



POST
Guidelines

Crowd Management,
Intervention,
and Control





POST Guidelines

Crowd Management, Intervention, and Control

Forward by

Paul Cappitelli

Executive Director

Commission on Peace Officer Standards and Training

POST Guidelines — Crowd Management,
Intervention, and Control

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Officer Standards and Training

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POST Mission Statement

**The mission of the California Commission
on Peace Officer Standards and Training
is to continually enhance the professionalism
of California law enforcement in serving
its communities.**



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Forward

[Penal Code §13514.5](#) requires the Commission on Peace Officer Standards and Training to establish guidelines and training for law enforcement's response to crowd management. It specifies that "the guidelines to be developed by the commission should take into consideration the roles and responsibilities of all law enforcement officers responding to acts of civil disobedience."

These guidelines provide information for law enforcement agencies to consider when addressing the complexities and broad range of issues related to crowd management. For the purposes of these guidelines, the general term "crowd management" encompasses the management, intervention, and control strategies for a law enforcement response to public assemblies and gatherings that can range from peaceful/non-violent to unlawful and riotous.

The guidelines are not meant to constitute policy, nor are they intended to establish a statewide standard. They are solely a resource for law enforcement leaders to provide foundational guidance for the facilitation of First Amendment rights while allowing discretion and flexibility in the development of individual agency policies.

The information contained in this publication represents the best thinking of contemporary law enforcement leadership. POST is grateful for the assistance of the Guidelines Development Committee who generously gave of their time and expertise.

Questions or comments concerning these guidelines should be directed to the POST Training Program Services Bureau at 916 227-4885.

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Introduction

In the United States all people have the right of free speech and assembly guaranteed by the First Amendment of the Constitution. The First Amendment states ***“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”***

A fundamental role of law enforcement is the protection of the rights all people have to peacefully assemble, demonstrate, protest, or rally. In turn, law enforcement also has the responsibility to ensure public safety and to protect the lives and property of all people. The sometimes competing goals of maintaining order while protecting the freedoms of speech and assembly stand as one of law enforcement’s greatest challenges.

These guidelines are designed to assist law enforcement leadership in addressing the many challenges and broad range of issues surrounding a response to incidents of crowd management. All law enforcement leaders should familiarize themselves with the guidelines, strategies, terms, and definitions set forth in this document. These are the generally accepted principles of crowd management, intervention and control, and should serve to guide a law enforcement agency’s response to both lawful and unlawful assemblies.

Law enforcement planners should be proactive in consulting with and advising their jurisdiction’s elected and administrative leaders of the identified strategies and plans for specific events. Such interactions will help establish responsibility and accountability at all levels.

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Law Enforcement Objectives

Guideline

1.1

Establish policies and procedures that recognize and address law enforcement objectives and provide for the legal protection of the Constitutional rights of all persons.

Law Enforcement Objectives in the 21st Century

Discussion: Law enforcement must carefully balance the First Amendment rights and other civil liberties of individuals with the interventions required to protect public safety and property. When establishing policies and procedures, every agency should consider that all persons have the right to assemble, demonstrate, protest, rally, or perform other activities protected by the First Amendment of the United States Constitution. Law enforcement has the responsibility to protect the lives and property of all people. Peace officers must not be affected by the content of the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, religion, or political affiliation of anyone exercising their lawful First Amendment rights. They must have the integrity to not let personal, political, or religious views affect how they perform their duties.

Law enforcement planners should be proactive in consulting with and advising their jurisdiction's elected and administrative leaders of the identified strategies and plans for specific events. Such interactions will help establish responsibility and accountability at all levels.

Issues to consider (not in priority order):

- ➔ Protection of Constitutional rights
- ➔ Fair and impartial enforcement of laws
- ➔ Protection of life and property
- ➔ Protection of vital facilities
- ➔ Prosecution of violators
- ➔ Public and peace officer safety
- ➔ Potential for disruption to commerce and community affairs



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Guideline

1.2

Establish policies and procedures designed for effective response by law enforcement to crowd management events.

Principles of Crowd Management

Discussion: Any public assembly or gathering, whether for lawful or unlawful purposes, may require the response of law enforcement. The response can range from observation to engaging in various crowd management strategies.

Not all crowd situations involve unlawful behavior. Law enforcement’s responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgement of the rights of others. Law enforcement should seek to facilitate lawful expression by groups who are present even when unlawful activity occurs. The goal should be to protect lawful activity while identifying and isolating unlawful behavior.

Effective response to crowd management events necessitates adherence to certain foundational principles (not in priority order):

- Leadership
- Knowledge of Constitutional law
- Knowledge of law and agency policies as they relate to use of force and information gathering
- Proper planning
- A willingness to reach out to protest groups and stakeholders
- Using time, patience, and communication to attempt to facilitate lawful protest activities and obtain voluntary compliance when feasible
- Use of the [Incident Command System](#) (ICS) and [Standardized Emergency Management System](#) (SEMS) to maximize proper command and control
- Appropriate use of the mutual aid system (see [Guideline 2.4](#), page 15)
- Seeking support of community and public agency resources
- Training
- Situational awareness
- Proper incident documentation
- Thorough and complete criminal investigations
- Effective strategies and tactics
- Objectively reasonable use of force
- Liaison with the media and a well-managed media relationship
- Understanding and working with social media and electronic communication



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Guideline

1.3

Establish procedures to identify and liaise with community stakeholders for the purpose of developing relationships, receiving input, and engaging in collaborative discussion.

Community Stakeholders

Discussion: Stakeholder involvement is critical for effective law enforcement response to crowd management events. Law enforcement should embrace collaboration with community stakeholders when planning for and responding to public assemblies and gatherings.

Community stakeholders may include (not in priority order):

- Advocacy groups
- Business associations
- Civil rights organizations
- Elected officials
- Labor organizations
- Leaders of local/state government
- Neighborhood associations
- Religious groups/clergy
- Schools/colleges/universities
- Special interest groups

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Planning and Preparation

Guideline

2.1

Use the Incident Command System, an element of the Standardized Emergency Management System, when managing crowds.

Incident Command System (ICS) and Standardized Emergency Management Systems (SEMS)

Discussion: The ICS is considered the model for managing the response to critical incidents including crowd management and civil demonstrations. SEMS, established by [Government Code §8607\(a\)](#), incorporates ICS and must be utilized by law enforcement agencies to apply for potential reimbursement from the State of California. Law enforcement's use of ICS is outlined in the [Law Enforcement Guide for Emergency Operations](#).

SEMS consists of the following five organizational levels that are activated as necessary:

- 1) Field Response
- 2) Local Government
- 3) Operational Area
- 4) Region
- 5) State

The Field Response Level also consists of five primary Incident Command System functions:

- 1) Command
- 2) Operations
- 3) Planning/Intelligence
- 4) Logistics
- 5) Finance/Administration

The benefits of applying the principles of ICS for incident planning and response include:

- A unified structure for emergency response
- A useful framework for facilitating the planning process
- Clarification of roles and planning for an event's logistics and operations
- A structure that can be tailored to fit the needs of each agency or event

The *Law Enforcement Guide for Emergency Operations* can be found on the California Emergency Management Agency (CalEMA) website at www.calema.ca.gov.



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Guideline

2.2

Initiate incident/event planning consistent with the Incident Command System (ICS).

Incident/Event Planning

Discussion: Planning and preparation are essential elements of effective crowd management. The planning process establishes a foundation for informed decision-making and accountability. For pre-noticed events, agencies have the opportunity to develop in-depth operational plans. Prior planning experiences and after-action reports can provide a basic level of guidance and operational consistency when planning for pre-noticed events and responding to spontaneous incidents.

Law enforcement leaders are encouraged to apply the principles of the Incident Command System when developing operational plans, to include the use of ICS forms.

