

2022



POST Guidelines

Crowd Management, Intervention and Control



POST Guidelines — Crowd Management, Intervention and Control

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Acknowledgment

This document represents the collective effort of individuals from several organizations, agencies and communities. The content contained herein does not necessarily represent the viewpoint or position of every advisor or author. However, it does represent the diverse perspectives and meaningful dialogue that is necessary to come together in a collaborative and respectful process.

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** This document may require future update and revision to reflect changing statutes, case law and/or best practices. The above represents those individuals who collaborated with advice and support for the completion of this document in April of 2021.*

Foreword

[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.

These guidelines should help law enforcement to identify, monitor and strategically detain individuals suspected of violence and/or destruction of property during protests and demonstrations. 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 project advisors who generously gave of their time and expertise.

Manuel Alvarez Jr.

Executive Director
Commission on Peace Officer
Standards and Training

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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.

Public Safety Objectives in the 21st Century

Discussion: Peace officers 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 peaceably assemble, demonstrate, protest, rally or perform other activities protected by the First Amendment of the United States Constitution. Peace officers have the responsibility to protect the lives, property and First Amendment rights of all people. Peace officers must not be affected by the content of the opinions being expressed nor by the race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability or political affiliation of anyone exercising their lawful First Amendment rights. They must have the integrity to not allow personal, political or religious views affect how they perform their duties. Peace officers must continuously evaluate the need to take enforcement action, balancing the benefit, risk and consequences of those actions or inactions.

Law enforcement planners should be proactive in consulting with and advising their jurisdiction's elected and administrative leaders and advisors 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):

- Facilitation of First Amendment activities during public demonstrations
- Protection of Constitutional rights
- Fair and impartial enforcement of laws
- Protection of life and property
- Protection of vital facilities and critical infrastructure
- Arrest and evidence collection protocols
- Public and peace officer safety
- Protecting transportation, commerce and community affairs
- Unlawful assembly elements
- Awareness and impact of national or regional incidents on local communities
- Proper collection, verification and dissemination of information
- Situational awareness led planning
- Collaborative planning with involved agencies and community stakeholders
- Community relations and alerts
- Continuity of public safety operations, government and community



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 lawful or unlawful, may require the response of peace officers. The response can range from communication and monitoring to engaging in various crowd management strategies.

Not all crowd situations involve unlawful activity. A peace officer'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. Public safety agencies 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 addressing 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 the law, local ordinance and agency policies
- Detailed planning to include a willingness to collaborate with allied agencies, protest organizers/groups and stakeholders
- Intelligence gathering, risk assessment, resource evaluation and acquisition
- Using time, patience, flexibility and communication to facilitate protest activities and obtain voluntary compliance when feasible
- Use of the [Standardized Emergency Management System](#) (SEMS) and [Incident Command System](#) (ICS) to maximize proper command and control
- Appropriate use of the mutual aid system (see [Guideline 2.4](#))
- Seeking support of community and public agency resources
- Continual and/or pre-event training
- Conducting thorough briefings with all levels that address the situation, mission, execution, objectively reasonable force, administration and command and control
- Gaining and maintaining situational awareness
- Proper incident documentation
- Thorough and complete criminal investigations
- Effective strategies and tactics
- Objectively reasonable use of force



Guideline

1.2

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

Principles of Crowd Management
(continued)

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

- Proportional and reasonable response while maintaining operational readiness
- Liaison with the media
- Understanding and effective use of social media platforms and electronic communication
- Assessing and when feasible, leveraging de-escalation opportunities
- Officer wellness
- Risk management
- Planning for multi-issue groups (including counter-protests and criminal acts)
- Maintaining equipment inventory and ensuring proper training and readiness
- Establishing communication plan with internal and external stakeholders

Guideline

1.3

Community Stakeholders

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

Discussion: Stakeholder communication, education and involvement may benefit law enforcement response to crowd management events. Law enforcement should collaborate with community stakeholders when planning for and responding to public assemblies and gatherings when feasible. The timely and thoughtful use of social media platforms to disseminate accurate and helpful information between all stakeholders should be considered to reduce confusion and misunderstanding.

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
- Media
- Event organizers and liaisons

Planning and Preparation

Guideline

2.1

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

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

Discussion: 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:

- Field response
- Local government
- Operational area
- Region
- State

Discussion: The purpose of ICS is to bring about a positive and efficient resolution. The ICS provides a command structure for coordination, information flow, analysis, decision-making, communications and implementation in an authoritative and standardized manner.

The ICS consists of five scalable elements:

- Command
- Operations
- Planning/intelligence
- Logistics
- Finance/administration

Successful incident management requires continuous situational awareness and leadership that is active, strategic, decisive and mission focused. Because crowd management can be extremely dynamic, the incident management team should have a "hands-on approach" to facilitate and/or control the situation. The incident management team should ensure that subordinate staff fully understand the commander's intent and expectations, particularly regarding use of force and arrest protocols.

Considerations for ICS in crowd management (not in priority order):

- The ICS should be completely mission-centered overall and in each tactical element
- Maintaining objective focused decision-making and avoiding over-tasking of resources



Guideline
guideline

2.1

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

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

Considerations for ICS in crowd management (not in priority order)
(continued):

- Incident commanders must quickly identify, prioritize and execute tactical missions
- Developing an incident command structure that identifies the command functions (e.g., liaison, information and safety personnel, general staff positions of operations, logistics, planning and finance sections)
- In some incidents the general staff may also include the intelligence and investigations functions, operating under a staff section or as a stand-alone section
- Preparing for events should include an Incident Action Plan (IAP) based on the SEMS and ICS format
- Ensuring the IAP addresses incident objectives, response, mitigation and arrest strategies
- Preparation must include clear and concise use of force expectations for field personnel
- Consistently solicit real-time information from field personnel to inform decision making and resource allocation
- Remaining flexible to address unplanned or unanticipated developments
- The Incident management team, including the incident commander, should be selected from qualified and experienced leaders
- Knowing when to increase and/or decrease peace officer presence is key to achieving success
- Utilizing real-time informational sources such as live media coverage, open-source media including social media platforms, unmanned aircraft systems and other aircraft
- Resources must be nimble for deployment to problematic areas with the ability to quickly readjust to escalating criminal activity
- Consider using small unit tactics that are agile and highly mobile
- Incident command must embrace the facilitation of lawful activity, protecting life and property, keeping the peace and enforcing the law fairly and impartially
- Under unified command, agency employees are still under the control of their individual agency leadership policy and reporting requirements

Guideline

2.1

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

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

The Law Enforcement Guide for Emergency Operations can be found on the California Governor’s Office of Emergency Services (CalOES) website at www.caloes.ca.gov.



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 should take advantage of the time available to develop 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 ICS when developing operational plans, to include the use of ICS forms.

Incident/event planning considerations should include (not in priority order):

- Determining command and control
 - Identifying incident, operations and tactical commanders
 - Identifying staffing requirements for department operations center and/or emergency operations center
- Identifying and establishing incident objectives
- Developing a flexible operations plan
- Based on known information and participants, developing an overall staffing plan to include event and continuity of public safety operations
- Identifying partner law enforcement agencies (local, state and federal as applicable)
- 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](#))
- Determining operational security needs
 - Counter-surveillance activities
 - Counter-intelligence activities
- Developing protocols for event information gathering and disseminating
- Communicating with event organizers and potential attending groups (other than organizers) and offer to meet with them
- Meeting with community stakeholders
- Any restrictions placed on the event must be content neutral and reasonable; based on time, place, manner and duration

Guideline

2.2

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

Incident/Event Planning

(continued)

Incident/event planning considerations should include (not in priority order) (continued):

- Reviewing parameters and methods for declaring an unlawful assembly
- Planning for media contact
 - Establishing procedures for information dissemination
 - Identifying public information officer(s)
 - Establishing procedures for media access
 - Establishing staging area(s)
- Outlining criminal investigation/arrest protocols (multi-agency/jurisdictional events)
- Identifying and arranging for specialized support units (e.g., mounted, bicycles, other special vehicles, air support, marine support, mobile field force, hazmat)
- Using plain clothes personnel to enhance the public safety when appropriate
- Arranging for adequate administrative/support personnel (e.g., communications, transportation, booking, records, detention, medical)
- Identifying emergency medical services staging area(s) and coordination with local emergency treatment facilities
- Coordinating internally and externally with other governmental departments/agencies (e.g., fire, public works, information technology, purchasing, private entities)
- Interoperability issues (e.g., individual communications-radios, cell phones)
- Developing a communications plan (e.g., plain speak, primary channels, radios for others assisting/mutual aid agencies, etc.)
- Identifying available translators when needed
- Arranging for other equipment (e.g., barriers, fencing, field force extrication equipment, containment alternatives)
- Arranging for vehicle removal/towing capability
- Checking the integrity of barriers to ensure they have not been compromised prior to the event (e.g., water drained, fence pre-cut, etc.)
- Clearing the event area of pre-staged weapons and other unlawful instrumentalities of criminal behavior
- Developing predetermined responses/options and arrest thresholds for specific criminal activity during the event
 - Throwing objects and substances
 - Arson and fireworks

Guideline

2.2

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

Incident/Event Planning

(continued)

Incident/event planning considerations should include (not in priority order) *(continued)*:

- Reviewing parameters and methods for declaring an unlawful assembly
- Planning for media contact
 - Establishing procedures for information dissemination
 - Identifying public information officer(s)
 - Establishing procedures for media access
 - Establishing staging area(s)
- Outlining criminal investigation/arrest protocols (multi-agency/jurisdictional events)
- Identifying and arranging for specialized support units (e.g., mounted, bicycles, other special vehicles, air support, marine support, mobile field force, hazmat)
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 - Throwing objects and substances
 - Arson and fireworks

Guideline

2.2

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

Incident/Event Planning

(continued)

Incident/event planning considerations should include (not in priority order) (continued):

- Vehicle assaults
- Looting
- Vandalism
- Physical assaults
- Use of lasers as retinal weapons on officers
- Emergent issues where an officer or community member rescue is required
- Anticipating, determining and communicating arrest posture
- Ensuring local ordinances are communicated to personnel (e.g., that prohibit carrying or possessing specified items while attending or participating in any demonstration, rally, picket line or public assembly)
- Publishing local ordinances via social media platforms
- Setting up logistical support for officers
 - Food and water
 - Rest intervals
 - Access to restrooms
 - Specialized equipment
 - Unmanned aircraft (e.g., speakers, lights, etc.)
 - Pole cameras or other video system integration
 - Body-worn or helmet cameras
 - Personal protective equipment
 - Riot shields
 - Outer impact gear
 - Fire suppression equipment
 - Anti-laser protection for personnel
 - Glasses/goggles
 - Over-mask protection
 - Applied films on face shield
 - Mass-arrest supplies
 - Carrying equipment (e.g., Sked)
 - Spare vehicles and fuel
 - Property and evidence control
 - Storage
 - Biohazards
 - Decontamination

Guideline

2.2

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

Incident/Event Planning

(continued)

Incident/event planning considerations should include (not in priority order) *(continued)*:

- Sustainability for protracted events
- Developing a demobilization plan
- Scene stabilization to prevent recurrence of unlawful activity
 - Methods and resources
 - Short-term requirements
 - Long-term requirements
- Ensuring timely post-event debriefing at the command and squad level (inclusion of community stakeholders when appropriate)
- Soliciting input from event organizers
- Producing a written after-action report outlining lessons learned, recommendations and training opportunities
 - Establishing a retention plan for operational plans and after-action reports
- Reviewing standing plans for effectiveness
- Implementation of recommendations following after-action reporting

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 public safety response. Crowds at times can be a blend of both lawful and unlawful conduct. Conduct can be lawful, individual and or group criminal acts, civil disobedience and rioting. During some events, individuals or groups may exploit a lawful assembly to help conceal or otherwise facilitate criminal acts. If feasible, law enforcement should identify, isolate and attempt to surgically remove unlawful behavior in an effort to protect lawful assemblies.

