

CHAPTER 1
CIVIL DISTURBANCE
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CHAPTER 1

CIVIL DISTURBANCE

1. GENERAL. While the California Highway Patrol's (CHP) primary mission is the management and regulation of traffic on freeways and county roads, its secondary mission concerns its status as a statewide law enforcement agency. In this capacity, the Department stands ready to assist local agencies during emergencies exceeding their capabilities.

a. As a statewide criminal justice agency, the CHP plays a major role in protecting the rights, lives, and property of the public during instances of civil disturbance. This involvement may result from demonstrations or civil discord which directly affect state infrastructure, including state property and the highway transportation system within CHP jurisdiction, or may result from a departmental response to a request for mutual aid, where local agencies are overwhelmed by the demands of an incident and request assistance from allied agencies, including the CHP.

b. This manual contains policy and procedures for the Department's emergency response to civil disturbance incidents and serves as the Department's civil disturbance emergency operations plan. This manual, along with other departmental documents such as Highway Patrol Manual (HPM) 50.1, Emergency Incident Management Planning and Operations Manual; Highway Patrol Guide 50.3, Emergency Incident Guide; HPM 70.6, Officer Safety Manual; and HPM 50.6, Special Response Team Manual, provides guidance and direction for emergency incident response, mitigation efforts, and use of force during crowd control incidents.

2. POLICY.

a. In accordance with the Department's mission and objectives, the CHP will normally respond to the following types of civil unrest/disobedience incidents:

(1) An incident which affects state or county highways where the Department has primary investigative authority.

(2) An incident which affects state property where the Department has primary investigative authority.

(3) An official request for mutual aid assistance made by an allied agency in accordance with existing policy and the California Office of Emergency Services Law Enforcement Mutual Aid Plan (refer to HPM 50.1).

(a) According to the National Incident Management System (NIMS), and the California Standardized Emergency Management System (SEMS), a request for mutual aid by an allied agency for Mobile Field Force is defined as a minimum of 52 CHP uniformed personnel, to be dispatched in 14 general purpose patrol vehicles, unless otherwise specified in writing by the requesting agency.

(b) Departmental personnel committed to the support of local law enforcement agencies during civil disturbance or crowd control incidents shall remain under CHP command and control, and all departmental policies and procedures shall remain in effect. Commanders and designated supervisors may accept missions from the responsible local authorities.

b. In compliance with Homeland Security Presidential Directive 5; NIMS; SEMS; California Code of Regulations, Title 19, Division 2, Sections 2400-2450; the Governor's Office of Emergency Services' Law Enforcement Mutual Aid Plan and Law Enforcement Guide for Emergency Operations; and departmental policy, uniformed employees of the Department shall use the Incident Command System as the personnel and management protocol for all emergency incidents occurring within CHP jurisdiction. Uniformed employees of the Department shall exercise incident command responsibilities and effectively manage all emergency incidents occurring within CHP jurisdiction. In instances where the deployment of departmental resources are anticipated in support of emergency mitigation efforts by local governments, written memorandums of understanding and/or interagency agreements should be developed and may be integrated into existing local government or agency emergency plans and/or CHP emergency operations plans.

c. Area commanders are responsible for emergency incident planning and overall coordination of emergency incident activities occurring at all locations within their Areas where the Department has primary investigative authority.

d. In order to maintain a state of readiness, Area commanders shall ensure the following:

(1) The policy contained in Chapter 2, Operational Guidelines, of this manual is reviewed quarterly by each uniformed employee.

(2) All uniformed employees annually display knowledge of all tactical formations described in Chapter 5, Tactical Formations and Mobile Tactics, of this manual. All uniformed employees annually display proficiency in the distraction/arrest and control techniques for demonstrators engaging in civil disobedience described in this manual.

3. RESPONSIBILITIES.

- a. It is the responsibility of the incident commander, or in their absence the ranking on-scene manager/supervisor, to assess the situation, determine the appropriate response, and follow the appropriate operational guidelines.
- b. Each uniformed employee present at a crowd control or civil disturbance incident shall conform to the authorized departmental action as indicated by policy and operational guidelines. Each employee has the individual responsibility and authority to use reasonable force to defend themselves or to defend others.

4. OTHER CONSIDERATIONS.

- a. In determining the appropriate departmental response to an incident, personnel must keep in mind that freedom of speech and expression are constitutionally protected First Amendment rights which include informational and demonstration activities (e.g., passing out leaflets, picketing, rallies, marches). When that right is lawfully exercised, it allows individuals and groups the opportunity to openly express support of, or opposition to, issues without fear of reprisal. First Amendment rights exercised within the law must be respected and protected by all departmental personnel.
- b. Crowd control or civil disturbance incidents have the potential to exert high stress among law enforcement personnel and can lead to inappropriate or unauthorized conduct. Therefore, all personnel must remain vigilant for improper/questionable conduct and take immediate corrective action to ensure compliance with departmental policies. Managers/supervisors must also maintain discipline within the ranks and ensure the integrity of crowd control formations. Involvement in assigned tasks and genuine concern for subordinate personnel are essential.

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