Incident/event planning steps may include (not in priority order):

- ➔ Determining command and control
 - Identifying incident, operations, and tactical commanders
 - Outlining the circumstances in which command and control responsibilities transfers to another level
 - Identifying staffing requirements for department operations center and/or emergency operations center
- ➔ Identifying and establishing incident objectives
- ➔ Developing a flexible operations plan
- ➔ Identifying partner law enforcement agencies (local, state, and federal as applicable)
- ➔ Considering cross-jurisdictional issues
- ➔ Contacting police agencies that have prior experience with similar events or groups
- ➔ Identifying and conferring with other city/county/state agencies that can contribute logistical support (see [Guideline 2.5](#), page 17)
- ➔ Determining operational security needs, including:
 - Counter-surveillance activities
 - Counter-intelligence activities
- ➔ Developing protocols for event information gathering and disseminating
- ➔ Meeting with event organizers
- ➔ Identify potential protest groups and offering to meet with them
- ➔ Meeting with advocacy groups and other stakeholders

Guideline

2.2

Initiate incident/event planning consistent with the Incident Command System (ICS).

Incident/Event Planning (cont)

- Researching applicable laws/ordinances/regulations
 - Considering reasonableness of any “Time, Place and Manner” restrictions [*Mardi Gras of San Luis Obispo v. City of San Luis Obispo*, 189 F. Supp. 2d 1018 (2002)]
- Reviewing use of force policies and procedures, including:
 - Level of authorization required
 - Authorized equipment/tools/techniques
 - Reporting protocols
- Reviewing parameters and methods for declaring an “unlawful” assembly
- Planning for media contact, including:
 - Establishing procedures for information dissemination
 - Identifying Public Information Officer(s)
 - Establishing procedures for media access
 - Establishing staging area(s)
- Outlining crime investigation/arrest protocols
 - Multi-agency/jurisdictional events
- Identifying and arranging for specialized support units (e.g., mounted, bicycles, other special vehicles, air or marine support, mobile field force, haz-mat)
- Considering the use of plain-clothes resources
- Arranging for adequate administrative/support personnel (e.g., communications, transportation, booking, records, detention, medical)
- Setting up logistical support for officers
 - Food and water
 - Rest intervals
 - Specialized equipment
 - Personal protective equipment
 - Mass-arrest supplies
 - Spare vehicles and fuel
 - Property and evidence control
 - Storage
 - Consideration for bio-hazards
 - Decontamination

Guideline

2.2

Initiate incident/event planning consistent with the Incident Command System (ICS).

Incident/Event Planning (cont)

- Considering interoperability issues (e.g., individual communications—radios, cell phones)
 - Developing a communications plan
- Identifying available translators when needed
- Arranging for other equipment (e.g., barriers, fencing, cutting equipment, containment alternatives)
- Arranging for vehicle removal/towing capability
- Developing a demobilization plan
- Considering post-event scene stabilization to prevent recurrence of unlawful activity
 - Methods and resources
 - Short-term requirements
 - Long-term requirements
- Ensuring timely post-event debriefing
- Considering soliciting input from event organizers
- Producing a written after-action report outlining lessons learned and training opportunities
 - Establish a retention plan for operational plans and after-action reports
- Reviewing standing plans for effectiveness

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Guideline

2.3

Recognize patterns of behavior and be prepared to respond appropriately to various types of crowds.

Crowd Behavior

Discussion: Be aware of the various types of behaviors associated with crowds that may result in a law enforcement response. Although crowds tend to be categorized as either lawful or unlawful, they are often a blend of both and the individuals involved can engage in various behaviors. These behaviors can vary from lawful assembly to individual criminal acts to civil disobedience to rioting. If feasible, law enforcement should identify and isolate unlawful behavior.

A sampling of crowds and crowd behaviors (not in priority order):

Crowds

- Anarchists
- Community celebrations
- Crime scenes
- Disasters
- Entertainment events
- Labor disputes
- Media events
- Mobile crowds
- Flash mobs
- Parades
- Parties/social gatherings
- Political events
- Product release/commercial activity
- Social agenda driven events (e.g., abortion, animal rights, jury decisions, environmental issues, etc.)
- Sporting events
- Traffic collisions

Crowd Behaviors

- Lawful
- Isolated unlawful
- Unlawful
- Riotous



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2.4

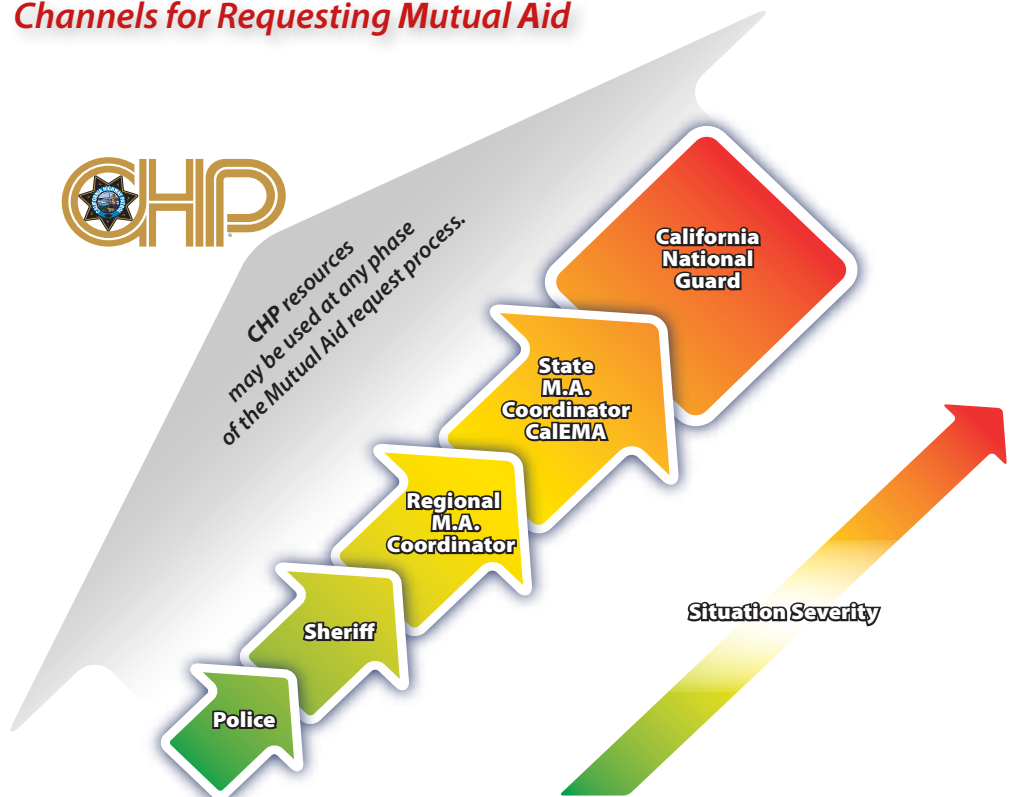
Mutual Aid & Multi-Agency Coordination

Be familiar with the California Law Enforcement Mutual Aid System and Plan.

Discussion: Agencies should be familiar with the process and responsibilities of requesting and receiving law enforcement mutual aid. Large demonstrations and mass gatherings have the potential to tax the resources of any law enforcement agency. Agencies should be familiar with the California Emergency Management Agency, Law Enforcement Division’s *Law Enforcement Mutual Aid Plan* and its companion document, *Law Enforcement Guide for Emergency Operations*. Both of these publications are available on the California Emergency Management Agency (CalEMA) website at www.calema.ca.gov.

The size and magnitude of an event requiring law enforcement response will dictate the need for multi-agency coordination and cooperation to efficiently provide adequate mutual aid resources. Critical elements of applying mutual aid to an event will include pre-event planning (if possible), well-defined missions and objectives, specific uniform and equipment requirements, identified staging areas and incident facilities, adequate briefings, an incident action plan, use of force considerations, communication plan, arrest protocols, logistical support (food, lodging, rest intervals, etc.), and financial agreements (if contractual mutual aid for a planned event).