The following are examples of crowds and crowd behaviors (not in priority order):

- Lawful conduct of First Amendment rights
- Community celebrations
- Direct action occupations
- Crime scenes
- Anarchists or criminal agitators
- Entertainment events
- Sporting events
- Labor disputes
- Media events
- Mobile crowds
- Pedestrians blocking roadways and/or sidewalks
- Flash mobs
- Parades
- Parties/social gatherings
- Political events
- Product release/commercial activity
- Unlawful vehicle exhibition
- Vehicle caravans
- Social agenda driven events (e.g., abortion, animal rights, jury decisions, environmental issues, etc.)
- Protests on private property, targeting individuals
- Isolated unlawful
- Unlawful
- Riotous
- Deliberate criminal activity unrelated to lawful protest



Guideline

2.3

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

Crowd Behavior

(continued)

Unlawful elements of otherwise peaceful protests are rapidly evolving and use tactics that may include (not in priority order):

- Use of complex coordinated protests/marches and vehicle caravans that rapidly move across multiple jurisdictions, intentionally fragmenting command and control and overwhelming allied agencies' resources
- Use of lasers as retinal weapons on officers and to direct other participants
- Use of unmanned aircraft systems
- Commercial fireworks as weapons
- Umbrellas as shields and to provide concealment
- Traffic cones and pylons to "chimney" riot control agents
- Use of liquid nitrogen to freeze riot control agent grenades
- Leaf blowers to divert chemical agents
- Protester arm locking devices (e.g., Sleeping Dragons)
- Spiked weapons (e.g., Caltrops)
- Tools to compromise fencing
- Use of amplified speaker systems to disrupt/override delivery of public safety commands and sonically assault officers (e.g., bullhorns)
- Balloons and light bulbs filled with paint or other caustic substances
- Super soakers with caustic chemicals or biohazards (e.g., feces/urine)
- Throwing of missiles (e.g., bricks, rocks, bottles or objects containing frozen liquid)
- Skateboards as shields or used as impact/striking weapons
- Use of materials constituting shields, at times camouflaged and with sharpened edges
- Highly mobile protesters engaged in reconnaissance (e.g., scooters, motorcycles, bicycles)
- Vehicles used to force entry into structures
- Protesting on private property targeting individuals
- Targeting high-end businesses outside the original area of conflagration
- Direct action occupations
- Firebombs (e.g., Molotov cocktails)
- Arson
- Use of spears
- Use of flamethrower
- Body armor



Guideline

2.3

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

Crowd Behavior

(continued)

Unlawful elements of otherwise peaceful protests are rapidly evolving and use tactics that may include (not in priority order) *(continued)*:

- Strobing flashlights
- Use of improvised explosive devices
- Fortified vehicles
- Firearms
- Providing logistical support to lawful protesters and unlawful operatives (e.g., food, water and weapon distribution)
- Intentionally targeting small or multiple cities to overwhelm resources
- Use of diversionary tactics
- Unlawful returning of law enforcement chemical agent munitions into control forces
- Pre-event training
- Pre-event reconnaissance and planning

Guideline

2.4

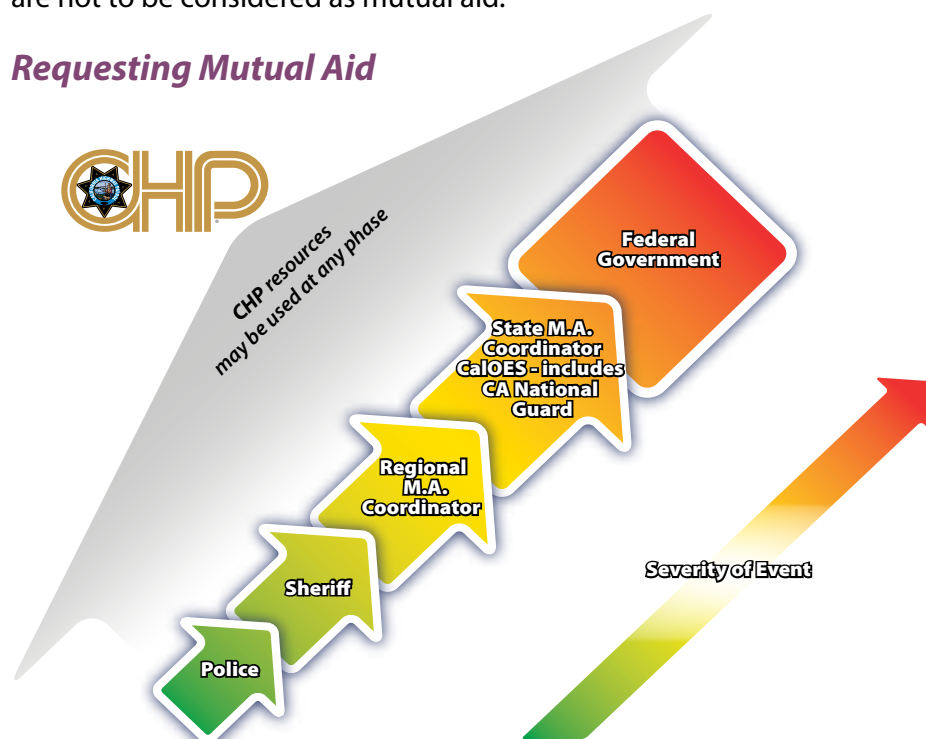
Mutual Aid & Multi-Agency Coordination

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 Governor's Office of Emergency Services, Law Enforcement Branch, Law Enforcement Mutual Aid Plan and its companion document, Law Enforcement Guide for Emergency Operations. Both publications are available on the California Office of Emergency Services (CalOES) website at www.CalOES.ca.gov.

The size and magnitude of an event/incident 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 should 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 and logistical support (e.g., food, lodging, rest intervals, etc.). Memorandums of understanding and contracts are not to be considered as mutual aid.

Requesting Mutual Aid



Guideline

2.4

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

Mutual Aid & Multi-Agency Coordination
(continued)

| Region | Counties |
|--------|---|
| I | Los Angeles, Orange |
| IA | San Luis Obispo, Santa Barbara, 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, Tulare |
| VI | Imperial, Inyo, Mono, Riverside, San Bernardino, San Diego |



Guideline
2.5

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 recommended 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 (e.g., mutual aid)
- Animal control
- California Governor's Office of Emergency Services (www.CalOES.ca.gov)
- 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



Guideline

2.6

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

Training for Managing Crowds

Command Personnel

Discussion: It is important to prepare for incidents through recurring training and simulation exercises. Command personnel should have experience in managing complex, rapidly evolving and multi-dimensional events. Because experiences vary, there is a need for reality-based scenario training that mimics, as much as possible, the “fog” encountered during critical event management. Training should include the actual stress of incident management to ensure that critical thinking can be applied during real events. Command personnel must be trained to clearly see and explain what they are specifically trying to accomplish while managing crowds. They should anticipate and identify tactical objectives, understand resources, operational strategies, capabilities, department policies and the law. Command personnel should also understand limitations of field forces.

Training for command personnel should include (not in priority order):

- Advanced critical incident management
- Command decision-making during chaotic events
- Critical incident management
- Delegation strategies
- Critical thinking and use of innovative strategies
- Crowd intervention strategies
- Media relations
- SEMS/ICS to include an understanding of event planning and unified command
- Crowd dynamics
- Tactical decision-making
- Crowd management related policies, procedures and laws

Guideline**2.6**

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

Training for Managing Crowds *(continued)*

Field Personnel

Discussion: Field personnel need to understand the law, policy, tactics and mission objectives. Officer discipline, situational awareness and thoughtful restraint are essential components necessary for successfully managing crowds. Discipline is achieved through regular training in the areas of tactical fundamentals and First Amendment rights. Training should be relevant, realistic and ongoing.

Training for field personnel should include but is not limited to (not in priority order):

- Crowd management related policies, procedures and laws
- Arrest and control techniques
- Baton/impact weapon techniques
- Crowd management law
- Crowd dynamics
- Incident command using reality-based training and exercises
- SEMS/ICS
- Kinetic energy projectiles
- Mass-arrest
- Media relations
- Mobile field force
- Field force extrication training
- Mutual aid
- Chemical agents
- Supervisory leadership
- Tactical decision-making
- Team arrest techniques
- Multi-agency reality-based training

Information Management

Guideline

3.1

Establish policies and procedures to address the collection of information prior to and after crowd management incidents/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/events involving crowd management. When collecting information, the process must be lawful, within policy and considerate of the constitutional rights of all persons. Protection of the First Amendment rights of persons to peaceably assemble and participate in free speech activities should be paramount in the collection of information.

When gathering and assessing information, law enforcement should consider, but not be limited to, the following (not in priority order):

- Determining information available including projected crowd size, nature of event, times of assembly, duration of event, location and anticipated activities
- Gathering real-time information from various sources including the Internet
- Determining methods to communicate with the community at large
- Determining methods to communicate information with mutual aid resources
- Determining methods to communicate with identified spokespersons within the groups
- Opportunities to identify lines of communication with the crowd/group spokespersons
- Assessing the validity of information
- Adapting to changing information
- Assessing any previous incidents or events involving the same or similar groups, tactics, techniques or procedures
- Pre-event protective sweeps of anticipated areas for potential hazards or weapons (e.g., rocks, bricks, pre-staged projectiles, etc.)
- Analyzing expected times of arrival and departure along with the means and routes of travel for participants
- Public safety staging, access routes and transportation
- Assessing the impact on public transportation, freeways and roadways
- Assessing the impact on business districts, commerce and public accessibility
- Assessing and considering options to mitigate potential disruptive activities and hazards
- Analyzing the potential for opposing/counter groups
- Designation of public safety liaison(s) to media including social media



Guideline

3.2

Establish protocols for documenting crowd management activities.

Incident Documentation

Discussion: Thorough documentation is a key element which supports not only criminal investigation and prosecution, but also gives an account of public safety's response to an event. Accurate, transparent and complete documentation is imperative for public safety credibility and objective review. Documentation should begin during planning and continue throughout the process. Proper documentation can aid in addressing after-action concerns such as complaints, civil litigation, training considerations and requirements for potential reimbursement. Agencies should ensure record retention protocols are followed.

Each peace officer is responsible and required to report their individual use of force in accordance with department policy and the law. Furthermore, officers are required to intercede, immediately report and document excessive force they observe.

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

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

- Still photography
- Audio recording
- All available video recordings
- Body-worn videos
- Three-dimensional (3D) mapping (before and after)
- Live stream capture
- Communication, dispatch recordings and printouts
- Civilian hand-held radio frequency audio capture
- Written log/journal
- Crime reports, after-action reports and any appropriate ICS forms
- Media reports/open-source footage
- Social media sources

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

- 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

Guideline

3.2

Establish protocols for documenting crowd management activities.

Incident Documentation
(continued)

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

- Collective and individual behavior of participants
- Individual arrests
- Individual officers' 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 achieve effective command and control during 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 success of any critical incident depends on the incident commander exercising active leadership, strategic thinking and decisive decision-making. The incident commander establishes the objectives of the incident action plan, considers new information, continually re-evaluates the situation, assesses available resources and balances 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 all events.

When responding to an incident, 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 ICS.

Peace officers should be aware of the following (not in priority order):

- Their role, responsibilities and objectives
- To whom they report
- What resources are allocated and available
- Their geographical or functional area of operation

The transfer of command should include, but is not limited to (not in priority order):

- Receive a situational report from the current incident commander or representative
- Determine an appropriate time for the transfer of command
- Document the transfer of command
- Do not interrupt real-time operations
- Announce the new incident commander to all involved personnel

Note: Effective incident commanders continually assess the situation, determine a course of action and make mid-course adjustments to achieve tasks and mission objectives.



Guideline

4.2

Recognize the essential role of leadership during crowd management incidents and events.

Leadership Responsibilities

Discussion: A key component to the success of any crowd management incident/event is that all personnel demonstrate competent leadership, regardless of rank.

Effective event leaders have the following characteristics (not in priority order):

- Accountable
- Competent
- Innovative
- Organized
- Decisive
- Delegate appropriately
- Provide clear direction
- Identify and disseminate operational goals and objectives

Leadership responsibilities may include (not in priority order):

- Knowledge of the laws, agency policies and procedures
- Recognizing and addressing public safety and personnel concerns
- Understanding of community expectations and concerns
- Inspiring confidence, calm and professionalism in the face of unfolding events
- Understanding and maintaining focus on the goals and objectives
- Adaptable and flexible to changing situations or circumstances
- Available for decision-making and receptive to personnel input
- Communicating throughout the chain of command as required
- Emphasizing teamwork and avoiding individual action



Guideline

4.3

Establish procedures to investigate and prosecute criminal activity.

