

CHAPTER 2
OPERATIONAL GUIDELINES
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CHAPTER 2

OPERATIONAL GUIDELINES

1. INTRODUCTION.

a. General. This chapter describes operational guidelines and modes to be used by departmental personnel in handling crowd control and civil disturbance incidents. Although these types of incidents frequently have common characteristics, they also have significant differences which necessitate varied law enforcement responses. When involved in managing such incidents, the actions of departmental personnel must be based on legal authority and implemented in accordance with departmental policy and good judgment.

b. Objectives. The Department must carefully balance the First Amendment rights and other civil liberties of individuals with the interventions required to protect public safety and property. All uniformed personnel must consider all persons have the right to assemble, demonstrate, protest, rally, or perform other activities protected by the First Amendment of the United States Constitution. The Department has the responsibility to protect the lives and property of all people. Uniformed personnel must not be affected by the content of the opinions being expressed, nor by the race, gender, sexual orientation, physical disabilities, appearances, religion, or political affiliation, of anyone exercising their lawful First Amendment rights. Uniformed personnel must have the integrity to not allow their personal, political, or religious views affect how they perform their duties.

2. DEFINITIONS.

a. Crowd control Incidents. A public gathering requiring law enforcement response and utilization of crowd management, intervention, and control strategies. In addition to lawful assemblies, these crowd control incidents may include unlawful assemblies, riots, and other forms of civil disturbance.

b. Passive Resistance Protesters. Intentional and unlawful opposition to a lawful order of a peace officer during arrest situations but involves no physical resistance.

c. Active Resistance Protesters. Intentional and unlawful opposition to a lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlocked arms, running away).

d. Assaultive Resistance Protesters. Aggressive or combative behavior which attempts or threatens to assault an officer or another.

3. USE OF FORCE DURING CROWD CONTROL INCIDENTS.

a. Use of Force—General. The decision to use force during crowd control or civil disturbance incidents shall be consistent with the Department's Use of Force policy contained in Highway Patrol Manual (HPM) 70.6, Officer Safety Manual, Chapter 1, Use of Force. In all situations, the force used must be objectively reasonable under the totality of the circumstances (Graham v. Connor, 490 U.S. 386).

(1) While there is no way to specify the exact amount or type of force to be applied in any situation, each uniformed member is expected to make decisions in a professional, impartial, and reasonable manner, based upon the facts and circumstances perceived by them at the time of the event.

(2) The amount of force used in a crowd control incident shall be objectively reasonable. Especially during a crowd control incident, uniformed members need to constantly evaluate the tactical situation and take into consideration their available protective equipment, the number of personnel present, and what additional resources are available to assist (e.g., special munitions weapons) when calculating the actual threat to themselves or others.

b. Use of Force—Firearms. Uniformed personnel shall only discharge firearms in accordance with departmental policy contained in HPM 70.6, Chapter 1 and Chapter 2, Discharge of Firearms at Animals.

c. Use of Force—Documentation. Use of force shall be documented on a CHP 216, Arrest – Investigation Report, in accordance with departmental policy.

5. CROWD MANAGEMENT, INTERVENTION, AND CONTROL STRATEGIES.

a. Purpose. The purpose of crowd management, intervention, and control strategies, is to provide on-scene personnel options to safely manage crowd control operations.

(1) Each incident is different, and suggested strategies which worked for one situation may not be effective for the next.

(2) Refer to Annexes A and B of this chapter for recommended crowd management, intervention, and control strategies. Refer to Annex C of this chapter for operational aspects of implementing departmental responses to specific incidents, crowd dispersal considerations, and applicable laws relating to civil disturbance incidents.

6. MEDIA. Refer to HPM 90.1, Media Relations Manual, and California Penal Code Section 409.7, for details regarding the presence of media during crowd control incidents.