Channels for Requesting Mutual Aid



Guideline
2.4

2.4

Mutual Aid & Multi-Agency Coordination (cont)

Be familiar with the California Law Enforcement Mutual Aid System and Plan.

Law Enforcement Mutual Aid Regions



Region	Counties
I	Los Angeles, Orange
IA	Santa Barbara, San Luis Obispo, Ventura
II	Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma,
III	Butte, Colusa, Glenn, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yuba
IV	Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Stanislaus, Tuolumne, Yolo
V	Fresno, Kern, Kings, Madera, Mariposa, Merced, Kern
VI	Imperial, Inyo, Mono, Riverside, San Bernardino, San Diego



Guideline

2.5

Establish procedures to identify, develop, and utilize public agency and community-based resources.

Public Agency and Community-Based Resources

Discussion: Collaborating with other public agencies and community-based resources is necessary for effective law enforcement response to crowd management events. Law enforcement should use available public agency and community-based resources when planning for and responding to crowds.

Public agency and community-based resources may include (not in priority order):

- Adjacent law enforcement agencies (i.e., mutual aid)
- Animal control
- California Emergency Management Agency
- City Manager/County Administrator
- City/County/State Departments of Transportation
- Correctional facilities
- District Attorney/City Attorney/Agency Counsel
- EMS providers/ambulance services
- Fire services
- Hospitals
- Judiciary
- National Guard
- Parks and recreation
- Parole and probation
- Public health services
- Public transportation
- Public works
- Red Cross/Salvation Army or other similar service providers
- Refuse/waste removal services
- Schools/colleges/universities
- Social services
- Utility companies

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Guideline

2.6

Establish procedures to provide training for law enforcement command and operational staff in managing crowds.

Training for Managing Crowds

Discussion: It is important to prepare for incidents through recurring training and simulation exercises. Command personnel need to understand resources, operational strategies, capabilities, force options, and limitations of field forces as well as the law and policies. Operational personnel need to understand the law, policy, tactics, and mission objectives.

Officer discipline and restraint is an essential component in successfully managing crowds. Discipline is achieved through regular training in the areas of tactical fundamentals and First Amendment rights. Training should be an ongoing process. Training should be relevant and realistic.

Training may include (not in priority order):

- Agency policies and procedures
- Arrest and control techniques
- Baton/impact weapon techniques
- Case and statutory law
- Command decision-making
- Continuing Professional Training (CPT)
- Crowd dynamics
- Incident Command Post and field exercises
- Intervention strategies
- ICS/SEMS
- Less-lethal munitions (e.g., specialty impact munitions)
- Mass-arrest
- Media relations
- Mobile Field Force
- Mutual aid
- Nonlethal chemical agents
- Supervisory leadership
- Tactical decision-making
- Team arrest techniques

Note: See [Training and Information Resources](#), page 61



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Information Management

Guideline

3.1

Establish policies and procedures to address the collection of information prior to, during, and after crowd management events.

Information Gathering and Assessment

Discussion: Gathering and analyzing information about an event can dramatically increase the effectiveness of an agency’s planning and response to incidents involving crowd management. When estimating the impact of an anticipated event, law enforcement must consider the need to:

- ➔ Protect the rights of persons to lawfully assemble and express their opinions
- ➔ Preserve the peace
- ➔ Deploy officers for crowd and traffic control

The collecting of information must be for a reasonable law enforcement purpose and be mindful of Constitutional rights. A reasonable law enforcement purpose means that the information being collected is intended to:

- ➔ Assist the agency in facilitating event-related activities
- ➔ Assist the agency in providing a public safety response
- ➔ Address unlawful conduct—either past, present, or anticipated
- ➔ Not solely focus on the exercise of rights guaranteed by the First Amendment

A pre-event assessment may include:

- ➔ Determining the time of assembly, duration of event, location, and type of activities planned
- ➔ Estimating the number of persons expected to participate or observe
- ➔ Reviewing any previous events involving the same or similar groups
 - Assess actions and equipment utilized by groups in prior incidents
- ➔ Analyzing the expected time of arrival and departure, and the means and routes of travel for participants
 - Attempt to determine impact on public transportation, freeways and roadways
 - Attempt to determine impact on commerce and public accessibility
 - Analyze potential activities and hazards along the route
- ➔ Analyzing the potential for opposing/counter groups
- ➔ Assessing public safety concerns associated with the event

When gathering information about groups and their actions, agencies should confer with their legal advisor regarding guidelines and court decisions related to the collection and dissemination of information.



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3.2

Incident Documentation

Establish protocols for documenting crowd management events.

Discussion: Thorough documentation is a key element which supports not only criminal investigation and prosecution, but also gives an account of law enforcement’s response to an event. Documentation should begin with the planning process. Proper documentation can aid law enforcement to address complaints, civil litigation, and requirements for potential reimbursement. Agencies should ensure record retention protocols are followed.

Use of force should be reported consistent with agency policy. Agencies should ensure that use of force is accounted for and reported to the Incident Commander prior to the conclusion of the law enforcement response.

Agencies should anticipate that all documentation, including electronic communications, may be subject to subpoena and Public Records Act, [Government Code §6250–6270](#) requests.

Methods of documentation may include (not in priority order):

- Still photography
- Audio recording
- Video recording
- Written log/journal
- Reports (including after-action reports and any appropriate ICS forms)
- Media reports/open source footage
- Communication, dispatch tapes and printouts

Subjects to be documented may include (not in priority order):

- Pre-event planning
- Incident/Event Action Plan
- Records of law enforcement decisions and information
- Records of law enforcement actions in response to the event
- Property damage
- Injuries and claims of injuries (participants and law enforcement)
- Collective and individual behavior of participants
- Individual arrests
- Individual officer’s actions
- Use of force
- Evidence/property collected
- After-Action Report

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Roles and Responsibilities

Guideline

4.1

Establish policies and procedures to address issues of command and control for effective law enforcement response to crowd management events.

Command and Control

Discussion: Agencies should use the Incident Command System (ICS) as a basis to structure a law enforcement response to crowd management events. The Incident Commander is in command of the event. The Incident Commander must establish the objectives of the incident action plan, consider new information, continually re-evaluate the situation, assess available resources, and balance competing demands to best achieve incident objectives.

Establishing a clear command structure during an incident is essential. Unity of command is the concept that each officer is assigned to only one supervisor. It clearly identifies the individual in charge of any specific group of officers, function or assignment. Unity of command provides for effective management of both pre-planned and spontaneous events.

When responding to a spontaneous event, individuals of any rank may serve as Incident Commander until relieved by a ranking officer. All personnel should be trained in the Standardized Emergency Management System (SEMS), and, specifically, the Incident Command System.

A key principle for establishing unity of command is that each individual in a command or supervisory role knows the following:

- To whom he/she reports
- His/her role, responsibilities, and objectives
- What resources are allocated and available
- His/her geographical or functional area of operation

The transfer of command, at any level, requires the person assuming command to:

- Assess the situation with the current Incident Commander
- Receive a briefing from the current Incident Commander
- Determine an appropriate time for the transfer of command
- Document the transfer of command
- Notify others of the change of command



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4.2

Recognize the essential role of leadership during any crowd management event.

Leadership Responsibilities

Discussion: A key component to the success of any crowd management event is that all personnel demonstrate competent leadership, regardless of rank. Effective leaders are accountable, organized, and decisive; they delegate appropriately, provide clear direction, and lead by example. Leadership at critical incidents should be guided by their agency’s policies, procedures, and the law.

Leadership responsibilities may include (not in priority order):

- Understanding and maintaining focus on the objectives
- Being available for decision-making
- Accepting responsibility
- Being proactive to reasonably control emotional responses of on-scene personnel
- Making adjustments to operational tempo as needed
- Communicating throughout the chain of command as required
- Instilling confidence
- Emphasizing teamwork and avoiding individual action
- Recognizing and addressing safety concerns of personnel
- Continuously reassessing the situation and adjusting the response as necessary



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4.3

Establish procedures to investigate and prosecute criminal activity that may occur at public gatherings.