Criminal Investigations

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

Arrests should be made based upon applicable laws. Law enforcement may use discretion when considering appropriate enforcement action based on the totality of the circumstances.

Investigative considerations may include but are not limited to (not in priority order):

- Identifying crimes
- Consulting with city/district attorney prior to and after the event
- Identifying a master report writer/case agent
- Private person’s arrests when appropriate
- Identifying an evidence coordinator
- Gathering documents that may aid in an investigation (e.g., press releases, internet material, signs, banners, etc.)
- Collecting body-worn camera and unmanned aircraft systems video
- Obtaining video evidence from all sources (e.g., business security cameras, social media sources, etc.)
- Obtaining audio evidence from all sources
- The necessity for 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 criminal prosecution pending civil litigation
- Photographing the overall area and collecting samples of weapons (e.g., rocks, bottles, etc.) utilized in the commission of a crime
- Photographing the crime scene, overall scene and collection and/or documentation of expended less-lethal law enforcement ordinance

Conspiracy charges may be considered. Evidence considerations for conspiracy investigations may include (not in priority order):

- Clothing and items showing affiliation with similar groups
- Computers and storage devices
- Documents (e.g., correspondence, address books, journals, etc.)
- E-mail or digital communication

Guideline

4.3

Establish procedures to investigate and prosecute criminal activity.

Criminal Investigations

(continued)

Conspiracy charges may be considered. Evidence considerations for conspiracy investigations may include (not in priority order) *(continued)*:

- Manifestos
- Photographs (including criminal activity and assembly site before and after)
- Posts on social media and Internet sites, including live feeds
- Telephone records
- Video recordings

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

Guideline

4.4

Health and Wellness

Establish systemic procedures to ensure personnel health and wellness during crowd management events.

Discussion: The roles of public safety personnel during a crowd management event can range from a pleasant, even warm, dialog exchange with crowd members, to violent and potentially life-threatening encounters. Over the course of such events peace officers may experience mental, emotional and physical consequences that must be recognized and managed by the individual and by the agency.

Officer wellness is a fully integrated state of physical, mental and emotional well-being and may be achieved by employing proactive strategies that are dynamic, holistic and goal oriented. Officer wellness includes being self-aware and making good decisions and balanced choices to lead a healthy, fulfilled, personal and professional life.

Agencies should consider creating a culture within their organization that promotes the training and practice of officer wellness and emotional intelligence. These skills may provide officers with the ability to better regulate their own emotions and to better assess and thus influence the emotional state of others (subjects, victims and coworkers).

Systemic personnel wellness considerations may include (not in priority order):

- Training and practice of a culture within your organization that promotes officer wellness
- Training for crowd management supervisory personnel, in officer wellness and emotional intelligence
- When possible and feasible, providing staffing for an event that allows for personnel rest periods
- When possible and feasible, long-term logistical support to minimize fatigue and exhaustion
- Promotion of a culture where officers come forward to report fatigue and exhaustion in themselves or other agency personnel
- Consideration of personal needs (e.g., food, water, rest area, restroom facility, electrical outlets to charge personal communications devices, etc.)

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Crowd Management, Intervention and Control Strategies

Guideline

5.1

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

Crowd Management, Intervention and Control Strategies

Discussion: Public gatherings may conclude without any need for law enforcement intervention. Crowd events generally fall into three potential phases or categories, management, intervention and control. Crowd management is the preparation and response to all forms of public gatherings. This includes planning, facilitation of First Amendment activities, protecting life and property and the prevention of violence. If members of a crowd become unlawful, “crowd intervention” may be necessary.

Crowd intervention is the implementation of strategies and tactics to mitigate and remove unlawful behavior during public gatherings so as not to disrupt an otherwise lawful assembly. Intervention strategies and tactics include communications with all crowd factions as well as the utilization of resources to identify, prevent, locate and remove unlawful behavior. If the general assembly becomes unlawful, “crowd control” may be needed.

Crowd control is the law enforcement response to a protest or gathering that may involve objectively dangerous or unlawful situations. Circumstances may warrant law enforcement actions such as arrests, deployment of personnel and use of force options including kinetic energy projectiles, chemical agents or dispersal tactics.

Every incident/event should be independently assessed to determine the strategies and tactics that will effectively support and facilitate First Amendment activity and provide for public safety. The strategies and tactics that agencies utilize must begin by first identifying the objectives to be accomplished and then the best means by which those objectives can be achieved. Tactics used may evoke a positive or negative response (e.g., a strong show of force may calm and disperse a crowd or incite them). Careful consideration should be given to arrest thresholds/postures and surreptitious or passive influences on crowd movement to maintain a lawful assembly. Incident leadership should constantly evaluate potential crowd behavioral progressions and contingencies.

Law enforcement leaders should utilize escalation and de-escalation techniques through active communications with crowd factions to encourage, maintain and facilitate lawful First Amendment activity before having to declare an unlawful assembly.

Significantly, command and supervisory personnel and any personnel deploying kinetic energy projectiles or chemical agents must be familiar with



Guideline

5.1

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

Crowd Management, Intervention and Control Strategies (continued)

the statutory requirements.

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

General strategies/tactics:

- Supporting and facilitating First Amendment activities

General strategies/tactics (continued):

- Establishing and maintaining communications with the crowd and all stakeholders
- For spontaneous assemblies, attempting to contact organizers/leaders and documenting all attempts and responses
- Deploying identified public information officers to assist with media movement and positioning of equipment
- Readily available amplified sound devices (e.g., PA systems) to make announcements to the crowd and police resources (including speaker equipped unmanned aircraft systems)
- Readily available mobile signboards
- Conducting a post-incident debrief with event organizers/leaders to exchange feedback, develop/improve relationships, solicit compliance for future events, learn pitfalls and foster goodwill
- Providing handouts prepared in advanced to facilitate and guide protester conduct
- Placing uniformed personnel out of view, avoiding unnecessary confrontation but still able to respond quickly if needed
 - Will allow the reduction or elimination of visible police equipment such as:
 - Armored vehicles
 - Helmets, riot batons, shields, etc.
 - Uniform apparel not in compliance with PC 13655
- Situational awareness
 - Deployment of observation teams in elevated positions (less visible)
 - Deployment of unmanned aircraft systems teams
 - Unmanned aircraft system operators covert if possible (to avoid distraction and harassment)
 - Streaming video to command post
 - Well-equipped (e.g., lights, speaker, thermal imaging, zoomable camera, infrared camera, mapping software, etc.)



Guideline

5.1

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

Crowd Management, Intervention and Control Strategies (continued)

- Appropriate waivers/certificates of authorization
- Pole cameras
- Public or private sector camera systems
- Monitoring the internet with teams prior to and during an event
- Reporting of real-time actionable information to the incident commander is critical
- Media coverage
- Ensuring officers monitor critical infrastructures

General strategies/tactics (continued):

- Using protocols that allow for nimble deployments
 - Ability to reposition those mobile field force resources quickly to meet changing dynamics of crowds and locations
- Developing a traffic management and/or control plan
 - Establishing public safety corridors to assist with separation of crowds while allowing movement of emergency equipment and personnel
 - Deploying barriers to separate conflicting groups that demonstrate potential violence
 - Positioning personnel to assist with vehicle and pedestrian movement as necessary
 - Announcing road closures and discontinuance of public transportation as required
 - Preparing vehicle barriers to protect the crowd and public safety
- Providing a high-visibility or low-visibility law enforcement presence
- Positioning officers to minimize contact with the assembled crowd
- Assisting organizers in advance with any/all permit requirements
 - Deployment of uniformed “liaison officers” to help facilitate organizers/leaders
- Communicating with groups during planning as much as possible to help facilitate a successful event
- Responding to special needs individuals’ participation in First Amendment activities

Crowd management strategies/tactics:

- Preparation of a “protester guide” outlining planning and participating in a First Amendment assembly and publishing it on the agency website
- Through advance communication with organizers and leaders of all

Guideline

5.1

Develop crowd management, intervention and control strategies to address crowd behavior that includes, lawful and/or unlawful activities.

Crowd Management, Intervention and Control Strategies (continued)

factions, encourage lawful facilitation of First Amendment rights with the encouragement of lawful behavior

- Through advance communication with organizers and leaders, offer an understanding that unlawful conduct of a few could lead to a declaration of an unlawful assembly and the dispersal of the crowd
- Using uniformed “public safety greeters” to welcome groups, monitor items being carried by protesters and to establish law enforcement spatial ownership

Crowd management strategies/tactics (continued):

- Requesting event organizers provide safety marshals to assist with protester control (“if you police yourself, we don’t have to”)
- Deployment of uniformed “liaison officers” to help facilitate organizers’ coordination of a lawful protest and to build trust with the police
- Conducting daily situational reports with mutual aid agencies to reinforce policies, priorities and command structure
- Assess the impact of the presence and/or participation in the protest of elected officials, sports figures and/or entertainment figures
- Monitoring crowd to protect participants, bystanders and property from criminal activity

Crowd intervention strategies/tactics:

- Deployment of uniformed “liaison officers” to help facilitate organizers/leaders
- Communications directly with the crowd encouraging lawful behavior and discouraging unlawful conduct
- Communications with the crowd describing the unlawful behavior within the crowd and why a dispersal order may be imminent if it does not cease
- Deployment of teams of police community relations officers to calm and mitigate crowd confrontations when appropriate
- Attempt de-escalation techniques or other alternatives when objectively reasonable
- If audible announcements appear to be ineffective, you should have sufficient control forces in place and prepared for deployment
- Deploying plain clothes personnel (Behavior Detection Officers) to enhance the public safety when appropriate
- Contingencies for when law enforcement intervention tactics may lag behind fast moving protester tactics

Guideline

5.1

Develop crowd management, intervention and control strategies to address crowd behavior that includes, lawful and/or unlawful activities.

Crowd Management, Intervention and Control Strategies (continued)

- Monitoring civilian hand-held radio channels (walkie-talkie) for criminal elements exploiting protest
- Integrating surgical intervention of unlawful conduct based on observations as soon as reasonable and practical (arrest teams)
- Identifying and making objectively reasonable efforts to extract individuals in distress
- Deploying small agile response teams to targeted areas of violence/property damage or other unlawful activity
- Protecting critical facilities

Crowd control strategies:

- Conducting daily situational reports with mutual aid agencies to reinforce policies, priorities and command structure
- Selecting appropriate equipment
- Deploying plain clothes personnel to enhance the public safety when appropriate
- Protecting critical facilities
- Protecting responding law enforcement assets and their ability to deploy
- When communications and de-escalation techniques do not bring an objectively dangerous and unlawful situation safely and effectively under control, a declaration of an unlawful assembly may be appropriate
- Making arrests as warranted
- Facilitating traffic flow
- Assessing visibility vs. non-visibility of control forces
- Continuing communications and de-escalation efforts with protest groups to help reduce confrontations
- Defining dispersal routes in advance

Note: For a more comprehensive list of considerations, see Appendix B.

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. California Penal Code section 407 states, “Whenever two or more persons assemble together to do an unlawful act or do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly.” The terms “boisterous” and “tumultuous” have been interpreted as conduct that poses a clear and present danger of imminent violence [*In re Brown (1973) 9 Cal. 3d 612, 623.*].

Dispersal orders for the purpose of ordering people to leave an area, must satisfy the legal requirements and convey the importance of compliance. Elements of an effective dispersal order include audible announcements setting forth the pending consequences of continued unlawful behavior, such as remaining at the location will subject individuals to arrest. Law enforcement should provide sufficient time to disperse after the order with clear directions and visible and ample means of egress.

With regard to dispersal orders **pertaining to objectively dangerous and unlawful situations where the use of kinetic energy projectiles and chemical agents are warranted**, it is required that repeated audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents. The announcements must include the type of kinetic energy projectiles and/or chemical agents to be used **when objectively reasonable to do so**. The announcements shall be made from various locations, if necessary and delivered in multiple languages, if appropriate.

