on probable cause.
- D. Arresting officers shall use only the minimum necessary force to make an arrest.
- E. To the extent possible under the circumstances, arrests shall be made in an organized manner at the direction of the Chief of Police or his/her designee.
- F. All arrests shall be properly documented and prisoners safeguarded, adequately cared for, and expeditiously processed for court or release.
- G. Members shall enforce the requirement of 18 USCS § 112, including those provisions that prohibit certain activities within one hundred (100) feet of a building used for official purpose by a foreign government (Attachment A).
- H. Members shall allow individuals to display signs within one hundred (100) feet of an embassy or other building used for official purposes by a foreign government, whether or not the signs are critical of that government.

- I. Members may arrest an individual at the scene of a First Amendment assembly or demonstration who commits a criminal violation, but may not invoke the 100-Foot Rule against that person in lieu of arrest.

V. PROCEDURES

- A. When a member receives a request for assistance at a demonstration, protest, or other types of assembly at an embassy or premises, in whole or in part, owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by a foreign government, an international organization, a foreign official, or an official guest, the member shall advise a communications operator, Office of Unified Communications (OUC), to notify the Watch Commander from the Patrol District in which the incident/event is occurring.
- B. The first member arriving on the scene of a demonstration/protest shall:
 1. Identify the leader of the group in order to advise the individual of the 100-Foot Rule, the specific areas in which the group may demonstrate, and of their rights and responsibilities.
 2. Take appropriate police action, including for unlawful acts.
 3. Notify his/her supervisor and the affected District's Watch Commander of the situation.
 4. Remain on the scene until relieved.
- C. When notified of a demonstration/protest, the supervisory official so notified shall:
 1. Respond to the scene to monitor the circumstances.
 2. Permit lawful activities(s) to continue.
 3. Enforce the 100-Foot Rule (Attachment A) when it is reasonably believed that the congregation or group poses a threat to the security of the premises.

NOTE: For further guidance, refer to the *Standard Operating Procedure for Handling First Amendment Assemblies and Mass Demonstrations*.

4. Take/ensure appropriate police action, including for unlawful acts.
5. In any situation that may require the services of the Civil Disturbance Unit [GO-OPS 805.02 (Civil Disturbance Unit)]:
 - a. Notify the affected District's Watch Commander and apprise him/her of the conditions at the scene.
 - b. Request through an OUC communications operator:

- (1) Notification of the Homeland Security Bureau, Special Operations Division (SOD) Watch Commander.
 - (2) Notification of the on-duty Field Commander; and
 - (3) Locating the on-scene officer/supervisor for the U.S. Secret Service Uniformed Division (USSS/UD) in order to obtain intelligence information and determine the respective areas of responsibility for officers responding to the event; and
 - (a) If no member of the USSS/UD responds to the scene, request through the Homeland Security Bureau, Intelligence Fusion Division, Command Information Center (CIC):
 - (i) Response by the USSS/UD; and
 - (ii) Notification to the U.S. Department of State Senior Watch Officer at 202-647-1512; and
- 6 Remain on the scene, acting as the Incident Commander, until relieved by the District Watch Commander or an SOD official [GO-HSC 800.02 (Incident Command System)].
- D. The District Watch Commander shall:
1. Respond to the scene to assume command of the scene and to act as the Incident Commander until relieved [GO-HSC-800.02 (Incident Command System)].
 2. Immediately notify the Official in Charge, Command Information Center.
 3. When necessary, determine the need to establish a police line [*Standard Operating Procedure for Handling First Amendment Assemblies and Mass Demonstrations*], giving consideration to:
 - a. Location of the demonstration/protest (e.g., whether on a public street or in an area within a park);
 - b. Other law enforcement agencies on the scene; and
 - c. Any other information that would impact the on-scene operation.
- E. The Official in Charge, Command Information Center, shall:
1. Notify the following members of all assemblies:
 - a. Chief of Police;
 - b. Field Commander;