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ANNEX A

CROWD MANAGEMENT, INTERVENTION, AND CONTROL STRATEGIES

Lawful Assembly	Isolated Unlawful Behavior	Unlawful Assembly	Riot
Free speech and assembly are protected First Amendment activities. The following are examples: • Speeches • Marches • Demonstrations • Rallies • Picketing • Public assemblies • Protests • Celebratory events	Isolated unlawful activity by individuals or small groups within a crowd should not automatically form the basis for declaring an assembly unlawful. The following are examples: • Isolated destruction of property • Isolated acts of violence • Isolated rock or bottle throwers • Individual sit-down demonstrators	407 PC – 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. 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. The following are examples: • Civil disobedience • Sit-down demonstration	404(a) PC – 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. The following are examples: • Group violent behavior • Group acts of property damage
CHP Action			
Use crowd management strategies: • Meet with event organizers and stakeholders. • Determine the history and risk of the group. • Create a planning team. • Check permit limitations. • Develop Incident Action Plan and objectives. • Identify and assign resources: fixed posts, MFF, SRT, bicycle units, air support, mounted units. • Monitor and assess crowd behavior. • Separate opposing factions. • Maintain a video log. • Provide direction and expectations at briefings. • Create facilitation, not confrontation. • Ensure the appropriate uniform for the event. • Interact with organizers and gain cooperation.	Use crowd intervention strategies: • Use organizers and monitors to gain voluntary compliance. • Isolate, arrest, and remove law violators as quickly as possible. • Videotape actions of officers and law violators. • Use amplified sound devices to communicate intent or to gain compliance. • Use low profile tactics when possible; do not become the focus of the demonstration. • Use arrest squads, cross bows, encirclement formation, or shadow teams. • When it is not possible to make an immediate arrest, identify and track suspects using cameras, observation posts, shadow teams, or air units. • Continue to assess; escalate and deescalate as behavior changes. • Do not increase crowd tension or change crowd focus to law enforcement by unnecessary aggressive appearance or behavior.	Use crowd control strategies: • Obtain voluntary compliance. • Videotape actions of officers and law violators. • Act quickly. • Request resources (MFF or SRT). • Put crowd control squads in place. • Identify dispersal routes. • Put a traffic plan in place. • Move media to a designated area. Use amplified sound devices to communicate intent to declare an unlawful assembly. • Disperse unlawful crowd. • Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams, or air units. • Arrest individuals who fail to disperse or who are involved in illegal activity. • Use Mass Arrest Plan for arrestees. • With appropriate approval, deploy appropriate less-lethal munitions to defend officers or to disperse the crowd. • Ensure only reasonable force is used. • Report use of force and munition deployments. • Restore traffic flow.	Use crowd control strategies: • Videotape actions of officers and law violators. • Immediately stop the behavior. • Request resources (MFF or SRT). • Put crowd control squads in place. • Act quickly. • 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 units. • Arrest law violators. • Use Mass Arrest Plan for arrestees. • With appropriate approval, deploy appropriate less-lethal munitions to defend officers or to stop violent behavior or property damage. • Ensure only reasonable force is used. • Report use of force and munition deployments. • Restore and maintain order. • Restore traffic flow. • Discourage groups from forming. • Protect lives, property, and vital facilities. • Remain present and reassess. • Return to normalcy.

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ANNEX B

CROWD MANAGEMENT, INTERVENTION, AND CONTROL STRATEGIES ON-SCENE GUIDELINES

1. LAWFUL ASSEMBLY. Free speech and assembly are First Amendment-protected.
 - a. The following are examples of these activities:
 - (1) Speeches.
 - (2) Marches.
 - (3) Demonstrations.
 - (4) Rallies.
 - (5) Picketing.
 - (6) Public assemblies.
 - (7) Protests.
 - (8) Celebratory events.

ANNEX B

CROWD MANAGEMENT, INTERVENTION, AND CONTROL STRATEGIES

ANNEX B

CROWD MANAGEMENT, INTERVENTION, AND CONTROL STRATEGIES ON-SCENE GUIDELINES (*continued*)

ANNEX B

CROWD MANAGEMENT, INTERVENTION, AND CONTROL STRATEGIES ON-SCENE GUIDELINES *(continued)*

4. RIOT. California Penal Code, Section 404(a), states, “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.”

ANNEX B

CROWD MANAGEMENT, INTERVENTION, AND CONTROL STRATEGIES ON-SCENE GUIDELINES (*continued*)

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ANNEX C
TACTICAL CONSIDERATIONS

ANNEX C

TACTICAL CONSIDERATIONS (*continued*)

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ANNEX C

TACTICAL CONSIDERATIONS (*continued*)

ANNEX C

TACTICAL CONSIDERATIONS (*continued*)

6. SUGGESTED ORDER TO DISPERSE–UNLAWFUL ASSEMBLY/USE OF FORCE WARNING.

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

ANNEX C

TACTICAL CONSIDERATIONS (*continued*)

- a. California Penal Code, Section 726, does not list members of the CHP as officials who are authorized to declare an assembly unlawful.

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