Dispersal order considerations (not in priority order):

- Purpose and anticipated action necessitating the dispersal order
- Should be delivered thoughtfully, deliberately and strategically
- Need for repeated announcements, from various locations and potential multiple language concerns
- Must be communicated in a manner reasonably believed to be heard and understood by the intended audience
- Voice inflection and tone of voice should be considered in an attempt to portray calm and to encourage an orderly dispersal
- Provide sufficient time to disperse after the order
- Communicate clear, visible and ample means of egress
- Law enforcement should record the name of the individuals making the announcements and the date and time each order was administered



Guideline

5.2

Establish procedures for declaring unlawful assemblies and issuing dispersal orders.

Dispersal Orders

(continued)

- Use of amplified sound may elevate the formality of the announcements
- May have an unintended escalation affect
- Intent to permanently disperse a crowd where unlawful activity is occurring, not to merely relocate the problem
- Should be used when communications have failed and restoration of order does not appear possible, absent enforcement action

Methods of delivering and documenting dispersal orders and alternatives (not in priority order):

- Loud audible speech
- Amplified sound
- Ensuring that the order is heard in remote areas
- Confirming and documenting that the orders are transmitted sufficiently to be received by those intended
- Using unmanned aircraft equipped with amplified sound flown to inaccessible areas
- Pre-recorded unlawful assembly messages in multiple languages as appropriate
- Display of signage, including electronic signage and billboards, indicating unlawful assembly, dispersal and clearly identified routes of egress
- Gaining the attention of the crowd and documenting affirmative responses of crowd members prior to the declaration of unlawful assembly
- Position law enforcement personnel to confirm and document the receipt of the transmission of the dispersal order to those intended
- Consider multiple-language capability
- Community alert systems
- Provide clear directions with regard to crowd dispersal
- Using video/audio recording equipment for documentation of the dispersal order, the crowd response and their ability to hear
- Use of social media platforms to send out alerts to specific areas

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

- 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
- Community alert system(s)

Guideline

5.2

Establish procedures for declaring unlawful assemblies and issuing dispersal orders.

Dispersal Orders

(continued)

- Provide easy to understand directions that help the crowd disperse so that they clearly understand the desired response
- Using video/audio recording equipment for documentation of the dispersal order, the crowd response and their ability to hear
- Use of social media platforms to send out alerts to specific areas

UNLAWFUL ASSEMBLY DISPERSAL ORDER

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, order 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."*

INSERT REQUIRED WHEN KINETIC ENERGY PROJECTILES/CHEMICAL AGENTS TO BE DEPLOYED (FOR OBJECTIVELY DANGEROUS AND UNLAWFUL SITUATIONS)

You may also be subject to other police action including the use of kinetic energy projectiles and chemical agents, which include: _____

(Insert here type to be used e.g., rubber bullets, plastic bullets, beanbag rounds, foam tipped plastic rounds, tear gas, CN, CS, pepper balls, pepper spray or OC). Use of these devices could result in serious injury.

Penal Code section 409 prohibits remaining present at an unlawful assembly, which means that you must leave the area I just described. If you remain in the area just described, you will be in violation of Penal Code section 409. The following routes of dispersal are available (routes). "You have (state the current time and the reasonable amount of time to disperse, e.g., it is now 9:30 pm and you have 15 minutes to leave the area) to disperse."

Guideline

5.3

Develop procedures for conducting and managing mass arrests and bookings.

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. It is imperative to maintain accountability of arrestees from the arrest site (crime scene) through the booking process. Many cases are lost due to the inability to link the arresting peace officer to the arrestee. The arrest report should articulate each arrestee's specific criminal act(s) and the witnessing officer(s). 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. It is imperative to keep 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):

Arrest teams:

- Predesignated
- Designated
- Personal protective equipment
- Sufficient handcuffs/restraint equipment

Booking/processing area:

- On-site, off-site or temporary holding facilities
- Multiple language translation capabilities
- Emergency medical services (EMS)
- Decontamination
- Security (protest groups often target booking facilities)
- Weather issues
- Media issues
- Handcuff/flex-cuff release device
- Computer access for records checks, etc.
- Telephone access (per [CA Penal Code section 851.5](#) and [Welfare & Institutions Code section 627](#))



Guideline
5.3

Develop procedures for conducting and managing mass arrest and bookings.

5.3

Mass Arrests and Bookings
(continued)

Booking/processing area (continued):

- Designated booking teams
- Sufficient forms/paperwork
 - Booking forms
 - Field release from custody
 - Field interview cards
 - Evidence collection/storage of materials
- Personal needs issues
 - Restrooms
 - Water
 - Food
 - Medications
- Segregation issues
 - Gender
 - Gangs
 - Juveniles
 - Vulnerable individuals, including the disabled
 - Opposing factions
 - Environmental issues (contagious diseases, chemical exposures, etc.)
- Documentation (photo/video/audio/written) of arrests
 - Linking arrestee with arresting officer
 - Date
 - Time
 - Location
 - Offense(s)
 - Arrestee's property
 - Arresting peace officer(s)
 - Identification of arrestees
 - Disposition

Prisoner transportation

- Security issues during transportation, to include conflicts between groups
- Special needs (e.g., wheelchairs, face masks, etc.)
- Secure, away from involved area
- Use transport vehicles to economize police personnel
- Be prepared with alternatives for transportation if normal assets are eliminated or refused

Guideline

5.3

Develop procedures for conducting and managing mass arrest and bookings.

Mass Arrests and Bookings
(continued)

Coordination:

- Medical/EMS
- Jail
- Court
- District/city attorney
- Probation/parole
- Public defender's office
- Private attorneys
- Child Protective Services
- Master report writer/case agent
- Public affairs/media relations representative
 - Public service announcements



Guideline

5.4

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

Use of Force Options

Discussion: The law enforcement response to unlawful behavior should be consistent with the agency's use of force policy and the law. In [Graham v. Connor, 490 U.S. 386 \(1989\)](#), the Supreme Court held that an excessive force claim is properly analyzed under the Fourth Amendment's 'objective reasonableness' standard. The Graham court discusses a non-exhaustive list of factors to be considered in evaluating whether the force used to effect a particular seizure is reasonable:

- Whether the suspect poses an immediate threat to the safety of the officers or others
- Whether the suspect actively resists
- The time available for officers to make decisions (e.g., split-second decision-making)
- The severity of the crime(s) at issue
- Whether the individual is attempting to escape or evade

The test of reasonableness in this context is an objective one, viewed from the vantage of a reasonable officer on the scene. The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation. In all situations, the force used must be objectively reasonable under the totality of the circumstances.

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. In essence, the consideration is what force option was used and what was the foreseeable risk of injury under the totality of the circumstances. The courts have emphasized that the most important factor is whether the individual posed an immediate threat to the officer or to the safety of the public [[Young v. County of Los Angeles, 655 F.3d 1156, 1162 \(9th Cir. 2011\)](#)].

In instances wherein, a suspect is non-violent and poses no threat to the safety of the officers or others, the force options used should be non-deadly force with a minimal risk of injury. Intermediate force options are objectively reasonable when under the totality of the circumstances, the

Guideline

5.4

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

Use of Force Options
(continued)

individual is actively resisting and poses a threat. Intermediate force includes force options that pose a significant risk of injury under the totality of the circumstances and include typically: the use of chemical agents and pepper spray; the use of impact weapons; conducted energy weapons in probe mode; and the use of law enforcement canines. Deadly force is defined as force with a substantial risk of causing serious bodily injury or death and includes the use of firearms, as well as other force that poses such substantial risks.

Significantly, peace officers need not use the least intrusive force option available, but only that force that is objectively reasonable under the totality of the circumstances. Prior to the use of a particular force option, officers should consider the availability of resources and tactics that are reasonably safe and feasible to an objectively reasonable officer. Warnings should be given, if feasible, when force is used that may inflict significant pain or result in serious bodily injury or death.

Law enforcement personnel should utilize and document de-escalation strategies individually and operationally to reduce force applications when feasible. As discussed in part 5.5, kinetic energy projectiles and chemical agents should only be used to defend against a threat to life or serious bodily injury to peace officers or others or to bring an objectively dangerous and unlawful situation safely and effectively under control.

An objectively dangerous and unlawful situation is one where, absent intervention, there is an imminent threat under the totality of the circumstances to overtake and/or exceed law enforcement capabilities and on-scene resources.

In such a situation, law enforcement may use kinetic energy projectiles and chemical agents to safely and effectively bring a situation under control in accordance with specific requirements. Those requirements are set forth in Penal Code section 13652 (b) (1-11) and summarized below.

Examples of objectively dangerous and unlawful situations may include, but are not limited to:

- Act of felony vandalism that will likely lead to further felonious acts
- Looting
- Blocking roadways with active vehicular traffic endangering life
- Arson

Guideline

5.4

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

Use of Force Options

(continued)

- Rioting
- Illegally taking or attempting to take a prisoner from a peace officer
- Individuals in distress, injured, trapped or encircled in a crowd
- Carjacking of motorists during civil disorder
- Individuals engaged in violent acts
- Use of biological, chemical agents, substances or explosives that could inflict serious bodily injury to a peace officer or citizen
- Potential immediate takeover by an unlawful crowd of critical facilities that may overwhelm existing resources or impact public safety

Use of force considerations particular to crowd management may include (not in priority order):

- Continually assess the makeup and behavior of the crowd
- Identify potential disruptive elements or factions within the crowd
- Prepare and preposition personnel in anticipation of the need to give warnings or orders
- Public safety ramifications of unlawful behavior
- Evaluate the seriousness of the unlawful conduct and the threat posed
- Ensure that the appropriate personnel are on scene for approval of force options
- Need to maintain public safety access (e.g., ingress/egress for emergency vehicles)
- Evaluate compliance or non-compliance of individuals
- Ensure prompt medical assistance is provided for injured persons when it is reasonable and safe to do so
- Identifying criminal violations
- Implementing arrest protocols for various types of offenders
- Removal and processing of nonviolent, non-compliant offenders
- Addressing the use of various force options
- Accommodations for physically challenged, elderly and child demonstrators
- Considering the resources available based on the situation
- Evaluating the availability of other public safety resources
- Using personal protective equipment
- Planning for the safety of bystanders and the media
- Evaluating the mobility of suspects/protesters

Guideline

5.4

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

Use of Force Options

(continued)

Use of force considerations particular to crowd management may include (not in priority order) *(continued)*:

- Determining avenues of controlled departure
- Anticipating the potential need for medical resources
- Addressing the use of kinetic energy projectiles and chemical agents (see section 5.5)

Guideline

5.5

Develop policies and procedures regarding deployment of chemical agents during incidents of civil disobedience.

Use of Kinetic Energy Projectiles and Chemical Agents

Discussion: With regard to the use of kinetic energy projectiles and chemical agents, California Penal Code section 13652 provides specific guidelines for the use of such force options. Penal Code section 13652 provides that kinetic energy projectiles and chemical agents shall:

- Not be used by any law enforcement agency to disperse any assembly, protest or demonstration except under specific circumstances
- Only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training for crowd control
- Deployed ONLY if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer OR to bring an objectively dangerous and unlawful situation safely and effectively under control; AND
- ONLY in accordance with ALL of the following requirements:
 - De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable and have failed
 - Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary and delivered in multiple languages, if appropriate
 - Persons are given an objectively reasonable opportunity to disperse and leave the scene
 - An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons
 - Kinetic energy projectiles and chemical agents are used only with the frequency, intensity and in a manner that is proportional to the threat and objectively reasonable
 - Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists or other unintended targets
 - An objectively reasonable effort has been made to extract individuals in distress
 - Medical assistance is promptly provided, if properly trained personnel are present or procured, for injured persons, when it is reasonable and safe to do so



Guideline

5.5

Develop policies and procedures regarding deployment of chemical agents during incidents of civil disobedience.

Use of Kinetic Energy Projectiles and Chemical Agents (continued)

- Kinetic energy projectiles shall not be aimed at the head, neck or any other vital organs
- Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:
 - A violation of an imposed curfew
 - A verbal threat
 - Noncompliance with a law enforcement directive
- If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest or demonstration may authorize the use of tear gas
 - For the purposes of this section, the following terms have the following meanings:
 - “Kinetic energy projectiles” means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds and foam tipped plastic rounds
 - “Chemical agents” means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalonitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray or oleoresin capsicum

Note: Penal Code § 13652 does not apply within any county detention facility or any correctional facility of the Department of Corrections and Rehabilitation. See Appendix C, Applicable Statutes, Penal Code section 13562(b), (2), (5), (6), (11) and (d)(2); Section 3, Section 13652.1(a), (b), (1), (2), (3), (4) and (5)

Additional Considerations for Deployment of Kinetic Energy Projectiles and Chemical Agents:

- Totality of the circumstances
- Field personnel requests for authorization to deploy

Guideline

5.5

Develop policies and procedures regarding deployment of chemical agents during incidents of civil disobedience.

