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## 405 - Crowd Control

### 405.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures regarding the Sheriff's Office response to lawful demonstrations and unlawful civil disobedience.

In the United States, all people have the right of free speech and assembly guaranteed by the First Amendment of the Federal Constitution and California State Constitution. Law enforcement recognizes the right of free speech and actively protects people exercising that right.

The rights of all people to march, demonstrate, protest, rally or perform other First Amendment activities comes with the responsibility to not abuse or violate the civil and property rights of others. The responsibility of law enforcement is to protect the lives and property of all people. Law enforcement should not be biased by the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, or affiliation of anyone exercising his or her lawful First Amendment rights. Law enforcement personnel must have the integrity to keep personal, political or religious views from affecting their actions.

When it becomes necessary to control the actions of a crowd that constitutes an unlawful assembly, the commitment and responsibility of law enforcement is to control lawfully, efficiently, and with minimal impact upon the community. A variety of techniques and tactics may be necessary to resolve a civil disobedience incident. Only that force which is objectively reasonable may be used to arrest violators and restore order. (Refer to Use of Force policy).

### 405.2 DEFINITIONS

**CIVIL DISOBEDIENCE:** An unlawful event involving a planned or spontaneous demonstration by a group of people.

**CIVIL DISORDER:** An unlawful event involving significant disruption of the public order.

**CROWD CONTROL:** Law enforcement response to a pre-planned or spontaneous event, activity or occurrence by two or more people where there is a potential for unlawful activity or the threat of violence.

**CROWD MANAGEMENT:** Strategies and tactics employed by law enforcement agencies to deal with lawful assemblies in an effort to prevent escalation of events into an unlawful assembly or riot.

**DISPERSAL ORDER:** Lawful orders communicated by law enforcement personnel commanding individuals assembled unlawfully to disperse.

**FIRST AMENDMENT ACTIVITIES:** The Sonoma County Sheriff's Office will not attempt to limit the size, location, time or activity at any demonstration, march, protest or picket unless there are articulable facts or circumstances causing reasonable concern for public safety, public health or the safe movement of persons in the area.

**RIOT:** 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. (404 P.C.)

**ROUT:** Whenever two or more persons, assembled and acting together, make any attempt or advance toward the commission of an act which would be a riot if actually committed, such an assembly is a rout. (406 P.C.)

**UNLAWFUL ASSEMBLY:** Whenever two or more persons assemble together to do an unlawful act, or to do an unlawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.

### **405.3 PROCEDURES**

#### **405.31 DEPUTY RESPONSIBILITIES**

The first Deputy to arrive on the scene of a civil disturbance should do the following:

- (a) Determine if the disturbance is a lawful assembly (an exercise of the First Amendment Rights) or an unlawful assembly (civil disobedience). If the assembly is lawful, advise the supervisor. If the assembly is unlawful follow steps (b) through (d).
- (b) Notify dispatch of the nature and seriousness of the disturbance, particularly the availability of weapons. Request the assistance of a supervisor and any necessary back-up and advise as to the present course of action.
- (c) If approaching the crowd does not present unnecessary risk, instruct the gathering to leave the area.
- (d) Attempt to identify crowd leaders and any individuals personally engaged in criminal acts.

#### **405.32 SUPERVISOR RESPONSIBILITY**

If the assembly is lawful advise the Watch Commander of the status of the event. If the assembly is unlawful, a supervisor shall take command at the scene and take the following steps:

- (a) Assess the seriousness of the immediate situation and its potential for escalation. If the disturbance is minor in nature and adequate resources are available, efforts should be made to disperse the crowd. If adequate resources are not available or the incident has the potential for lasting an extended amount of time, the supervisor shall contact and advise the on-duty Patrol Watch Commander. The Watch Commander will decide if a Tactical Team call-out is appropriate. It is recommended that the Watch Commander confer with the Tactical Team Sergeants or Lieutenant.

- (b) Establish the number of personnel and amount of equipment necessary to contain and disperse the disturbance and relay this information to Dispatch.
- (c) Where necessary, ensure that appropriate notification is made to outside agencies to include the fire department, ambulance crews, state and local law enforcement agencies and the Watch Commander at MADF.
- (d) Establish a temporary command post based on proximity to the scene, availability of communications, available space and security from crowd participants.
- (e) Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area.
- (f) Ensure that, to the degree possible, innocent civilians are evacuated from the immediate area of the disturbance.
- (g) Ensure that surveillance points are established to identify agitators, leaders and individuals committing crimes and to document and report on events as they happen. Contact Crime Scene Investigations Unit for photographic and videotape documentation of evidence of criminal acts and perpetrators.
- (h) Ensure establishment and sufficient staffing of a press area.

#### **405.33 TACTICAL TEAM**

The Sonoma County Sheriff's Office Tactical Team will be available for call-out via the Patrol Watch Commander. In the event of a planned or spontaneous incident in which the Tactical Team responds, the Tactical Team Lieutenant or Sergeant will become the Incident Commander (IC).

#### **405.4 DISPERSAL ORDER**

The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem. It should be made clear that the crowd is expected to immediately leave the area. The dispersal order must be given in a manner reasonably believed to be heard and understood by the intended audience. Based upon the circumstances, you may need to consider multiple announcements from various locations. Dispersal orders may be delivered in English and in other languages that are appropriate for the audience. Regardless of how delivered, the Deputy completing the crime report (master report) should record the name of the individual making the statement and the date and time each order was administered. **Dispersal orders should not be given until control forces are in position to support crowd movement.**

Dispersal order: "I am (*peace officer's name and rank*), a peace officer for the Sonoma County Sheriff's Office. I hereby declare this to be an unlawful assembly, and in the name of the People of the State of California, command all those assembled at (*specific location*) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Section 409 of the Penal Code prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of Section 409. The following routes of dispersal are available (*routes*). You have (*reasonable amount of time*) minutes to disperse."

**405.5 USE OF FORCE**

While various levels of force exist, each Deputy is expected to respond with only that level of force which reasonably appears appropriate under the circumstances at the time, to successfully accomplish the legitimate law enforcement purpose in accordance with Use of Force policy.

**405.6 REPORT REQUIREMENTS**

Thorough documentation is a key element which supports not only criminal investigation and prosecution, but also gives an account of law enforcement's response to an event. Documentation should begin as soon as possible. Additionally, proper documentation can aid law enforcement in anticipation of potential civil litigation.

- (a) The first responding Deputy to arrive at a civil disobedience incident shall complete a crime report titled with the crime violation. The report shall detail all the events that transpired prior to the arrival of the tactical team.
- (b) Once the Tactical Team has arrived, a Tactical Team member will be assigned as the master report Deputy. The Tactical Team member will contact the first responding Deputy and take control of all further documentation, which will include the arrangement of CSI detectives to photograph and videotape the incident. If there are multiple incidents there will be a Deputy assigned to each incident as the master report Deputy. All reports will be reviewed by a Tactical Team Sergeant.
- (c) If the use of force meets the criteria for reportable use of force per policy manual § 300, the arresting Deputy will be responsible for writing a supplemental report to the crime report (master report) detailing the use of force.

For detailed procedures concerning crowd control and event planning, see Sonoma County Sheriff's Office "Crowd Control and Event Management Manual." This manual is maintained by the Patrol Lieutenant assigned as the manager of the Tactical Team.

**REVISION HISTORY**

12/2004  
02/05/10