Criminal Investigation

Discussion: Crowd behaviors that result in criminal activity should be investigated and documented. Statutory offenses may include, but not be limited to, trespass, unlawful assembly, failure to disperse, assault, rioting, vandalism, and conspiracy.

Private person’s arrests should be considered when appropriate. Arrests should be based upon applicable laws and advice from prosecutors. Conspiracy charges may be appropriate but are frequently overlooked.

Investigative considerations may include (not in priority order):

- Identifying crimes
- Consulting with city/district attorney prior to and after the event
- Identifying a master report writer/case agent
- Identifying an evidence coordinator
- Gathering documents that may aid in an investigation (including press releases, Internet material, signs, banners, etc.)
- Obtaining available video evidence
- Reviewing each arrest
- Recording specific chants with nexus to unlawful activity and, when possible, identifying who is leading them
- Photographing/video recording the event
- Maintaining evidence beyond the criminal prosecution, pending potential civil litigation
- Collecting samples of weapons (rocks, bottles, etc.) utilized in the commission of a crime

Evidence considerations for conspiracy investigations may include (not in priority order):

- Clothing and items showing affiliation with similar groups
- Computers and storage devices
- Documents (correspondence, address books, journals, etc.)
- E-mail
- Manifestos
- Photographs (including criminal activity and assembly site before and after)
- Posts on social media and Internet sites
- Telephone records
- Video recordings

Note: *Seizures of some of these items may require a search warrant*

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Crowd Control

Guideline

5.1

Develop crowd management, intervention, and control strategies to address crowd behavior, either lawful or unlawful, that impacts public safety.

Crowd Management, Intervention, and Control Strategies

Discussion: Lawful gatherings may often conclude without any need for law enforcement intervention. Every event should be independently assessed to determine the tactics that will effectively support and facilitate First Amendment activity, and provide for public safety. Tactics employed may evoke a positive or negative response (e.g., a strong “show of force” may calm and disperse a crowd or incite them). The intervention strategies agencies utilize will depend upon available resources and the totality of the circumstances. Crowds and criminal acts committed by participants within the crowd require a flexible response. Strategies include containment, control, communication, tactical information, coordination and response. Planning for crowd management incidents should include consideration of contingencies.

Crowd management, intervention, and control strategies and tactical considerations may include (not in priority order):

- ➔ Establishing contact with the crowd
- ➔ Gaining verbal compliance
- ➔ Supporting and facilitating First Amendment activities
- ➔ Developing a traffic management and/or control plan
- ➔ Using crowd control and dispersal methods
- ➔ Protecting critical facilities
- ➔ Providing a high-visibility law enforcement presence

Note: For a more comprehensive list of considerations, see [Appendix B](#), page 51.



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Guideline

5.2

Establish procedures for declaring unlawful assemblies and issuing dispersal orders.

Dispersal Orders

Discussion: Law enforcement agencies should understand the law as it pertains to an unlawful assembly. The decision to declare a crowd unlawful must be based upon reasonable and articulable facts. The definition of an unlawful assembly has been set forth in Penal Code section 407 and interpreted in court decisions. The terms “boisterous” and “tumultuous” as written in Penal Code section 407 have been interpreted as conduct that poses a clear and present danger of imminent violence [*In re Brown* (1973) 9 Cal. 3d 612, 623.].

The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem. It should be made clear that the crowd is expected to immediately leave the area, and include a warning that force may be used which may inflict significant pain or result in serious injury [*Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001)]. The dispersal order must be given in a manner reasonably believed to be heard and understood by the intended audience. Based upon the circumstances, law enforcement may need to consider multiple announcements from various locations. Dispersal orders may be delivered in English and in other languages that are appropriate for the audience. Regardless of how delivered, law enforcement should record the name of the individual making the statement and the date and time each order was administered. Dispersal orders should not be given until control forces are in position to support crowd movement.

Dispersal Order Example “I am (peace officer’s name and rank), a peace officer for the (name of jurisdiction). I hereby declare this to be an unlawful assembly, and in the name of the People of the State of California, command all those assembled at (specific location) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Other police action could include the use of force* which may inflict significant pain or result in serious injury. [Penal Code §409](#) prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of Penal Code §409. The following routes of dispersal are available (routes). You have (reasonable amount of time) minutes to disperse.”

* Agencies may want to consider including the description of specific use-of-force options (e.g., electronic control device, baton, chemical agents).

Guideline

5.2

Establish procedures for declaring unlawful assemblies and issuing dispersal orders.

Dispersal Orders (cont)

Methods that may be used to deliver and document dispersal orders includes (not in priority order):

- Loud speech
- Amplified sound
- Display of signage indicating unlawful assembly and dispersal
- Gaining the attention of the crowd and documenting affirmative responses of crowd members prior to the declaration of unlawful assembly
- Positioning law enforcement personnel to the rear of a crowd to confirm and document hearing the transmission of the dispersal order
- Acquiring multiple-language capability
- Using video/audio recording equipment for documentation of the dispersal order

Guideline

5.3

Mass Arrests and Bookings

Develop procedures for conducting and managing mass arrests and bookings.

Discussion: The most successful law enforcement strategy for dealing with mass arrests and bookings is proper planning, training, and comprehensive briefing of involved peace officers prior to the event. Mass arrests are dynamic situations that are resource intensive. Any process must be flexible enough to handle challenges that may confront the field force.

Be prepared to utilize various arrest tactics to address unlawful behavior, including: passive/non-compliant resistance, active resistance, and assaultive and life-threatening confrontation.

Maintain accountability of arrestees from the arrest site (crime scene) through the booking process. Many cases are lost due to the inability to match up the arresting peace officer to the arrestee. The arrest report should articulate each arrestee's specific criminal act(s) and the witnessing officers. This process will aid in criminal prosecution and the reduction of civil liability.

A coordinated effort by all involved criminal justice entities is essential to ensure proper arrest, booking, and prosecution of violators.

Maintain accountability of evidence. Consideration should be given to maintaining evidence beyond criminal prosecution, pending potential civil litigation.

Mass arrest and booking considerations may include (not in priority order):

- ➔ Booking/processing area:
 - On-site, off-site or temporary holding facility
 - Medical staff
 - Security (protest groups often target booking facilities)
 - Weather issues
 - Media issues
- ➔ Designated arrest teams
 - Armed
 - Unarmed
 - Protective clothing
 - Handcuff-release devices

Guideline

5.3

Develop procedures for conducting and managing mass arrests and bookings.

Mass Arrests and Bookings (cont)

- Documentation (photo/video/written) of arrests
 - Date
 - Time
 - Location
 - Offense(s)
 - Arresting peace officer(s)
 - Identification of arrestees
 - Disposition
- Computer access for records checks, etc.
- Telephone access
- Designated booking teams
- Prisoner transportation
 - Special needs (e.g., wheelchairs)
- Segregation issues
 - Gender
 - Gangs
 - Juveniles
- Personal needs issues
 - Restrooms
 - Water
 - Food
- Coordination with:
 - Medical
 - Jail
 - Court
 - District/City Attorney
 - Probation/parole
 - Public Defender's Office
 - Private attorneys



Guideline

5.3

Develop procedures for conducting and managing mass arrests and bookings.

Mass Arrests and Bookings (cont)

- Sufficient handcuffs/restraint equipment
- Sufficient forms/paperwork
 - Booking forms
 - Field release from custody
 - Field interview cards
 - Evidence collection/storage of materials
- Master report writer/case agent
- Public affairs/media relations representative
 - Public service announcements

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Guideline

5.4

Develop use of force policies, procedures, and training for managing crowds engaged in unlawful activity.