Use of Kinetic Energy Projectiles and Chemical Agents (continued)

- Crowd composition (e.g., children, elderly and persons with disabilities)
- Protection of bystanders and property
- Overall effect on area from contamination
- Overall safety of public safety personnel involved
- Effect on public safety personnel, mounted units and K-9s
- Type and amount of kinetic energy projectiles and chemical agents available
- Storage, replacement and inventory accountability
- Field issuance, deployment and accountability for recovery
- Appropriate methods of deployment to be used
- Weather conditions and wind direction
- Physical location and terrain considerations
- Protective mask fit testing
- Protective devices for public safety personnel in place prior to deployment
- Identify personnel with authority to authorize the use of kinetic energy projectiles and chemical agents
- Identify availability of sufficient number of personnel trained to deploy kinetic energy projectiles and chemical agents
- Notification of all public agency personnel of intent to deploy kinetic energy projectiles and chemical agents
- Decontamination issues
- Multi-agency event dynamics

Kinetic energy projectiles and chemical agent deployment considerations may include (not in priority order):

- Kinetic energy projectiles and chemical agents use must be consistent with an objectively dangerous and unlawful situation
- Tear gas use must be authorized by an on-scene commanding officer
- Field personnel request for authorization to deploy
- Defend against a threat to life or serious bodily injury to any individual, including any peace officer, when objectively reasonable
- An imminent threat under the totality of the circumstances constituting objectively dangerous and unlawful situations
- Prior to repeated dispersal orders, personnel notifications of the intent to deploy kinetic energy projectiles and chemical agents
- Intentions to deploy chemical agents should be included in the unlawful assembly dispersal order, along with dispersal routes
- De-escalation techniques or other alternatives to force have been attempted when objectively reasonable and have failed

Guideline

5.5

Develop policies and procedures regarding deployment of chemical agents during incidents of civil disobedience.

Use of Kinetic Energy Projectiles and Chemical Agents *(continued)*

- Promptly provide medical assistance if properly trained personnel are present or procured for injured person(s) when it is reasonably safe to do so
- Kinetic energy projectiles or chemical agents shall not be used for a violation of an imposed curfew, a verbal threat or the non-compliance with a law enforcement directive
- Kinetic energy projectiles shall not be aimed at the head, neck or any other vital organs
- Minimize possible incidental impact of kinetic energy projectiles and chemical agents on bystanders
- Make an objectively reasonable effort to extract individuals in distress
- Kinetic energy projectiles and chemical agents used only with the frequency, intensity and manner proportional to the threat and objectively reasonable
- Repeated audible announcements are made of the intent to use kinetic energy projectiles and chemical agents, including the type to be used, when objectively reasonable to do so made from various locations, if necessary, made in multiple languages when appropriate
- Kinetic energy projectiles and chemical agents are targeted toward those individuals engaged in violent acts and not aimed indiscriminately into a crowd or group of persons
- Objectively reasonable effort made to identify persons engaged in violent acts vs. those who are not
- Individuals are given an objectively reasonable opportunity to disperse and leave the scene
- Safety of personnel involved
- Trained personnel available
- Methods of delivery
- Weather conditions
- Wind direction
- Physical location/terrain considerations
- Effect on law enforcement horses
- Overall effect on area from contamination
- Types of agents available
- Protective devices for personnel in place prior to deployment
- Crowd composition (e.g., potential exposure to children, elderly and persons with disabilities)
- Protection of bystanders, officers and property
- Decontamination



Guideline

5.5

Develop policies and procedures regarding deployment of chemical agents during incidents of civil disobedience.

Use of Kinetic Energy Projectiles and Chemical Agents (continued)

Chemical agent deployment considerations may include (not in priority order) *(continued)*:

- Totality of circumstances
- Training
- Reporting
- Types of agents
- Appropriate methods of deployment
- Identity of person(s) who can authorize the use of chemical agents
- Identity of person(s) trained to deploy 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

5.6

Develop policies and procedures related to the reporting requirements arising out of crowd management.

Agency Use of Force Reporting Requirements: Kinetic Energy Projectiles and Chemical Agents

Discussion: Law enforcement agencies are required to comply with specific reporting requirements for all uses of force that occur involving law enforcement personnel that result in serious bodily injury or death. Additionally, any deployment of force involving the use of kinetic energy projectiles or chemical agents during any assembly, protest or demonstration must also be reported according to specific statutory requirements.

Law Enforcement Agency Reporting Requirements for Use of Force Resulting in Serious Bodily Injury or Death:

Law enforcement agencies are required, pursuant to GC 12525.2, to furnish monthly to the Department of Justice a report of all instances when a peace officer employed by that agency is involved in any of the following:

- An incident involving the shooting of a civilian by a peace officer
- An incident involving the shooting of a peace officer by a civilian
- An incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death or
- An incident in which use of force by a civilian against a peace officer results in serious bodily injury or death

The information reported to the California Department of Justice shall include, but not be limited to, all of the following:

- The gender, race and age of each individual who was shot, injured or killed
- The date, time and location of the incident
- Whether the civilian was armed and if so, the type of weapon
- The type of force used against the officer, the civilian or both, including the types of weapons used
- The number of officers involved in the incident
- The number of civilians involved in the incident
- A brief description regarding the circumstances surrounding the incident, which may include the nature of injuries to officers and civilians and perceptions on behavior or mental disorders

Each year, the California Department of Justice shall include a summary of information contained in the reports received through the Open Justice Web portal. This information shall be classified according to the reporting law enforcement jurisdiction. In cases involving a peace officer who is injured or killed, the report shall list the officer's employing jurisdiction and the



Guideline

5.6

Develop policies and procedures related to the reporting requirements arising out of crowd management.

Agency Use of Force Reporting Requirements: Kinetic Energy Projectiles and Chemical Agents (continued)

jurisdiction where the injury or death occurred, if they are not the same. This subdivision does not authorize the release to the public of the badge number or other unique identifying information of the peace officer involved.

For purposes of this section, “serious bodily injury” means a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member or organ.

In the event that kinetic energy projectiles or chemical agents are deployed for crowd control under the provisions of Penal Code 13652, the law enforcement agency is required, pursuant to PC section 13652.1, to publish a summary of such use on the agency internet website within 60 days of each incident. That period of time may be extended for an additional 30 days (total not to exceed 90 days) if good cause for the extension is demonstrated. **Further, PC 13652 does not apply within any county detention facility or any correctional facility of the Department of Corrections and Rehabilitation.**

The summary of the use of kinetic energy projectiles and chemical agents shall include only the information known at the time of the report and include only the following:

- A description of the assembly, protest, demonstration or incident, including the approximate crowd size and the number of officers involved
- The type of kinetic energy projectile or chemical agent deployed
- The number of rounds or quantity of chemical agent dispersed, as applicable
- The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment
- The justification for using the kinetic energy projectile or chemical agent, including any de-escalation tactics or protocols and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the kinetic energy projectile or chemical agent

Note: The statute requires the California Department of Justice to post on its internet website a compiled list linking each law enforcement agency’s reports posted pursuant to the statute.

Guideline

6.1

Media Strategies

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

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.

Pursuant to Penal Code section 409.7, peace officers shall not deny access to a duly authorized representative of any news service, online news service, newspaper, radio, television station or network to a closed area immediately surrounding any emergency field command post or any other command post. If peace officers establish a police line or rolling closure at a demonstration, march, protest or rally where individuals are engaged in activity that is protected pursuant to the First Amendment to the United States Constitution or Article I of the California Constitution, certain requirements shall apply.

Nor shall a peace officer intentionally assault, interfere with or obstruct a duly authorized media representative who is gathering, receiving or processing information for communication to the public. Such individuals should not be cited for failure to disperse, for violation of curfew or a violation of PC 148(a)(1). If the media representative is detained by a peace officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so.

Penal Code section 409.7 does not prevent a peace officer from enforcing other applicable laws if the media representative is engaged in activity that is unlawful. Furthermore, Penal code section 409.7 shall not be used as a basis for criminal liability.

Media strategy considerations may include (not in priority order):

- Anticipating that the entire event is being livestreamed
- Establishing a media center and/or points of contact that the media can call/access to receive timely updates to combat the increase of misinformation, particularly on social media
- Utilizing social media to disseminate accurate and important information proactively, including livestreaming or similar medium (e.g., releasing related video)
- Consider dissemination of information to the media that may include:
 - The what, where and when of anticipated activities

Guideline

6.1

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

Media Strategies

(continued)

- Specific parade or protest routes
- Locations subject to disruption of normal business or traffic
- The extent of disruption expected when possible
- Alternative routes and/or mass transit alternatives
- Informing the media of law enforcement expectations during a dispersal order(s)
- Use of a media pool (e.g., camera, radio, print, streamers, etc.)
- Embedding media with law enforcement when appropriate
- Establishing a joint information center
- A coordinated public information strategy
- Assigning public information officers to manage platform(s)
- Complying with [Penal Code § 409.5 and § 409.7](#)



Guideline

6.2

Electronic Communications and Social Media

Develop policies and procedures for the use of electronic communication and social media for community outreach and as an investigative tool.

Discussion: The use of electronic communication and social media has grown exponentially and can have specific application to law enforcement’s response to incidents of crowd management. The effective use of electronic communication and social media can enhance law enforcement efforts related to community outreach, investigations and in other strategic initiatives.

Some tactics seen in organized protests that may affect law enforcement responses (not in priority order):

- Doxing law enforcement personnel and/or public figures
- Use of encrypted apps to communicate (to move where police personnel are understaffed or not present)
- Livestreaming events to gain support
- Use of hand-held two-way hobby radios
- Viral disinformation and/or intentional misreporting

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 or handing out 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
- To follow, engage or track a group, there should be an operational necessity to carefully ensure the protection of civil liberties
- Developing agency-specific policies and procedures regarding the personal use of electronic communication and social media, which includes measures to ensure operational security

Guideline

6.2

Develop policies and procedures for the use of electronic communication and social media for community outreach and as an investigative tool.

Electronic Communications and Social Media
(continued)

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

- Use of anti-doxing platforms
- Being aware of agency social media policy and the use of personal recording devices



Terms and Definitions

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.

Anarchist

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

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.

Behavior detection officers

(BDOs) Plain clothes personnel within a crowd to identify problematic individuals based on reasonable suspicion.

Booking Teams

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

Chemical Agents

Any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known

as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls; pepper spray or oleoresin capsicum. (*See Appendix C, Applicable Statutes, Penal Code § 13562 (11d, 2).*)

Civil Disobedience

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

Civil Disorder

Any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual. (*18 USC, Ch. 12, Civil Disorder, Section 232 Definitions.*)

Command

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

Commanding officer

The National Incident Management System (NIMS) defines an **incident commander** as an individual having the authority to establish objectives, make assignments and order resources. The incident commander should have the training, experience and expertise to serve in this capacity. Additionally, **per NIMS, qualifications to serve as an incident commander should not be based solely on rank, grade or technical knowledge.** <https://training.fema.gov/programs/emischool/el361toolkit/glossary.htm>

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 protest or gathering that has become unlawful and/or violent. It may require arrest and/or deployment of dispersal tactics or even use of force.

Crowd Dynamics

Factors which influence crowd behavior.

Crowd Intervention

The implementation of strategies and tactics to mitigate and remove unlawful behavior during public gatherings so as not to disrupt an otherwise lawful assembly. Intervention strategies and tactics include communications with all crowd factions as well as the utilization of resources to identify, prevent, locate and remove unlawful behavior.

Crowd Management

The preparation and response to all forms of public gatherings. This includes planning, facilitation of First Amendment activities, protecting life and property and the prevention of violence.

Decontamination

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

De-escalation

The process of using strategies and techniques intended to decrease the intensity of the situation. (POST (2021), *De-escalation Strategies & Techniques*

for California Law Enforcement, cover page, <http://POST.ca.gov>).