- c. Assistant Chief, Homeland Security Bureau;
 - d. Commanding Official, SOD;
 - e. Watch Commander, SOD; and
 - f. Commanding Official, Homeland Security Bureau, Intelligence Fusion Division.
2. Ensure that the date and time of the contact and rank/title and name of the person contacted are documented.
- F. The Watch Commander, SOD, shall:
1. Respond to the scene to enter into the Unified Command with the on-scene official of the USSS/UD.
 2. Work with the USSS/UD to identify the respective areas of police responsibility with regard to the activities of the demonstration/protest.
 3. Be responsible for ensuring that the rights of the demonstrators/protestors and the safety and security of the premises and its personnel are protected.
 4. In situations involving a group, ensure that the identity of the leader of the group has been determined and the individual has been advised of the specific areas in which the group may demonstrate and the rights and responsibilities of the demonstrators/protestors.
 5. As appropriate, ensure a police line is established to provide a security zone for access to and from the premises (e.g., when a protectee or head of state is arriving or departing) [GO-OPS 308.12 (Diplomats, Foreign Nationals and Resident Aliens)].
 6. Separate opposing demonstrators/groups where conflict may occur, including groups of embassy personnel.
 7. Ensure that demonstrators who pose a security threat are prevented from demonstrating within one hundred (100) feet of the premises (Attachment A).

VI. ROLES AND RESPONSIBILITIES

- A. Commanding Officials shall ensure that members of their command are familiar, and comply, with the contents of this general order.
- B. The on-duty Field Commander shall follow the procedures outlined in GO-OPS 805.02 (Civil Disturbance Unit) when necessary.

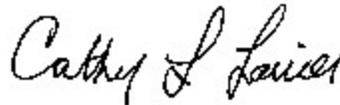
- C. The Commanding Official, Special Operations Division, shall:
1. Ensure compliance with the provisions of this general order.
 2. Include a specific notation for demonstrations/protests directed at foreign governments in the monthly "Federal Man-Hours on Details Report" to the Assistant Chief, Homeland Security Bureau.
 3. Be responsible for gathering information and investigating all occurrences of demonstrations/protests directed at foreign governments in accordance with applicable laws, regulations, policies and procedures, including MPD policies, procedures, and directives.

VII. CROSS REFERENCES

- A. GO-OPS 308.12 (Diplomats, Foreign Nationals and Resident Aliens)
- B. GO-HSC 800.02 (Incident Command System)
- C. GO-OPS 805.02 (Civil Disturbance Unit)
- D. *Standard Operating Procedures for Handling First Amendment Assemblies and Mass Demonstrations*

VIII. ATTACHMENT

Attachment A: 18 USCS § 112



Cathy L. Lanier
Chief of Police

CLL:PAB:MOC:CC:CJY

U.S. Code Title 18, Part I, Chapter 7, § 112

§ 112. Protection of foreign officials, official guests, and internationally protected persons

(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon, or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both.

(b) Whoever willfully—

(1) intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his duties;

(2) attempts to intimidate, coerce, threaten, or harass a foreign official or an official guest or obstruct a foreign official in the performance of his duties; or

(3) within the United States and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—

(A) a foreign government, including such use as a mission to an international organization;

(B) an international organization;

(C) a foreign official; or

(D) an official guest;

congregates with two or more other persons with intent to violate any other provision of this section;
shall be fined under this title or imprisoned not more than six months, or both.

(c) For the purpose of this section “foreign government”, “foreign official”, “internationally protected person”, “international organization”, “national of the

United States”, and “official guest” shall have the same meanings as those provided in section 1116 (b) of this title.

(d) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

(e) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if

(1) the victim is a representative, officer, employee, or agent of the United States,

(2) an offender is a national of the United States, or

(3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501 (2) of title 49.

(f) In the course of enforcement of subsection (a) and any other sections prohibiting a conspiracy or attempt to violate subsection (a), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary, notwithstanding.