Use of Force: Force Options

Discussion: The law enforcement response to unlawful behavior should be consistent with the agency's use of force policy and the law. The reasonableness of force used to effect a seizure is determined by balancing the nature and quality of the intrusion on the individual's Fourth Amendment interests against the governmental interests at stake. *Graham v. Connor*, 490 U.S. 386, 396-397 (1989). In determining the governmental interest, the Court traditionally examines three factors:

- 1) The severity of the crime at issue
- 2) Whether the suspect posed an immediate threat to the safety of officers or others
- 3) Whether the suspect was actively resisting arrest or attempting to evade arrest by flight

According to *Young v. County of Los Angeles*, 655 F.3d 1156, 1163-1166 (9th Cir. 2011), the Court emphasized that the most important factor is whether the individual posed an immediate threat to the officer or to the safety of the public. The *Young* court refers to *Headwaters I and II*, when balancing the nature and quality of the intrusion against the governmental interests, wherein a suspect is non-violent and poses no threat to the safety of the officers or others. See *Young*, 655 F.3d at 1162 and 1165 (citing *Headwaters Forest Defense v. County of Humboldt*, 240 F.3d 1185, 1199-1200, 1204 (9th Cir. 2000), vacated and remanded on other grounds, 534 U.S. 801. (2001) (*Headwaters I*); and, see *Young*, 655 F.3d at 1167 (citing *Headwaters Forest Defense v. County of Humboldt*, 276 F.3d 1125, 1129-31 (9th Cir. 2002) (*Headwaters II*)).

Periodically review use of force alternatives in response to potential actions encountered during crowd management and unlawful events. Training should reflect reasonable use of force alternatives so officers are prepared to consider the tactics/force options available; *Chew v. Gates*, 27 F. 3d 1432, 1443 (9th Cir. 1994). Peace officers need not use the least intrusive force option, but only that force which is objectively reasonable under the totality of the circumstances; *Scott v. Henrich*, 39 F. 3d 912 (9th Cir. 1994), and *Forrester v. City of San Diego*, 25 F. 3d 804 (9th Cir. 1994). When feasible, prior to the use of a particular force option, officers should consider the availability of less-intrusive measures; *Young*, 655 F.3d at 1166; *Bryan v. McPherson*, 630 F. 3d 805, 831 (9th Cir. 2010).

Warnings should be given, when feasible, if the use of force may inflict significant pain or result in serious injury; *Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001).

In all situations, the force used must be objectively reasonable under the totality of the circumstances. *Graham v. Connor*, 490 U.S. at 397.

Guideline

5.4

Develop use of force policies, procedures, and training for managing crowds engaged in unlawful activity.

Use of Force: Force Options (cont)

Use-of-force considerations may include (not in priority order):

- Determining compliance or non-compliance of individuals
- Moving non-compliant offenders
- Anticipating possible actions of demonstrators
- Identifying criminal violations
- Developing arrest protocol
- Addressing the use of pain compliance techniques
- Planning for physically challenged, elderly, and child demonstrators
- Considering the resources available based on the situation
- Evaluating availability of other public safety resources
- Using personal protective equipment
- Planning for the safety of bystanders and the media
- Evaluating the mobility of suspects/protestors
- Determining avenues of controlled departure
- Anticipating potential need for medical resources
- Addressing the use of less-lethal munitions and chemical agents

Force options may include (not in priority order):

- Law enforcement presence
- Verbalization
- Control holds
- Compliance techniques
- Control devices
- Nonlethal chemical agents
- Electronic control devices (ECD)
- Impact weapons/batons
- Less-lethal munitions
- Deadly force



Guideline

5.5

Develop policies and procedures regarding deployment of nonlethal chemical agents during incidents of civil disobedience. Ensure awareness that the application of nonlethal chemical agents is considered an “intermediate” level of force and must be reasonable under the totality of the circumstances.

Use of Nonlethal Chemical Agents

This guideline must be applied in conformance with Guideline 5.4, Use of Force: Force Options.

Discussion: Case law has determined that the use of nonlethal chemical agents can cause significant pain and is an “intermediate” level of force; [Young v. County of Los Angeles](#), 655 F.3d 1156, 1162 (9th Cir. 2011). Since *Young* held that chemical agents can inflict significant pain, warnings should be given, when feasible, prior to deployment; [Deorle v. Rutherford](#), 272 F.3d 1272, 1284 (9th Cir. 2001).

Use of nonlethal chemical agents in response to an unlawful assembly may be reasonable depending on the totality of the circumstances. Each agency should consider when, where, and how nonlethal chemical agents may be deployed, and consider potential collateral effects.

Only properly trained personnel should be authorized to deploy nonlethal chemical agents. Nonlethal chemical agents, protective masks, maintenance, storage, and security must be addressed by each agency.

Nonlethal chemical agent deployment considerations may include (not in priority order):

- Safety of personnel involved
- Personnel available
- Methods of delivery
- Weather conditions
- Wind direction
- Physical location/terrain considerations
- Effect on law enforcement horses
- Types of agents available
- Protective devices for personnel
- Decontamination
- Potential exposure to children, elderly, and persons with disabilities



Guideline

5.5

Develop policies and procedures regarding deployment of nonlethal chemical agents during incidents of civil disobedience. Ensure awareness that the application of nonlethal chemical agents is considered an "intermediate" level of force and must be reasonable under the totality of the circumstances.

Use of Nonlethal Chemical Agents (cont)

Nonlethal chemical agent policy considerations may include (not in priority order):

- Circumstances
- Training
- Reporting
- Types of agents
- Appropriate methods of deployment
- Identity of person(s) who can authorize the use of nonlethal chemical agents
- Identity of person(s) trained to deploy nonlethal chemical agents
- Decontamination/observation
- Medical attention
- Storage, replacement, and inventory accountability
- Field issuance, deployment, and accountability for recovery
- Protective mask fit testing
- Multi-agency events

Guideline

6.1

Develop policies and procedures for facilitating the role of the media during incidents that require a law enforcement response to manage crowds.

Media Strategies

Discussion: Having an effective media relationship is important to law enforcement when addressing crowd management incidents. The more that law enforcement interacts with the media in a spirit of cooperation and transparency, the more accurate the reporting. In most instances involving crowd management events, it is beneficial for an agency to routinely provide timely information rather than simply respond to inquiries.

Media strategies may include (not in priority order):

- Assigning a Public Information Officer(s) (PIO) to the event
- Complying with [Penal Code §409.5](#)
- Developing a plan to address non-traditional media in the crowd
- Providing a single point of contact that the media can call/access to receive timely updates
- Ensuring timely, accurate information about the event
- Taking proactive steps to provide information rather than merely responding to inquiries
- Considering dissemination of information to the media that may include:
 - The what, where and when of anticipated activities
 - Specific parade or protest routes
 - Locations subject to disruption of normal business or traffic
 - The extent of disruption expected
 - Alternative routes and/or mass transit alternatives
- Informing the media of law enforcement expectations during a dispersal order(s)
- Establishing a media staging area
- Considering use of a media pool (camera, radio, print)
- Considering embedding media with law enforcement when appropriate
- Considering establishing a Joint Information Center (JIC)



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Guideline

6.2

Develop policies and procedures for the use of electronic communication and social media as both an effective means of communicating with the community and an investigative tool.

Electronic Communication and Social Media

Discussion: The use of electronic communication and social media has grown exponentially over the last decade. People of all ages and organizations of all types now commonly use a vast array of electronic devices. The effective use of electronic communication and social media can enhance law enforcement efforts related to community outreach, investigations, and in other strategic initiatives. Electronic communication and social media have specific application to law enforcement's response to incidents of crowd management.

Considerations for law enforcement regarding utilization of electronic communication and social media may include (not in priority order):

- Quickly informing the public and media about events, developments, police activities, or other announcements in real time
- Building relationships with the public, special interest groups, and protesters
- Providing ways for the public to communicate with law enforcement, such as reporting suspicious activity
- Informing crowds by posting instructions to attendees
- Communicating with citizens about crime information, road closures, etc.
- Providing relevant information, prior to and during an event
- Providing timely warnings, emergency notifications, and/or advisories to mass recipients (e.g., reverse 9-1-1, texting, etc.)
- Establishing operational security and identifying legal implications in the official use of electronic communication and social media platforms
- Developing agency-specific policies and procedures with regard to the personal use of electronic communication and social media that includes measures to ensure operational security.

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Terms and Definitions

Anarchist

A person who uses unlawful, violent means to cause disorder or upheaval

Active Resistance

To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlock arms/legs, pushing, kicking, etc.).

After Action Report

A report covering response actions, application of ICS, modifications to plans and procedures, training needs, and recovery activities.

Arrest Protocol

The formal process of placing subjects under arrest, taking into custody, and associating the arresting peace officer(s) with the specific individual arrested.

Arrest Teams

Personnel assigned to arrest duties during civil disobedience/civil disorder incidents.

Assaultive Resistance

Aggressive or combative behavior which attempts or threatens to assault an officer.

Booking Teams

Personnel assigned to custodial processing duties during incidents of civil disobedience/civil disorder.

Chemical Agents

See [Nonlethal Chemical Agents](#), page 49.

Civil Disobedience

An unlawful event involving a planned or spontaneous demonstration by a group of people.

Civil Disorder

An unlawful event involving significant disruption of the public order.

Command

The authority a peace officer lawfully exercises over subordinates by virtue of his/her rank and assignment or position.

Compliance Techniques

Reasonable, lawful use-of-force methods intended to encourage suspect cooperation.

Compliant Behavior

Behavior consistent with submitting to lawful orders of a peace officer without resistance.

Control Devices

Devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority (e.g., batons, electronic control devices, restraints, chemical agents, etc.).

Cordoning

Surrounding or enclosing a particular problem area; also referred to as perimeter control.

Critical Facilities

Any location essential to the well-being and safety of the community requiring law enforcement protection during a critical incident.

Crowd

A number of persons gathered together.

Crowd Control

Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence that has become unlawful or violent and may require arrests and/or the dispersal of the crowd.

Crowd Dynamics

Factors which influence crowd behavior.

Crowd Intervention

Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence to deal with isolated unlawful behavior or an impact to public safety while allowing the event/activity/occurrence to continue.

Crowd Management

Encompasses law enforcement management, intervention, and control strategies when responding to all forms of public assemblies and gatherings. Also refers specifically to strategies and tactics employed before, during, and after a gathering for the purpose of maintaining the event's lawful activities.

Decontamination

Procedures taken to reduce the effects of any nonlethal chemical agent or bio-hazard exposure.

Discipline

Peace officer behavior that is consistent with demonstrating self-control, teamwork, moderation, and restraint.

Dispersal Order

Lawful orders communicated by law enforcement personnel commanding individuals unlawfully assembled to disperse.

Dismounted Tactics

Non-mobile tactical formations generally involving team, squad, and platoon-sized units.

Emergency Operations Center (EOC)

A location from which centralized emergency management is performed. EOC facilities are established by an agency or jurisdiction to coordinate the overall agency or jurisdictional response and support to an emergency.

Essential Elements of Information (EEI)

Critical tactical information, obtained from any source, received prior to and/or during an event which is considered so essential that without it, meaningful planning cannot proceed.

Flash Mob

A group of people organized using social media to coordinate meeting at a specific location at a specific time for entertainment, satire, or, in some cases, criminal activity.

Flashpoint

Specific location(s) which become the initial source of unlawful activity and the origin or focal point of civil disorder.

Force Options

Reasonable force alternatives that may be utilized by law enforcement to effect arrest, overcome resistance, and prevent escape.

Formations

Coordinated unit tactics utilized by law enforcement to control crowds, stop unlawful activity, and disperse and/or arrest violators.

Incident Action Plan (IAP)

A written document containing general management objectives that reflect the overall incident strategy and specific plans using personnel and resources. Incident Action Plans will vary in content and form depending upon the kind and size of an incident.

Incident Command System (ICS)

The statewide model for field-level management of emergencies mandated by the Standardized Emergency Management System (SEMS). ICS is specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single and multiple incidents without being hindered by jurisdictional boundaries.

Incident Objectives

Statements of guidance and direction necessary for the selection of appropriate strategy(s), and the tactical use of resources. Incident objectives are based on realistic expectations of what can be accomplished when allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to adjust to strategic and tactical alternatives.

Leadership

The art and exercise of influence to obtain willing compliance, confidence, respect, and loyal cooperation of personnel.

Less Lethal Impact Munitions

Projectiles launched or otherwise deployed for purposes of overcoming resistance, preventing escape, effecting arrest, reducing serious injury and may be applied without a significant likelihood of causing death.

Life Threatening

Any action likely to result in serious injury or death of an officer or another person.

Management

The process of planning, organizing, coordinating, directing, budgeting, and controlling resources.

Mobile Arrest and Booking Teams

Mobile teams designated to assist field personnel with mass arrests and processing.

Mobile Field Force

An organized, mobile law enforcement tactical force equipped and trained to respond to unusual occurrences. The mobile field force is currently the statewide standard configuration known as “Mutual Aid Response Mobile Field Force.”

Mobile Tactics

The ability to rapidly deploy law enforcement personnel using vehicles. The vehicles may also be used for crowd control and containment.

Mob

A disorderly group of people engaged in unlawful activity.

Mounted Tactics

Crowd control while mounted on horses.

Non-Compliant Behavior

Behavior which does not yield to the lawful order of a peace officer but offers no physical resistance (sometimes referred to as “passive resistance”).

Nonlethal Chemical Agents

Devices utilized by law enforcement agencies which may include CS, CN, OC, and HC (smoke).

Noticed Events

Public assemblies, demonstrations or crowd events, which are planned for in advance and allows for prior notice, whether direct or indirect, to law enforcement.

Operations Plan

A plan describing the tactical deployment of resources at an incident or event to meet the objectives of the Incident Action Plan.

Operations Security (OPSEC)

Methods used to prevent sensitive information, which may compromise the integrity and safety of a law enforcement operation, from being improperly disseminated.

Pain Compliance

Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject, causing that subject to comply with lawful directives.

Passive Resistance

Refers to intentional and unlawful opposition of a lawful order of a peace officer during arrest situations but involves no physical resistance. (See Active Resistance).

Perimeter Control

See [Cordoning](#), page 47.

Photographic Teams

Law enforcement photographers assigned to memorialize designated activity involving civil disobedience.

Policy

Statements of principles and values which guide the performance of a specific agency activity. Policy establishes limits of action and reflects a statement of guiding principles that should be followed in order to achieve an agency’s objective.

Procedure

A method of performing an operation or a manner of proceeding on a course of action within the limits of policy.

Public Disruption

The interruption or disturbance of public order.

Stakeholder

Entities having a legal, professional, economic or community interest/responsibility in a public assembly or gathering.

Sectoring

An overall area of operation and dividing it into sub-sections based upon geographical and/or defined boundaries.

Social Media

Communications of social interaction, using highly accessible and scalable devices, including web-based and mobile technologies used to promote interactive dialogue.

Spontaneous Events

Public assemblies, demonstrations or crowd events, which occur without prior planning and/or without prior notice to law enforcement.

Standardized Emergency Management System (SEMS)

A system required by California Government Code for managing response to multi-agency and multijurisdictional emergencies in California. SEMS consists of five organizational levels that are activated as necessary: Field Response, Local Government, Operational Area, Region and State.

Tear Gas

The term used in the California Penal Code for what law enforcement more accurately refers to as “nonlethal chemical agents.”

Unified Command

In ICS, it is described as a unified team effort, which allows all agencies with responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies. It maintains agency authority, responsibility and accountability.

Unity of Command

The concept by which each person within an organization reports to one and only one designated person.

Unlawful Assembly

Penal Code Section 407 defines an “unlawful assembly” as: “Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly.” “Boisterous or tumultuous manner” has been interpreted by the courts to mean conduct which poses a clear and present danger of imminent violence.

Crowd Management Intervention and Control Strategies

Situation	Law Enforcement Response	
<p>Lawful Assembly</p> <p>Free Speech and assembly are protected First Amendment activities. :</p> <ul style="list-style-type: none"> ➤ Speeches ➤ Picketing ➤ Marches ➤ Public assemblies ➤ Demonstrations ➤ Protests ➤ Rallies ➤ Celebratory events 	<p>Use Crowd Management strategies</p> <ul style="list-style-type: none"> ➤ Meet with event organizers and stakeholders ➤ Determine the history and risk of the group ➤ Create a planning team ➤ Check permit limitations ➤ Develop Incident Action Plan and objectives ➤ Identify and assign resources ➤ Monitor and assess crowd behavior <ul style="list-style-type: none"> ➤ Separate opposing factions ➤ Maintain video log ➤ Provide direction and expectations at roll call/briefing ➤ Engender facilitation, not confrontation ➤ Interact with organizers and gain their cooperation 	
<p>Isolated Unlawful Behavior</p> <p>Isolated unlawful activity by individuals or small groups within a crowd should not automatically form the basis for declaring an assembly unlawful.</p> <ul style="list-style-type: none"> ➤ Isolated destruction of property ➤ Isolated acts of violence ➤ Isolated rock or bottle throwers ➤ Individual sit down demonstrators 	<p>Use Crowd Intervention strategies</p> <ul style="list-style-type: none"> ➤ Use organizers and monitors to gain voluntary compliance ➤ Isolate, arrest and remove law violators as quickly as possible ➤ Video action of officers and law violators ➤ Use amplified sound to communicate intent or to gain compliance ➤ Use low profile tactics when possible. Don't become the focus of the demonstration <ul style="list-style-type: none"> ➤ When it is not possible to make an immediate arrest, identify and track suspects using cameras, observation posts, an air unit or shadow teams ➤ Continue to assess; escalate and de-escalate as behavior changes ➤ Don't increase crowd tension or change crowd focus to law enforcement by unnecessary aggressive appearance or behavior 	
<p>Unlawful Assembly</p> <p>Assemblies may be dispersed when they are violent, or pose a clear and present danger of violence, or the group is breaking some other law in the process. If a crime is occurring, action may be taken to stop it prior to a Dispersal Order being given.</p> <p>Per Penal Code §407, two or more persons assemble to:</p> <ul style="list-style-type: none"> ➤ Commit an unlawful act or ➤ Commit a lawful act in a boisterous or tumultuous manner 	<p>Use Crowd Control strategies</p> <ul style="list-style-type: none"> ➤ Seek voluntary compliance ➤ Video action of officers and law violators ➤ Act quickly ➤ Request needed resources ➤ Put control forces in place ➤ Identify dispersal routes ➤ Consider a traffic plan ➤ Move media to protected area ➤ Use amplified sound to communicate intent to declare an unlawful assembly ➤ Disperse unlawful crowd <ul style="list-style-type: none"> ➤ Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit ➤ Arrest individuals who fail to disperse or who are involved in illegal activity ➤ With proper approval, deploy appropriate less lethal munitions to defend officers or to disperse the crowd ➤ Ensure only reasonable force ➤ Report use of force ➤ Restore traffic flow 	
<p>Riot</p> <p>Penal Code §404: (a) Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot.</p> <ul style="list-style-type: none"> ➤ Group violent behavior ➤ Group acts of property damage 	<p>Use Crowd Control strategies</p> <ul style="list-style-type: none"> ➤ Video action of officers and law violators ➤ Request needed resources ➤ Put control forces in place ➤ Stop the illegal activity ➤ Put a traffic plan in place ➤ Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit ➤ Arrest law violators ➤ With proper approval, deploy appropriate less lethal munitions to defend officers or to stop violent behavior or property damage <ul style="list-style-type: none"> ➤ Ensure only reasonable force ➤ Report use of force ➤ Restore and maintain order ➤ Restore traffic flow ➤ Discourage groups from forming ➤ Protect lives, property, and vital facilities ➤ Remain present ➤ Reassess the situation ➤ Return to normalcy ➤ Act quickly 	

Situation Severity

Note: This table is neither all-inclusive nor limiting.

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Applicable Statutes

California Penal Code

General

- 69** Resisting or deterring officer
- 71** Threat of injury made to peace officer in performance of his duties
- 102** Retaking property from officer
- 148** Resisting or obstructing public officer
- 148.1** False reporting planting of bomb
- 148.2** Interfering with fireman or EMT
- 148.4** Tampering with a fire alarm
- 148.9** Giving false identification
- 151** Advocating injury or death of peace officer
- 169** Picketing in or near courthouse with intent to interfere or obstruct administration of justice or influence judge, juror, witness, or officer of the court
- 171f** Entering State Capitol without authorization-disorderly conduct
- 182** Conspiracy
- 185** Wearing masks or personal disguises in the commission of any public offense
- 197** Killing in defense of self or property and arresting fugitives or quelling riot
- 218** Derailing or wrecking train
- 219** Wrecking train or firing bridge
- 219.1** Throwing missile at vehicle of common carrier
- 219.2** Throwing missile or shooting at trains, street cars, or vessels
- 240** Assault - defined
- 241** Assault; Assault against peace officer, or other specified persons engaged in performance of duties (Note: see 241 PC subsections)
- 242** Battery - defined
- 243** Battery; punishment (Note: see 243 PC subsections)
- 244** Throwing acid w/intent to disfigure or burn
- 245** Assault with deadly weapon, firearm, assault weapon, or machine-gun (ADW) (Note: see 245 PC subsections)
- 246** Discharge firearm at inhabited dwelling, vehicle or aircraft

California Penal Code
CALIFORNIA PENAL CODE

General (cont)

- 247** Discharge firearm at unoccupied aircraft or motor vehicle or uninhabited building or dwelling house
- 247.5** Discharging laser at aircraft
- 248** Interfere with helicopter operation - light or bright device
- 302** Disorderly conduct at church service
- 372** Maintaining public nuisance
- 374** Littering and waste matter defined (Note: see 374 PC subsections)
- 375** Use of offensive substance in place of public assembly; manufacture of offensive substance
- 396** Price gouging during state of emergency
- 403** Disturbing an assembly
- 404** Riot - defined
- 404.6** Incitement to riot
- 405** Punishment of participants in riot
- 405a** Lynching - defined
- 405b** Lynching - punishment
- 406** Rout - defined
- 407** Unlawful assembly
- 408** Participating in a rout or unlawful assembly
- 409** Refusal to disperse when ordered
- 409.5** Closing areas in emergency
- 410** Duty to suppress riot or rout
- 415** Fighting, causing loud noise, or using offensive words in public place
- 415.5** Unlawful acts committed in buildings or grounds of Colleges or University
- 416** Duty of crowd to disperse when ordered; Restitution for property damage
- 420** Obstructing entry on government land
- 422** Threats to commit crime resulting in death or great bodily injury
- 422.6** Civil Rights; Interfere with property damage or speech
- 451** Arson
- 452** Unlawfully causing a fire
- 453** Possession or manufacture of combustible or explosive material or fire bomb
- 455** Attempts to burn
- 463** Burglary during state of emergency

California Penal Code
California Penal Code

General (cont)

- 555** Entry without permission (Note: see 555 PC subsections)
- 587** Injuring or obstructing railroad tracks, rights-of-way or structures
- 588** Injuring public road or bridge (Note: see 588 PC sections)
- 591** Injuring or tapping telegraph, telephone, or cable telephone line
- 594** Vandalism
- 602** Trespassing
- 602.5** Unauthorized entry of dwelling
- 602.8** Trespass - Entering cultivated, fenced, or posted land
- 602.10** Physical obstruction of student or teacher from attending or instructing at a University of California, California State University, or Community College
- 602.11** Obstruct entry/exit of health care facility, place of worship, or school
- 616** Tampering with posted legal notice
- 626** Definitions - miscellaneous crimes - schools (Note: See 626 PC subsections)
- 640** Infractions committed on or in facilities or vehicles of a public transit system (Note: see 640 PC subsections)
- 647** Disorderly conduct - defined
- 647c** Accosting person in public place, disorderly conduct, impose, or begging
- 647e** Alcoholic beverages; possession of opened containers on posted premises; regulation by local ordinance
- 659** Counseling or aiding another in the commission of a misdemeanor
- 726** Unlawful assembly - officer's duty to disperse
- 727** Arrest for refusal to disperse
- 835a** Use of reasonable force to effect arrest
- 836** Arrest by Peace Officer
- 4600** Destroying or injuring prison or jail (including jail property)
- 12600** Peace Officer may purchase, possess, or transport less-lethal weapons
- 12601** Less-lethal weapon - definitions

Weapons Laws

- 171b** Bringing firearm or other specified weapons into courthouse or public meeting
- 171c** Bringing loaded firearm into state office, State Capitol grounds, or public school grounds
- 171d** Bringing loaded firearms into residence of Governor or other constitutional officer
- 171f** Entering State Capitol without authorization - disorderly conduct within

California Penal Code
CALIFORNIA PENAL CODE

Weapons Laws (cont)

- 374c** Discharging firearms on a public highway
- 417** Drawing or exhibiting weapon in a rude or threatening manner (Note: see 417 PC subsections)
- 626.9** Bringing or possessing firearm on grounds of public school, college, or university
- 626.10** Knives, razors, tasers, stunguns, etc., on school grounds, exceptions
- 16590** Manufacture, importation, sale or possession of disguised firearms or other deadly weapons prohibited; carrying concealed weapons prohibited; exceptions
- 17500** Possession of deadly weapon with intent to commit assault
- 25400** Unlawful to carry concealed firearms without license
- 25850** Loaded firearm; carrying in public place or in vehicle
- 18710** Possession of destructive device prohibited
- 22610** Purchase, possession, or use of stun gun

California Vehicle Code
CALIFORNIA VEHICLE CODE

- 23110** Throwing substance at vehicles
- 23112** Throwing, depositing, or dumping matter on highway

California Election Code
CALIFORNIA ELECTION CODE

- 18340** Prevention of electors from assembly; misdemeanor
- 18380** Vandalism at polling places, violations; misdemeanor
- 18502** Interference with officers or voters; imprisonment
- 18540** Use of force, violence, tactic of coercion or intimidation; penalties



Applicable Case Law

Use of Force

Bryan v. McPherson

630 F. 3d 805 (9th Cir. 2011)

Chew v. Gates

27 F.3d 1432, 1443 (9th Cir. 1994)

Deorle v. Rutherford

272 F. 3d 1272, 1284 (9th Cir. 2001)

Eberle v. City of Anaheim

901 F. 2d 814 (9th Cir. 1990)

Forrester v. City of San Diego

25 F. 3d 804 (9th Cir. 1994)

Graham v. Connor

490 U.S. 386 (1989)

Hammer v. Gross

932 F. 2d 842 (9th Cir. 1991)

Headwaters Forest Defense v. County of Humboldt

240 F.3d 1185(9th Cir. 2000), *vacated and remanded on other grounds*, 534 U.S. 801 (2001) (Headwaters I)

Headwaters Forest Defense v. County of Humboldt

276 F. 3d 1125 (9th Cir. 2002) (*Headwaters II*)

Mattos v. Agarano

661 F. 3d 433 (9th Cir. 2011)

Scott v. Henrich

39 F. 3d 912 (9th Cir. 1994)

Young v. County of Los Angeles

655 F. 3d 1156 (9th Cir. 2011)

Unlawful Assembly

Bacon

In re, (1966) 240 Cal. App. 2d 34

Brown

In re, (1973) 9 Cal. 3d 612

Chambers v. Municipal Court

(1997) 65 Cal. App. 3d 904

Collins v. Jordan

110 F. 3d 1363 (9th Cir. 1996)

Unlawful Assembly

(cont)

Galvin v. Hay

374 F. 3d 739 (9th Cir. 2004)

Kay

In re, (1970) 1 Cal. 3d 930, 943

Menotti v. City of Seattle

409 F. 3d 1113 (9th Cir. 2005)

Wagner

In re, (1981) 119 Cal. App. 3d 90

Riots

People v. Bundte

(1948) 87 Cal. App. 2d 735, 744, cert. denied 337 U.S. 915

People v. Cipriani

(1991) 18 Cal. App. 3d 299, 304

People v. Davis

(1968) 68 Cal. 2d 481

People v. Jones

(1971) 19 Cal. App. 3d 437

Lynching

People v. Jones

(1971) 19 Cal. App. 3d 437

People v. Patino

(1979) 95 Cal. App. 3d 11

Right of Access

Los Angeles Free Press v. City of Los Angeles

9 Cal. App. 3d 448, 457 (1970) cert. denied, 401 U.S. 982

Cox v. State of New Hampshire

312 U.S. 569 (1941)

Seattle Affiliate of the October 22nd Coalition to Stop Police Brutality, etc. v. City of Seattle

550 F. 3d 788 (9th Cir. 2008)

Mardi Gras of San Luis Obispo v. City of San Luis Obispo

189 F. Supp. 2d 1018 (2002) (This case addresses impermissible prior restraint on protected expression in public forums, including an analysis of reasonable “Time, Place and Manner” restrictions and content-based regulations that are not the least restrictive means to further a compelling state interest.)

First Amendment

Brown

In re, (1973) 9 Cal. 3d 612

Chambers v. Municipal Court

(1977) 65 Cal. App. 3d 904

Cohen v. California

403 U.S. 15 (1971)

Jefferson v. Superior Court

(1975) 51 Cal. App. 3d 721)

McMahon v. Albany Unified School District

(2003) 104 Cal. App. 4th 1275

Public Place Obstruction

Coates, et al, v. City of Cincinnati

402 U.S. 611 (1971)

Cox

In re, (1970) 3 Cal. 3d 205, 220

People v. Man

(1974) 39 Cal.App. 3d Supp. 1, 4-5

Obstructing Peace Officer

In re M.L.B.

(1980) 110 Cal. App. 3d 501

People v. Patino

(1979) 95 Cal. App. 3d 11

Throwing Substances

People v. Whitney

(1978) 76 Cal. App. 3d 863

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Training and Information Resources

California Emergency Management Agency,

Law Enforcement Guide for Emergency Operations, 2011 Edition,

<http://www.calema.ca.gov/LawEnforcement/Pages/Redbook%20Revision%20Sep%202009.dy.pdf>

California Emergency Management Agency

Law Enforcement Mutual Aid Plan, 2009 Edition

<http://www.calema.ca.gov/LawEnforcement/Pages/BlueBook%20%20Revision%20dy.2009.pdf>

Police Executive Research Forum

Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches, Washington, D.C. 2006

<http://www.policeforum.org/library/critical-issues-in-policing-series/MassDemonstrations.pdf>

Police Executive Research Forum

Critical Issues in Policing Series - Managing Major Events: Best Practices from the Field, Washington, D.C. June 2011

http://www.policeforum.org/library/critical-issues-in-policing-series/MajorEvents_full.pdf

U.S. Department of Justice

Law Enforcement Guidelines for First Amendment-Protected Events, Global Justice Information Sharing Initiative, October, 2011

http://it.ojp.gov/documents/First_Amendment_Guidance.pdf

Los Angeles Police Department

An Examination of May Day 2007, Report to the Board of Police Commissioners, October 9, 2007

http://www.lapdonline.org/assets/pdf/Final_Report.pdf

POST Video Library

The following videos may be obtained from the POST Video Library at:

<http://www.post.ca.gov/post-training-videos.aspx>

[*Crowd Management and Civil Disobedience 2003 \(Part 1\)*](#)

[*Crowd Management and Civil Disobedience 2003 \(Part 2\)*](#)

[*Critical Incident Management \(SEMS and NIMS\) 2006*](#)

[*Crowd Management Update 2008*](#)