Direct Action

Direct action can include nonviolent and violent activities which target persons, groups or property. Nonviolent direct action may include sit-ins, strikes etc. Violent direct action may include, assault, arson, street blockades and property destruction.

Discipline

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

Dispersal Order

Lawful order 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.

Doxing

A term referring to the act of revealing identifying information about someone (e.g., home address, real name, financial information, etc.).

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

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 or other means, 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/or 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, 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 is 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 are necessary for the selection of an appropriate strategy 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.

Journalist

A duly authorized representative of any news service, online news service, newspaper or radio or television station or network. [CA Penal Code section 409.7](#).

Kinetic Energy Projectile

Any type of device designed as less lethal, to be

launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds and foam tipped plastic rounds. ([Penal Code Section 13562 \(11d\)\(1\)](#)).

Leadership

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

Less-Lethal Chemical Agents

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

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.

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”).

Noticed Events

Public assemblies, demonstrations or crowd events, which are planned for in advance and allow 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](#).

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 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.

Sectoring

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

Serious Bodily Injury

With regard to officer use of force, serious bodily injury is defined as a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member or organ. ([California Government Code section 12525.2 \(d\)](#)).

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.

Stakeholder

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

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 “[less-lethal 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. In most instances unified command will require co-locating allied agencies.

Unity of Command

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.

Unlawful Assembly

[Penal Code §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 ➤ Marches ➤ Demonstrations ➤ Rallies ➤ Picketing ➤ Public assemblies ➤ Protests ➤ Celebratory events | <p>Use Crowd Management Strategies/Tactics</p> <ul style="list-style-type: none"> ➤ Meet with event organizers and stakeholders ➤ Assess the history and risk of the group ➤ Create a planning team ➤ Assist with permit preparation ➤ Develop Incident Action Plan and objectives ➤ Identify and assign resources (ICS) ➤ Monitor and assess crowd behavior ➤ Separate opposing factions ➤ Maintain video log ➤ Provide direction and expectations at roll call/briefing ➤ Engender facilitation, not confrontation ➤ Interact with organizers and gain | |
| <p>Isolated Unlawful Behavior</p> <p>Isolated unlawful activity within a crowd should not always require declaration of an unlawful assembly.</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/Tactics</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 (BDO Teams) ➤ 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 ➤ When it is not possible to make an immediate arrest, identify and track suspects using cameras, observation posts aviation/behavior detection teams (BDOs) ➤ 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 | |

Situation Severity



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

Crowd Management, Intervention and Control Strategies

| Situation | Law Enforcement Response | |
|---|---|--|
| <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. 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/Tactics</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 – declaration of force an unlawful assembly ➤ Disperse and/or arrest unlawful activity ➤ With incident commander approval, deploy kinetic energy projectiles if objectively reasonable to defend against threat to life, serious bodily injury <p>or to bring an objectively dangerous and unlawful situation safely and effectively under control</p> <ul style="list-style-type: none"> ➤ Track and contain groups involved in unlawful activity using cameras, observation posts, BDOs and/or aviation ➤ Arrest individuals who fail to disperse or involved in illegal activity ➤ With incident commander approval, deploy chemical agents to defend officers or to disperse the crowd ➤ Attempt de-escalation and apply reasonable force ➤ Report use of force ➤ Restore order | |
| <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 ➤ Apply de-escalation techniques | <p>Use Crowd Control Strategies/Tactics</p> <ul style="list-style-type: none"> ➤ Video action of officers and law violators ➤ Request needed resources ➤ Have 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 incident commander approval, deploy kinetic energy projectiles if objectively reasonable to defend against threat to life, serious bodily injury <p>or to bring an objectively dangerous and unlawful situation safely and effectively under control</p> <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 ➤ Attempt de-escalation and apply reasonable force | |

Situation Severity

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

Applicable Statutes

| CODE | STATUTE | CATEGORY | SUBJECT |
|------------|---------|---|--|
| Penal Code | 69 | Crimes against the executive power of the state | Resisting or deterring officer. |
| Penal Code | 71 | Crimes against the executive power of the state | Threat of injury made to peace officer in performance of his duties. |
| Penal Code | 102 | Crimes against public justice | Retaking property from officer. |
| Penal Code | 148 | Crimes against public justice | Resisting or obstructing public officer. |
| Penal Code | 148.1 | Crimes against public justice | False reporting planting of bomb. |
| Penal Code | 148.2 | Crimes against public justice | Interfering with fireman or EMT. |
| Penal Code | 148.9 | Crimes against public justice | Giving false identification. |
| Penal Code | 151 | Crimes against public justice | Advocating injury or death of peace officer. |
| Penal Code | 169 | Crimes against public justice | Picketing in or near courthouse with intent to interfere or obstruct administration of justice or influence judge, juror, witness or officer of the court. |
| Penal Code | 171f | Crimes against public justice | Entering state capitol without authorization- disorderly conduct. |
| Penal Code | 182 | Crimes against public justice | Conspiracy. |
| Penal Code | 185 | Crimes against public justice | Wearing masks or personal disguises in the commission of any public offense. |
| Penal Code | 197 | Crimes against the person | Killing in defense of self or property and arresting fugitives or quelling riot. |
| Penal Code | 218 | Crimes against the person | Derailing or wrecking train. |
| Penal Code | 219 | Crimes against the person | Wrecking train or firing bridge. |
| Penal Code | 219.1 | Crimes against the person | Throwing missile at vehicle of common carrier. |
| Penal Code | 219.2 | Crimes against the person | Throwing a missile or shooting at trains, street cars or vessels. |
| Penal Code | 240 | Crimes against the person | Assault-defined. |

| CODE | STATUTE | CATEGORY | SUBJECT |
|------------|---------|---|--|
| Penal Code | 241 | Crimes against the person | Assault against peace officer, or other specified persons engaged in performance of duties (note: see PC 241 subsections). |
| Penal Code | 242 | Crimes against the person | Battery-defined. |
| Penal Code | 243 | Crimes against the person | Punishment for battery generally, against specified officers and others. |
| Penal Code | 247 | Crimes against the person | Discharge firearm at unoccupied aircraft or motor vehicle or uninhabited building or dwelling house. |
| Penal Code | 247.5 | Crimes against the person | Discharging laser at aircraft. |
| Penal Code | 248 | Crimes against the person | Interfere with helicopter operation- light or bright device. |
| Penal Code | 302 | Crimes against the person | Disorderly conduct at church service. |
| Penal Code | 372 | Crimes against public health and safety | Maintaining public nuisance. |
| Penal Code | 374 | Crimes against public health and safety | Littering and waste matter defined (note: see PC 374 subsections). |
| Penal Code | 375 | Crimes against public health and safety | Use of offensive substances in place of public assembly; manufacture of offensive subject. |
| Penal Code | 396 | Crimes against public health and safety | Price gouging during state of emergency. |
| Penal Code | 403 | Crimes against public health and safety | Disturbing an assembly. |
| Penal Code | 404 | Crimes against public health and safety | Riot-defined. |
| Penal Code | 404.6 | Crimes against public health and safety | Incitement to riot. |
| Penal Code | 405 | Crimes against public health and safety | Punishment of participants in riot. |
| Penal Code | 405a | Crimes against public health and safety | Taking person from lawful custody. |

| CODE | STATUTE | CATEGORY | SUBJECT |
|------------|---------|---|---|
| Penal Code | 406 | Crimes against public health and safety | Rout-defined. |
| Penal Code | 407 | Crimes against public health and safety | Unlawful assembly. |
| Penal Code | 408 | Crimes against public health and safety | Participating in a riot or unlawful assembly. |
| Penal Code | 409 | Crimes against public health and safety | Refusal to disperse when ordered. |
| Penal Code | 409.5 | Crimes against public health and safety | Closing areas in emergency. |
| Penal Code | 409.7 | Crimes against public health and safety | Duly authorized media representatives may enter areas closed by police. |
| Penal Code | 410 | Crimes against public health and safety | Duty to suppress riot or rout. |
| Penal Code | 415 | Crimes against public health and safety | Fighting, causing loud noise or using offensive words in public place. |
| Penal Code | 415.5 | Crimes against public health and safety | Unlawful acts committed in buildings or grounds of colleges or university. |
| Penal Code | 416 | Crimes against public health and safety | Duty of crowd to disperse when ordered; Restitution for property damage. |
| Penal Code | 420 | Crimes against public health and safety | Obstructing entry on government land. |
| Penal Code | 422 | Criminal threats | Threats to commit crime resulting in death or great bodily injury. |
| Penal Code | 422.6 | Civil Rights | Civil rights; Interfere with property damage or speech. |
| Penal Code | 451 | Crimes against property | Arson. |
| Penal Code | 452 | Crimes against property | Unlawfully causing a fire. |
| Penal Code | 453 | Crimes against property | Possession or manufacture of combustible or explosive material or firebomb. |

| CODE | STATUTE | CATEGORY | SUBJECT |
|------------|---------|--------------------------------------|---|
| Penal Code | 455 | Crimes against property | Attempts to burn. |
| Penal Code | 463 | Crimes against property | Burglary during state of emergency. |
| Penal Code | 555 | Crimes against property | Entry without permission (note: see 555 PC subdivisions). |
| Penal Code | 587 | Crimes against property | Injuring or obstructing railroad tracks, rights-of-way or structures. |
| Penal Code | 588 | Crimes against property | Injuring public road or bridge (note: see PC 588 subsections). |
| Penal Code | 591 | Crimes against property | Injuring or tapping telegraph, telephone or cable telephone line. |
| Penal Code | 594 | Malicious mischief | Vandalism. |
| Penal Code | 602 | Malicious mischief | Trespassing. |
| Penal Code | 602.5 | Malicious mischief | Unauthorized entry of dwelling. |
| Penal Code | 602.8 | Malicious mischief | Trespass- Entering cultivated, fenced or posted land. |
| Penal Code | 602. 10 | Malicious mischief | Physical obstruction of student or teacher from attending or instructing at a university of California, California state university or community college. |
| Penal Code | 602.11 | Malicious mischief | Obstruct entry/exit of health care facility, place of worship or school. |
| Penal Code | 616 | Malicious mischief | Tampering with posted legal notice. |
| Penal Code | 626 | Miscellaneous crimes | Definitions- miscellaneous crimes- schools (note: See PC 626 subsections). |
| Penal Code | 640 | Miscellaneous crimes | Infractions committed on or in facilities or vehicles of a public transit system (note: see PC 640 subsections). |
| Penal Code | 647 | Miscellaneous crimes | Disorderly conduct defined. |
| Penal Code | 647c | Miscellaneous crimes | Accosting person in public place, disorderly conduct, impose or begging. |
| Penal Code | 647e | Miscellaneous crimes | Alcoholic beverages; possession of opened containers on posted premises; regulation by local ordinance. |
| Penal Code | 659 | General provisions | Counseling or aiding another in the commission of a misdemeanor. |
| Penal Code | 667.5 | General provisions | Enhancement of prison terms for new offenses. |
| Penal Code | 667.61 | General provisions | Specified sex offenses subject to punishment by incarceration for life. |
| Penal Code | 726 | Of the prevention of public offenses | Unlawful assembly- officer's duty to disperse. |
| Penal Code | 727 | Of the prevention of public offenses | Arrest for refusal to disperse. |

| CODE | STATUTE | CATEGORY | SUBJECT |
|-------------|----------------|---|---|
| Penal Code | 832.7 | Peace officers | Confidentiality of peace officer records; exceptions. |
| Penal Code | 835a | Peace officers | Use of reasonable force to effect arrest. |
| Penal Code | 836 | Peace officers | Arrest by peace officer. |
| Penal Code | 1192.7 | Of judgment and execution | Limitation of plea bargaining. |
| Penal Code | 4600 | Offenses relating to prisons and prisoners | Destroying or injuring prison or jail (including jail property). |
| Penal Code | 12022.7 | Sentence enhancements | Bodily harm inflicted during commission of felony not having bodily harm as an element. |
| Penal Code | 12022.8 | Sentence enhancements | Enhancement where person suffers great bodily harm, or sodomy or oral copulation by certain means. |
| Penal Code | 13519. 10 | Field services and standards for recruitment and training | Training of law enforcement officers in the use of force; guidelines. |
| Penal Code | 16770 | Weapons Law | Less-lethal ammunition. |
| Penal Code | 16780 | Weapons Law | Less-lethal weapons. |
| Penal Code | 19400 | Weapons Law | Peace officer may purchase, possess or transport less-lethal weapons. |
| Penal Code | 171b | Weapons Law | Bringing firearms into state office, State Capitol grounds or public school grounds. |
| Penal Code | 171c | Weapons Law | Bringing loaded firearm into state office, State Capitol Grounds or public school grounds. |
| Penal Code | 171d | Weapons Law | Bringing loaded firearm into residence of Governor or other constitutional officer. |
| Penal Code | 171f | Weapons Law | Entering State Capitol without authorization-disorderly conduct within. |
| Penal Code | 374c | Weapons Law | Discharging firearms on a public highway. |
| Penal Code | 417 | Weapons Law | Drawing or exhibiting weapon in a rude or threatening manner (note: see PC 417 subsections). |
| Penal Code | 626.9 | Weapons Law | Bringing or possessing firearm on grounds of public school, college or university. |
| Penal Code | 626. 10 | Weapons Law | Knives, razors, Tasers, stun guns, etc., on school grounds, exceptions. |
| Penal Code | 13652 | Weapons Law | Restricts use of and identifies requirements for use of kinetic energy projectiles and chemical agents. |
| Penal Code | 13652.1 | Weapons Law | Website publishing requirements for agency's use of kinetic energy projectiles or chemical agents. |
| Penal Code | 13655 | Law Enforcement | Restricts and prohibits some uses of law enforcement uniforms similar to military uniforms. |

| CODE | STATUTE | CATEGORY | SUBJECT |
|----------------|-----------|------------------|--|
| Penal Code | 16590 | Weapons Law | Manufacture importation, sale or possession of disguised firearms or other deadly weapons prohibited; carrying concealed weapons prohibited; exceptions. |
| Penal Code | 17500 | Weapons Law | Possession of deadly weapon with intent to commit assault. |
| Penal Code | 18710 | Weapons Law | Possession of destructive device prohibited. |
| Penal Code | 22610 | Weapons Law | Purchase, possession or use of stun gun. |
| Penal Code | 25400 | Weapons Law | Unlawful to carry concealed firearms without license. |
| Penal Code | 25850 | Weapons Law | Loaded firearm; carrying in public place or in vehicle. |
| Vehicle Code | 21456 | Offenses | Unauthorized traffic devices and unofficial signs. |
| Vehicle Code | 21467 | Offenses | Prohibited sign or device as public nuisance. |
| Vehicle Code | 21954 | Offenses | Pedestrians outside crosswalks. |
| Vehicle Code | 21956 | Offenses | Pedestrian walking on roadway. |
| Vehicle Code | 21960 | Offenses | Restrictions on use of freeways. |
| Vehicle Code | 21962 | Offenses | Throwing substances at vehicles from bridge or overpass. |
| Vehicle Code | 23110 | Offenses | Throwing substance at vehicle. |
| Vehicle Code | 23112 | Offenses | Throwing, depositing or dumping matter on highway. |
| Elections Code | 18340 | Campaigns | Prevention of electors from assembly; misdemeanor. |
| Elections Code | 18380 | Campaigns | Vandalism at polling places, violations; misdemeanor. |
| Elections Code | 18502 | Voting Process | Interference with officers or voters; imprisonment. |
| Elections Code | 18540 | Voting Process | Use of force, violence, tactic or coercion or intimidation; penalties. |
| Gov't Code | 6250-6270 | Public Records | Requirements, definitions and exemptions for public record requests. |
| Gov't Code | 7070-7075 | Law Enforcement | Funding, acquisition and use of military equipment. |
| Gov't Code | 7286 | Law Enforcement | Definitions; Policy on the use of force; public access. |
| Gov't Code | 7286.5 | Law Enforcement | Prohibits law enforcement's use of carotid restraint, choke hold and any restraint which may create positional asphyxia. |
| Gov't Code | 12525.2 | Attorney General | Annual report of specified incidents involving peace officer; information required; inclusion of summary in annual report. |

Applicable Case Law

| CASE | CITATION | YEAR | COURT | CATEGORY | FACTS AND HOLDING |
|---|-----------------|------|----------|-----------------|--|
| Cohen v. California | 403 U.S. 15 | 1971 | U.S. | First Amendment | An undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. |
| Houston v. Hill | 482 US 451 | 1987 | U.S. | First Amendment | Hill verbally tried to distract officer during arrest of another man. Municipal ordinance made it unlawful to interrupt a police officer in the performance of their duties. Unconstitutionally overbroad under the First Amendment. The First Amendment protects a significant amount of verbal criticism and challenge directed to police officers. |
| NAACP v. Claiborne Hardware Co. | 458 U.S. 886 | 1982 | U.S. | First Amendment | Violence has no sanctuary in the First Amendment. The use of weapons, gunpowder and gasoline may not constitutionally masquerade under the guise of "advocacy." |
| Nieves v. Bartlett | 139 S. Ct. 1715 | 2019 | U.S. | First Amendment | The First Amendment prohibits officers from subjecting an individual to retaliatory arrest for engaging in protected speech. |
| Felarca v. Birgeneau | 891 F.3d 809 | 2018 | 9th Cir. | First Amendment | Where protesters substantially outnumbered officers, refused to obey the officers' commands to disperse, shouted at the officers and engaged the officers in verbal and physical altercations, the university was not required to permit organized lawlessness. Under these circumstances, the government had a legitimate interest in applying minimal force to maintain order and enforce university policy. While baton blows are a type of force capable of causing serious injury, jabs with a baton are less intrusive than overhand strikes. District court ordered to enter summary judgment for the officers. |
| CPR for Skid Row v. City of Los Angeles | 779 F.3d 1098 | 2015 | 9th Cir. | First Amendment | Penal Code § 403 does not cover political meeting. Elections Code § 18340 makes it a misdemeanor to disrupt political meetings and only if the disruption consists of threats, intimidations or unlawful violence. |

| CASE | CITATION | YEAR | COURT | CATEGORY | FACTS AND HOLDING |
|---|-----------------------|------|-----------|-----------------|---|
| Jefferson v. Superior Court | 215 Cal. App.4th 758 | 2017 | Cal.App. | First Amendment | Words may be restricted under the First Amendment where they are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality. There is a fundamental difference between loud communications, or the use of loud shouting, uttered not to inform or persuade, but to disrupt lawful endeavors. Loud shouting designed to disrupt rather than communicate may be prohibited generally. |
| McMahon v. Albany U.S.D. | 51 Cal. App.3d 721 | 1975 | Cal.App. | First Amendment | The mere use of a vulgar, profane, indecorous, scurrilous, opprobrious epithet cannot alone be grounds for prosecution. The context in which the words are used must be considered and there must be a showing that the words were uttered in a provocative manner, so that there was a clear and present danger violence would erupt. |
| Curiello v. City & County of San Francisco | 104 Cal. App.4th 1275 | 2002 | Cal.App. | First Amendment | To effectuate Penal Code § 403 within constitutional limits of the First Amendment, the defendant must have substantially impaired the conduct of the meeting by intentionally committing acts in violation of implicit customs or usages or of explicit rules for governance of the meeting, of which he knew, or as a reasonable man should have known. |
| Hampshire v. City of Santa Cruz | 940 F.Supp.2d 1071 | 2013 | Dist.Cal. | First Amendment | Viewpoint discrimination by the government contravenes the First Amendment. Viewpoint discrimination occurs when the government prohibits speech by particular speakers, thereby suppressing a particular view about a subject. |
| Hightower v. City & County of San Francisco | 899 F.Supp.2d 922 | 2012 | Dist.Cal. | First Amendment | While government has a significant interest in protecting its citizens from unwelcome noise, the "narrowly tailored" standard does not tolerate a time, place, or manner regulation that burdens substantially more speech than necessary to achieve its goal. |
| In Re J.C. | 77 F. Supp.3d 867 | 2014 | Dist.Cal. | First Amendment | The First Amendment protects "symbolic speech" if the conduct demonstrates an intent to convey a particularized message and there is a great likelihood that the message would be understood by those who view the conduct. |
| In re Curtis S. | 324 F.Supp.3d 1121 | 2018 | Dist.Cal. | First Amendment | City's prohibition on circulating initiative or referendum petitions, or advertising brochures, at a farmers' market held on the parking lot of a public park, was a content-based restriction on speech not narrowly tailored to achieving a compelling state interest and was facially invalid under the First Amendment. |

| CASE | CITATION | YEAR | COURT | CATEGORY | FACTS AND HOLDING |
|---|-----------------------|------|----------|-------------------|---|
| Mahgerefteh v. City of Torrance | 228 Cal. App.4th 1394 | 2014 | Cal.App. | First Amendment | Government has a compelling interest in maintaining discipline at public schools, as it does in maintaining the orderly operation of public college and university campuses. Education Code § 32210, which makes it a misdemeanor to act violently or in a manner that incites violence at a public school or public school meeting, does not impinge on any conduct protected by the First Amendment. |
| Park Mgmt. Corp. v. In Defense of Animals | 36 Cal. App.5th 649 | 2019 | Cal.App. | First Amendment | Under Article 1, Section 2 of the California Constitution- the "liberty of speech" clause - private property constitutes a public forum if the property is open to the public in the same manner as public streets or parks. |
| Prigmore v. City of Redding | 211 Cal. App.4th 1322 | 2012 | Cal.App. | First Amendment | In analyzing speech restrictions under the California Constitution, California courts employ the same time, place and manner test as the federal courts in analyzing speech restrictions under the First Amendment. |
| Collins v. Jordan | 110 F.3d 1363 | 1996 | 9th Cir. | Unlawful Assembly | Enjoining or preventing First Amendment activities before demonstrators have acted illegally or before the demonstration poses a clear and present danger is presumptively a First Amendment violation. Courts have held that the proper response to potential and actual violence is for the government to ensure an adequate police presence and to arrest those who actually engage in such conduct, rather than to suppress legitimate First Amendment conduct as a prophylactic measure. |
| Galvin v. Hey | 374 F.3d 739 | 2004 | 9th Cir. | Unlawful Assembly | Conditioning a march permit on a promise to refrain from illegal activity is an unconstitutional restriction on freedom of speech. |
| Menotti v. City of Seattle | 409 F.3d 1113 | 2005 | 9th Cir. | Unlawful Assembly | After days of violent protests, the City issued a ban on access to parts of the city. Several protesters were arrested for violating the ban. The Court held that the order was a constitutional time, place and manner restriction because it was content- neutral, narrowly tailored to achieve a significant government interest and left open other means of communication. Even if the violent protesters were less than one percent of the total protesters, this is not a small amount of violence given the activities in which those protesters engaged. |

| CASE | CITATION | YEAR | COURT | CATEGORY | FACTS AND HOLDING |
|-----------------------------|--------------------|------|----------|-------------------|---|
| In Re Brown | 9 Cal.3d 612 | 1973 | Cal. | Unlawful Assembly | Protesters at a student strike were arrested for unlawful assembly and convicted. The court overturned the convictions, holding that the proscriptions in Penal Code § 407 and 408 on assemblies must be limited to assemblies which are violent, or which pose a clear and present danger of imminent violence. |
| In Re Kay | 1 Cal.3d 930 | 1970 | Cal. | Unlawful Assembly | In light of First Amendment interests, participants at a meeting may express disagreement. Penal Code § 403 authorizes the imposition of criminal sanctions only when the defendant substantially impaired the conduct of the meeting by intentionally committing acts in violation of implicit customs or usages or of explicit rules for governance of the meeting, of which he knew, or as a reasonable man should have known. |
| In Re Bacon | 240 Cal. App.2d 34 | 1966 | Cal.App. | Unlawful Assembly | Protesters assembled together in a "sit-in" at Sproul Hall after the building was closed and after they were ordered to leave. The protesters' rights to free speech, assembly and petition for redress of grievances did not abrogate their duty to not violate laws which reasonably provide for the protection of the public and of public property and which were not arbitrarily applied by the authorities. |
| Chambers v. Municipal Court | 65 Cal. App.3d 904 | 1997 | Cal.App. | Unlawful Assembly | Proof of intention to commit overt acts that are themselves violent or that tend to incite others to violence is requisite to criminal liability under Penal Code § 416. |
| In Re Wagner | 119 Cal. App.3d 90 | 1981 | Cal.App. | Unlawful Assembly | Demonstrators who failed to disperse were arrested for unlawful assembly. Not every member of the assembly must individually commit unlawful acts to render the assembly unlawful; if a person is a participant in a lawful assembly which becomes unlawful, he has an immediate duty upon learning of the unlawful conduct to disassociate himself from the group. |
| People v. Davis | 68 Cal.2d 481 | 1968 | Cal. | Riots | Riotous conduct in any form or demonstrations which conflict with properly drawn statutes designed to promote law and order, protect the community against disorder, regulate traffic, safeguard legitimate interests in private and public property or protect essential governmental functions will not be sanctioned. When clear and present danger of riot, disorder or other immediate threat to public safety, peace or order, appears, the power of the State to prevent or punish is obvious. |

| CASE | CITATION | YEAR | COURT | CATEGORY | FACTS AND HOLDING |
|---|---------------------|------|-----------|-----------------|---|
| People v. Bundte | 87 Cal. App.2d 735 | 1948 | Cal.App. | Riots | Court held that strikers who initially met lawfully for the purpose of "peaceable picketing," later cooperated and acted together for the unlawful purpose of using force and violence to disturb the public peace, they would nevertheless be guilty of a riot under Penal Code § 404. |
| People v. Cipriani | 18 Cal. App.3d 299 | 1991 | Cal.App. | Riots | It is the concurrence of unlawful action by individuals in the use, or threat to unlawfully use force or violence that constitutes the offense of riot. All persons who encourage, incite, promote, give support to or countenance a riot are principals in a riot. |
| People v. Jones | 19 Cal. App.3d 437 | 1971 | Cal.App. | Lynching | The taking by means of a riot of any person from the lawful custody of any peace officer is a lynching. |
| People v. Patino | 95 Cal. App.3d 11 | 1979 | Cal.App. | Lynching | The misdemeanor offenses of rout, unlawful assembly and remaining present at a place of riot or rout or unlawful assembly, are lesser and necessarily included offenses within the offense of lynching. |
| People v. Richards | 18 Cal. App.5th 549 | 2017 | Cal.App. | Lynching | Protester attempted to prevent officers from arresting a suspect involved in an earlier altercation at a restaurant. All that is necessary to prove an attempted violation of Penal Code § 405a is an intent to participate in taking a person from the police by means of a riot. |
| Cox v. New Hampshire | 312 U.S. 569 | 1941 | U.S. | Right of Access | Regulation of the use of streets for parades and processions is a traditional exercise of control by local government; that control must not be exerted so as to deny or unwarrantedly abridge the right of assembly. |
| Seattle Affiliate etc. v. City of Seattle | 550 F.3d 788 | 2008 | 9th Cir. | Right of Access | City ordinance which gave police chief, when issuing a parade permit, the unbridled discretion to require marchers to use the sidewalks instead of the city streets, violated the First Amendment. |
| Mardi Gras of S.L.O. v. City of S.L.O. | 189 F.Supp.2d 1018 | 2002 | Dist.Cal. | Right of Access | City ordinance an impermissible prior restraint on speech and other expressive activities because it (1) required a permit to engage in expressive activities on public streets and sidewalks and (2) imposed a lengthy pre-filing requirement before a permit may be granted. |
| L.A. Free Press v. City of L.A. | 9 Cal. App.3d 448 | 1970 | Cal.App. | Right of Access | The First Amendment does not give the publisher of a weekly paper a right of access to the scenes of crimes and disasters superior to that of the general public. |
| Zemil v. Rusk | 381 U.S. 1 | 1965 | U.S. | Media Access | First Amendment rights do not include an unrestricted right to gather information. |

| CASE | CITATION | YEAR | COURT | CATEGORY | FACTS AND HOLDING |
|------------------------------|-------------------------|------|---------------|----------------------------|---|
| Branzburg v. Hayes | 408 U.S. 665 | 1972 | U.S. | Media Access | First Amendment does not guarantee the press a right of special access to information not available to the public generally. |
| Houchins v. KQED | 438 U.S. 1 | 1978 | U.S. | Media Access | First Amendment does not mandate a right of access to government information or sources of information within the government's control. |
| Coates v. City of Cincinnati | 402 U.S. 611 | 1971 | U.S. | Public Place Obstruction | City ordinance provided that if three or more people met together on a sidewalk or street corner, they must conduct themselves so as not to annoy any police officer or other person who should happen to pass by. The ordinance violated the constitutional rights of free assembly and association. Mere public intolerance or animosity cannot be the basis for abridgment of these constitutional freedoms. |
| In Re Cox | 3 Cal.3d 205 | 1970 | Cal.Sup. | Public Place Obstruction | The First Amendment nullifies an ordinance so loosely drawn that a police officer can construe it to mean that he can expel from public places persons whom he finds objectionable. |
| People v. Man | 39 Cal. App.3d. Supp. 1 | 1980 | App.Div. LASC | Public Place Obstruction | Protesters on a public street placed themselves in front of trees to prevent their removal. Before doing so, the protesters were advised by a deputy sheriff that it was illegal; and after doing so, the protesters did not comply with the sheriff to remove themselves and were then arrested. The "symbolic conduct" involved here is not free speech whose exercise was unconstitutionally impeded by the statute. |
| In Re M.L.B. | 110 Cal. App.3d 501 | 1980 | Cal.App. | Obstructing Police Officer | Penal Code § 69 proscribes interference with a police officer's performance of his duties by threat or by violence; and can be violated by a threat without violence. |
| People v. Whitney | 76 Cal. App.3d 863 | 1987 | Cal.App. | Throwing Substances | Vehicle Code § 23110 (b), making it a felony for a person to throw a substance at a vehicle with intent to do great bodily harm, does not require that the vehicle at which the substance is thrown be in motion. |
| Graham v. Connor | 490 U.S. 386 | 1989 | U.S. | Use of Force | Police officers violate the Fourth Amendment when they use force that is not objectively reasonable under the circumstances. Determining reasonableness requires careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake. |

| CASE | CITATION | YEAR | COURT | CATEGORY | FACTS AND HOLDING |
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| Boyd v. Benton Cty | 374 F.3d 773 | 2004 | 9th Cir. | Use of Force | Though there are likely circumstances in which a risk to officers' safety would make the use of a flash-bang device appropriate, it was an unreasonable use of force to throw it "blind" into a room occupied by innocent bystanders absent a strong governmental interest, careful consideration of alternatives and appropriate measures to reduce the risk of injury. |
| Bryan v. McPherson | 630F.3d 809 | 2011 | 9th Cir. | Use of Force | Whether officer gave a warning before deploying a TASER and considered less intrusive means in effecting an arrest, is part of the Graham analysis. |
| Chew v. Gates | 27 F.3d 1432 | 1994 | 9th Cir. | Use of Force | The Fourth Amendment permits use of deadly force to apprehend a fleeing felon where there is probable cause to believe the suspect poses a threat of serious physical harm; but does not permit use of deadly force to apprehend suspect who poses no immediate threat to the officer and no threat to others. |
| Deorle v. Rutherford | 272 F.3d 1272 | 2001 | 9th Cir. | Use of Force | Deployment of beanbag round into suspect's face while he was alone on his own property, had not attacked anyone and was generally following instructions. Summary judgment improper on excessive force claim where suspect may have complied had officer issued warning before shooting beanbag round. The desire to quickly resolve a potentially dangerous situation is not the type of governmental interest that, standing alone, justifies the use of force that may cause serious injury. Specifically, the court stated that warnings should be given, when feasible, if the use of force may result in serious injury and that the giving of a warning or the failure to do so is a factor to be considered in applying the Graham balancing test. |
| Eberle v. City of Anaheim | 901 F.2d 814 | 1990 | 9th Cir. | Use of Force | Officers did not violate spectator's civil rights by arresting him during a football game after the suspect became abusive and belligerent; the officers diffused a volatile situation that easily could have erupted into a perilous melee. |

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| Forrester v. City of San Diego | 25 F.3d 804 | 1994 | 9th Cir. | Use of Force | Officers did not use excessive force by applying pain compliance techniques to arrest demonstrators. Officers warned the demonstrators that they would be subject to pain compliance measures if they did not move, that such measures would hurt and that they could reduce the pain by standing up, eliminating the tension on their wrists and arms. Plaintiffs argued that the officers should have lifted and carried them as they had done on previous occasions. However, the Court explained the officers had a legitimate interest in quickly dispersing and removing the demonstrators with the least risk of injury to police and others. |
| Glenn v. Washington Cty. | 673 F.3d 864 | 2011 | 9th Cir. | Use of Force | The use of a beanbag shotgun, though less than deadly force, is permissible only when a strong governmental interest compels the employment of such force. Summary judgment for officers reversed where beanbag shotgun was used on a mentally ill individual who was not a threat to anyone. |
| Hayes v. County of San Diego | 736 F.3d 1223 | 2013 | 9th Cir. | Use of Force | The duty of reasonable care extends to conduct before the shooting. |
| Hayes v. County of San Diego | 57 Cal.4th 622 | 2013 | Cal. | Use of Force | Graham standard applies to California. Law enforcement tactical conduct and decisions preceding the use of deadly force are relevant considerations under California law in determining whether the use of deadly force gives rise to negligence liability. Such liability can arise, for example, if the tactical conduct and decisions show, as part of the totality of circumstances, that the use of deadly force was unreasonable. |
| Headwaters v. County of Humboldt (I) | 240 F.3d 1185 | 2000 | 9th Cir. | Use of Force | To evaluate the reasonableness of an officer's use of force, courts evaluate the type and amount of force used. Although officers repeatedly warned the protesters that pepper spray would be used, the use of pepper spray on the eyes of protesters who were sitting peacefully, were easily moved by the police and did not threaten or harm the officers, was excessive. Officers were required to consider what other tactics if any were available to effect the arrest of the protesters. |

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| Mattos v. Agarano | 661 F.3d 433 | 2011 | 9th Cir. | Use of Force | Use of a Taser in dart-mode constitutes an intermediate level of force. Whether tasing a woman who was seven months pregnant three times in less than one minute, whose offenses were minor, who did not pose an immediate threat to the safety of the officers or others, who actively resisted arrest by refusing to get out of her car when instructed to do so and who stiffened her body and clutched her steering wheel to frustrate the officers' efforts to remove her from her car, was excessive and was for the jury to determine. |
| Nelson v. City of Davis | 685 F.3d 867 | 2012 | 9th Cir. | Use of Force | A pepper ball projectile, which combines both the physical blow from the force of the projectile and the chemical effects of pepper spray, was an unreasonable use of force on a partygoer who had committed no crime, was not a threat to anyone, and who was not resisting. |
| Scott v. Henrich | 39 F.3d 912 | 1994 | 9th Cir. | Use of Force | It was not unreasonable for officers to take arms, knock on the door of an apartment and identify themselves as police when an armed man who, they were told, had recently fired shots and was acting "crazy" lurked inside. Officers need not avail themselves of the least intrusive means of responding to an exigent situation; they need only act within that range of reasonable conduct. |
| Young v. County of L.A. | 655 F.3d 1156 | 2011 | 9th Cir. | Use of Force | Of the three factors the court traditionally examines in determining the governmental interest, the most important is whether the individual posed an immediate threat to officer or public safety. Additionally, the Court held: Pepper spray is an intermediate use of force. Chemical agents and projectiles are intermediate uses of force that present significant intrusions upon a person's liberty interests and can be justified only by a strong governmental interest. When a suspect's disobedience of a police officer takes the form of passive noncompliance that creates a minimal disturbance and indicates no threat, immediate or otherwise, to the officer or others, it will not, without more, give rise to a governmental interest in the use of significant force "A police officer's use of baton blows, too, presents a significant use of force that is capable of causing pain and bodily injury and therefore, baton blows, like pepper spray, are considered a form of intermediate force." |

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| Zion v. Cty. of Orange | 874 F.3d 1072 | 2017 | 9th Cir. | Use of Force | The use of deadly force against a non-threatening suspect is unreasonable. If a suspect is on the ground and appears wounded, he may no longer pose a threat. A reasonable officer would reassess the situation rather than continue shooting. |



CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING