

# **SACRAMENTO POLICE DEPARTMENT**

**First Amendment Assembly  
MANUAL**



**RM 532.11**

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**REVISED: 2-19-2022**

**PURPOSE**

This policy provides guidance for managing public assemblies, demonstrations and protests.

**POLICY**

The Sacramento Police Department (SPD) serves the community in the capital of California. As the capital city, public assemblies, demonstrations and protests occur frequently. First Amendment rights and the right to peacefully assemble exercised within the law must be respected and protected. It is the policy of this department to not harass, intimidate, or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

Every assembly is unique; therefore, it is imperative that SPD's actions are proportional to the behaviors encountered. Adaptable strategies and tactics are essential in handling these events. The purpose of SPD's presence at the scene of a public assembly, demonstration or protest is to preserve the peace, protect life, prevent the destruction of property, and to facilitate the exercise of First Amendment rights. Many of the assemblies within the City of Sacramento are peaceful and do not require direct police intervention. During an assembly, the balance between enforcement actions and de-escalation should always be considered. Tactics used should allow for the continuance of the assembly and exercise of First Amendment rights when possible while addressing public safety and criminal behavior as safely as possible.

This manual is based upon Assembly Bill 48 as codified in Penal Code 13652 which states:

13652. (a) Except as otherwise provided in subdivision (b), kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration.
- (b) Kinetic energy projectiles and chemical agents shall 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 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:
- (1) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
  - (2) 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.
  - (3) Persons are given an objectively reasonable opportunity to disperse and leave the scene.
  - (4) 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.

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- (5) 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.
  - (6) 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.
  - (7) An objectively reasonable effort has been made to extract individuals in distress.
  - (8) 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.
  - (9) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
  - (10) Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:
    - (A) A violation of an imposed curfew.
    - (B) A verbal threat.
    - (C) Noncompliance with a law enforcement directive.
  - (11) 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.
- (c) This section does not prevent a law enforcement agency from adopting more stringent policies.
- (d) For the purposes of this section, the following terms have the following meanings:
- (1) "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.
  - (2) "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-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.

## **GENERAL PROCEDURES**

### **A. Types of Crowds**

1. Peaceful assembly- Lawful, constitutionally protected actions and speech with no laws being violated.
2. Civil disobedience- An unlawful event involving a planned or spontaneous demonstration by a group or groups of people.
3. 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.

### **B. Planned Assemblies**

1. These include assemblies which have gone through a permit process or assemblies that SPD gained prior knowledge of and has adequate time to plan and prepare for.
2. An Incident Commander should be assigned when necessary to develop an incident action plan (IAP) to include consideration for:
  - a. staffing.
  - b. traffic mitigation.
  - c. community impact.
  - d. outreach with organizer(s)
  - e. general public safety
3. Planned assemblies may not always require a police presence; however, having prior knowledge of

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the event will allow an initial assessment and monitoring of the event, as needed.

**C. Unplanned Assemblies**

1. These are spontaneous assemblies that have not gone through a permit process and/or an assembly that SPD had no prior knowledge of to allow adequate planning.
2. Initial responding officers should:
  - a. determine the purpose of the assembly.
  - b. contact the organizer or leader of the assembly, if possible.
  - c. determine the planned actions of the assembly.
  - d. brief the area supervisor who shall determine if additional resources and planning are needed.
3. Supervisors shall notify the on-duty watch commander of an unplanned assembly in progress.

**D. Response**

1. Should the assembly be lawful and peaceful, only periodic monitoring may be needed.
2. Should the assembly involve civil disobedience, an Incident Commander shall attempt to obtain the necessary resources to manage the activity.
3. Should the assembly turn into a riot, the Incident Commander should determine what resources would be needed/allocated and may declare an unlawful assembly.
4. There may be small groups within a larger assembly who are engaged in civil disobedience or illegal acts and, when possible, efforts should be made to identify and/or detain and arrest the specific individuals involved in the unlawful activity. However, there will be situations where, based on the totality of circumstances, the entire assembly must be declared unlawful in order to effectively prevent violent and disorderly activity or where enforcement action is not reasonable or feasible against the specific subjects committing illegal acts.
5. The response to any assembly should be proportional to the behaviors observed.
6. Continual reevaluation of the situation should be made by the Incident Commander to determine appropriate courses of action.

**E. Use of Force**

1. All uses of force during the management of an assembly shall follow the Sacramento Police Department's Use of Force Policy (G.O. 580.02) and should be recorded on body worn camera.
2. Supervisors shall be notified of any reportable use of force and tracking software entries shall be completed as soon as practical.
3. Reportable uses of force will be reviewed in accordance with G.O. 580.02.

**F. Kinetic Energy Projectiles and Chemical Agents**

1. Generally, authorized use of chemical agents shall be at the direction of the Incident Commander. However, officers observing an imminent threat to life or serious bodily injury during an event which reasonably requires the immediate use of their issued chemical agent (3 oz container, fogger, or pepperball or OC) may act in accordance with applicable policies without seeking and receiving Incident Commander direction, if the delay in seeking authorization would likely result in additional violence on the part of the suspect or injury to the officer or any the public.
2. Kinetic energy projectiles and chemical agents shall only be deployed if their use falls within the department's Use of Force Policy, the Chemical Agents Manual and the provisions of Penal Code Section 13652.
3. In addition to the requirements of Penal Code Section 13652, factors to consider prior to use include, but are not limited to:
  - a. violence of the participants.
  - b. whether the participants have been given notice of an unlawful assembly to include use of kinetic weapons and chemical agents if participants fail to disperse.
  - c. whether the participants have an avenue of egress.
  - d. whether there are participants present who are at risk of serious effects related to the use of chemical agents (i.e., children, elderly or disabled).
  - e. whether there are facilities in proximity of the deployment which may be impacted (e.g., hospitals, schools, day care centers).
  - f. whether first aid is available, if needed.
  - g. any adverse weather conditions that may impact the effectiveness of the chemical

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agent.

h. whether officers have the proper protective equipment for chemical agent exposure.

4. The Incident Commander and those authorized in the deployment of chemical agents shall be familiar with the Chemical Agents Manual 580.07.
5. Chemical Agents shall be deployed only by those trained and authorized to do so.
6. Prior to authorizing use of kinetic energy projectiles or chemical agents, the Incident Commander shall ensure compliance with GO 580.02 and Penal Code 13652.

**G. Media**

1. The SPD Media Policy as well as applicable law shall be followed.
2. If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access which state that:
  - a. A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network may enter the closed areas described in this section.
  - b. A peace officer or other law enforcement officer shall not intentionally assault, interfere with, or obstruct the duly authorized representative of any news service, online news service, newspaper, or radio or television station or network who is gathering, receiving, or processing information for communication to the public.
  - c. A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network that is in a closed area described in this section shall not be cited for the failure to disperse, a violation of a curfew, or a violation of paragraph (1) of subdivision (a) of Section 148, for gathering, receiving, or processing information.
  - d. If the duly authorized representative is detained by a peace officer or other law enforcement 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.
  - e. An officer may still enforce other applicable laws if the person is engaged in activity that is unlawful.

**H. Self-Identified Legal Observers and Crowd Monitors**

1. Do not have the same legal status as the professional media and are therefore subject to all laws and orders.
2. A supervisor or Incident Commander may allow a person who self identifies as a legal observer or crowd monitor to remain in an area after a dispersal order. A reasonable effort should be made to establish an observation area for the observers and monitors independent of the media representatives that is sufficiently near the incident to allow observation which will not interfere with emergency or criminal investigation operations. Observers and monitors in this assigned area would not be subject to arrest or detention.

**I. Outside Agency Assistance or Mutual Aid**

1. Outside agency assistance or mutual aid can be considered by the Incident Commander when the magnitude and/or duration of the event may necessitate additional resources. The Incident Commander shall inform outside agencies operating with SPD the mission, objectives, and goals of the operation. When outside agencies are staffing the same assembly where no mutual aid has been requested, coordination with those agencies should occur.
  - a. When outside agencies are working independently on the same assembly, efforts should be made to identify a liaison so communication between agencies can occur. Ideally, a representative from the other agency/ies should be present at the command post.
  - b. Requests for mutual aid should be made in accordance with the Mutual Aid Policy.
  - c. The Incident Commander may request activation of the Sacramento Regional Incident Management Team (SRIMT). SRIMT provides the framework necessary to establish an incident command or unified command system as required by the Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS) and has specifically trained personnel to respond to and manage major and/or complex critical incidents requiring a significant number of local, regional, or state

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resources. This request will be made through the Sacramento Regional Fire EMS Communications Center (SRFECC), which will contact the Sacramento Operational Area Coordinator.

- (1) Team activation requests are considered on a case-by-case basis.
  - (2) A request for activation should include the following information:
    - a) Type/nature of the incident.
    - b) Proposed scope of work for which the SRIMT is needed.
    - c) Incident Command Post location.
    - d) A contact phone number for the Incident Commander or their designee.
  - (3) SPD will retain jurisdictional responsibility (Government Code 8618) for any incident within the city limits.
  - (4) Levels of SRIMT activation include:
    - a) Full Team- SRIMT will staff all command and general staff functions.
    - b) Short Team- SRIMT will provide two personnel for each command and general staff functions.
    - c) Specific Resource- SRIMT will provide personnel and trainees to meet specific limited command and general staff functions.
2. A request for National Guard resources requires approval by the City Manager and the Chief of Police and shall be made in accordance with the Mutual Aid Policy.
3. When requesting assistance from outside agencies, consideration should be given for the following:
- a. Outside agency resources may best be used at fixed posts to protect assets versus field force deployment.
  - b. Interoperability of communication systems.
  - c. Assigning at least one person to be the primary coordinator with outside agencies.
  - d. Assure there is a check in and check out process to include equipment return and accounting for any actions taken.
  - e. Assure all uses of force are reported.
  - f. Opening of a joint operations center (JOC).
  - g. Logistical needs for outside agencies.
  - h. Assure outside agencies understand operational objectives.

### **RESPONSIBILITIES**

A formal Incident Action Plan (IAP) should be developed using the principles of the Incident Command System (ICS) for large-scale events. However, flexibility and adaptability should be considered as each assembly is unique. Not all forms or positions listed below will always be implemented. Positions listed below can be staffed with other designees at the discretion of the Incident Commander. It is the responsibility of the Incident Commander (IC) or operations chief to store all IAP's on the shared drive in the folder titled "IAP".

### **ICS Forms-**

ICS 201 Incident Briefing.  
ICS 202 Incident Objectives  
ICS 203 Organization Assignment  
ICS 204 Division/Unit Assignment  
ICS 207 Organizational Chart  
ICS 211E Equipment Check-in  
ICS 211P Personnel Check-in List  
ICS 201 Incident Planning Worksheet  
ICS 220 Air Operations Worksheet  
ICS 205 Radio Communications Plan

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- A. Incident Commander - The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and the release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.
  - 1. Normally assigned to a Captain or Lieutenant.
  - 2. Determine and communicate incident mission, objectives and goals.
  - 3. Plans and coordinates activities of staff.
  - 4. Creates Incident Action Plan (IAP) when needed to include objectives, command post and staffing assignments.
- B. Operations Chief- Normally assigned to a Lieutenant or Sergeant who establishes the tactics to meet the incident objectives and directs all operational resources.
- C. Public Information Officer- Normally assigned to one of the department's designated spokesperson(s) who serves as the conduit for information to internal and external stakeholders, including the media or other organizations seeking information directly from the incident or event.
- D. Liaison Officer- Responsible for coordinating with representatives from cooperating and assisting agencies or organizations assisting at an incident.
  - 1. Role can be staffed by one or more personnel, dependent on the size of the event and the number of outside agency personnel involved.
  - 2. Primary person assisting with outside agency coordination.
  - 3. Can also be assigned to communicate with assembly organizer.
- E. Planning Officer- Supports the incident action planning process by tracking resources, collecting/analyzing information, and maintaining documentation.
  - 1. Role can be staffed by one or more personnel.
  - 2. Conducts plans for future staffing, to include consideration of department-wide 12-hour shifts, altering existing shift start times and cancellation of days off.
  - 3. Plans for demobilization at the conclusion of the event.
  - 4. Conducts other planning as requested by the Incident Commander.
  - 5. Creates IAP(s) for next operational period(s).
- F. Logistics Officer- provides resources and needed services to support the achievement of the incident objectives.
  - 1. Role can be staffed by one or more personnel.
  - 2. Fleet, Logistics, and Supply Administrative Analysts may assist the logistics officer.
  - 3. Assists the Incident Commander with equipment, food, and facility needs.
- G. Field Operations
  - 1. Platoon leader (Lieutenant)
    - a. Oversees squad leaders (Sergeants)- A platoon generally consists of four squads.
    - b. Responsible for directing teams to designated positions to accomplish the direction of the Incident Commander.
    - c. Assure team leaders understand goals and directions.
    - d. Ensures the proper and proportional application of force.
    - e. Accounts for and assures all use of force is documented and reviewed.
    - f. Advises the Incident Commander of:
      - (1) all uses of force to include the application, type of force and officer(s) involved.
      - (2) all arrests and citations and suspect disposition.
    - g. Accounts for all equipment.
  - 2. Sergeant (Squad Leader)
    - a. Oversees a team (squad) of approximately 9 officers.
    - b. Implements direction given by the platoon leader.
    - c. Assures staff has safety equipment.
    - d. Continuously assesses officer's readiness and provide breaks as needed.
    - e. Advise the platoon leader of all uses of force incidents and documents as applicable per policy.

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3. Officers:
  - a. report to a squad leader.
  - b. shall assure issued equipment is readily available to themselves and operational.
  - c. shall not conduct any independent action unless necessary to protect themselves or the public from an imminent threat.
  - d. should vocalize any use of force, when possible, on BWC to include:
    - (1) the location of where the use of force occurred.
    - (2) the type of force that was utilized.
    - (3) the reason for use of force.
    - (4) description of subject for whom the force was intended.
  - e. shall ensure name and/or badge number are visible on the exterior of the uniform of the day.
  - f. shall not seize cameras, cell phones or belongings of participants or observers unless officer(s) is placing that person under lawful arrest, the item is evidence of a crime, or the property is abandoned.
  - g. shall advise squad leader of any use of force.
  - h. may be assigned to deploy chemical agents.
- H. Intelligence Officer
  1. Staffed by a member(s) of the Criminal Intelligence Unit.
  2. Provides information to the Incident Commander on assembly time, place, purpose, organizers and counter protests when information is known.
- I. Arrest Processing
  1. In the event arrests are necessary, a team of detectives and/or other personnel may be assigned to this role.
  2. A processing location should be designated by the Incident Commander that is safe and secure and away from the main area of the demonstration.
  3. Body-worn cameras shall be activated during all contact with subjects at the arrest processing site.
  4. Personnel assigned should process the arrest or cite and release of the subjects as efficiently and timely as possible while ensuring all the necessary information and Mirandized statements are obtained.
  5. Personnel should be assigned to transport arrestees to the arrest processing location.
  6. The arresting officer shall complete the probable cause statement, fill out the arrest log, and identify the person whom they arrested on BWC in the field prior to transportation.
- J. Command Post
  1. The location from which the Incident Commander manages the assembly. For smaller assemblies it may be closer in proximity to the event. However, during larger-scale assemblies the command post should be at an offsite location.
  2. Only personnel designated by the Incident Commander shall be allowed into the command post.
  3. The command post is generally not located with staging, logistics or arrest processing.
- K. Fiscal Unit:
  1. monitors costs related to the incident.
  2. provides accounting, procurement, time recording and cost analysis.
- L. Communications
  1. For larger assemblies, a tactical dispatcher may be requested to manage the dedicated operational channel at the command post.
- M. Community Liaison Officer-pre-designated by the Incident Commander or designee and is responsible for engaging with the event organizer and/or participants, ideally from the planning stage before the event until its conclusion.
  1. Should work with event organizer to help facilitate a peaceful protest by reviewing the schedule of events.

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2. Shall advise organizer(s) that criminal acts can result in the assembly being declared unlawful and that enforcement action can be taken against the violators.
3. Provide contact information to the organizer and, when practicable, remain in constant communication during the event.
4. Should serve as a liaison in the field between the event organizers and the Incident Commander or designee.

**UNLAWFUL ASSEMBLIES**

- A. The Incident Commander can determine an assembly to be unlawful based on current law. Specifically, California Penal Code section 407 states that whenever two or more persons assemble to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.
- B. California Penal Code section 408 makes an unlawful assembly a misdemeanor.
- C. California Penal Code section 409 makes it a misdemeanor to remain at a riot or unlawful assembly after having been ordered by the peace officer to disperse.
- D. An unlawful assembly may be considered if there is violence or clear and present danger of imminent violence, or other unlawful acts such as property damage.
- E. The Incident Commander should not declare an unlawful assembly if the sole purpose is to provide direction to the crowd.
- F. Prior to declaring an assembly unlawful, the Incident Commander should gather adequate resources to manage the crowd in the event that participants do not leave.
- G. Once an assembly has been deemed unlawful, the admonishment shall be read over an amplified device. The admonishment should state the time and give a specific number of minutes for people to leave. During the final admonishment, the person broadcasting shall ensure that, "this is the final notice, anyone remaining on the street (or other specified location) will be subject to arrest" is also declared.
- H. Once admonitions are initiated, the Incident Commander or their designee shall ensure there is an avenue for those assembled to leave the area as directed. Those assembled shall be given a reasonable opportunity to comply with the direction to leave.
- I. Repeated, audible announcements shall be made announcing the intent to use kinetic energy projectiles and/or 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.
- J. The Incident Commander will make the decision on how best to make arrests or move an assembly after the admonishments have been given.
- K. In the event of passive resisters (a person who is neither fighting, resisting arrest, nor running away, but unlawfully remains after the admonition is given), the Incident Commander shall consider the following:
  1. if possible, encircle the passive resisters and separate them from others assembled.
  2. use pre-determined arrest teams to contact each person and read each person the passive resister admonishment.
  3. if a passive resister will not voluntarily stand to be handcuffed, control holds and pressure points consistent with department training can be utilized and the subject should be charged with resisting arrest.

**STRATEGIES AND TACTICS**

The following are some of the possible tactics for crowd control situations that the Incident Commander should consider:

- A. If the assembly is peaceful and not impeding traffic:
  1. officers may contact the organizer to determine plans.
  2. officers can monitor as needed.
- B. If the assembly begins to impede traffic but is otherwise peaceful, officers can form a traffic perimeter of a 1-3 block radius from the crowd to prevent vehicles from entering where people are assembled in the roadway and to facilitate the movement of the crowd.

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- C. If the assembly begins to have acts of misdemeanor vandalism such as spray painting:
  - 1. the Incident Commander can direct officers to arrest the individuals who committed the unlawful acts if it is safe to do so.
  - 2. in situations where it would be unsafe to attempt arrests, officers should attempt to gather as much information as possible for a crime report in order to identify and arrest the suspect(s) at a later time.
- D. If an assembly results in violence (i.e., officers or others being assaulted, arson, etc.):
  - 1. the Incident Commander may direct that an unlawful assembly be declared and that arrests of those who remain be effected.
  - 2. in situations where it would be unsafe to attempt arrests, officers should attempt to gather as much information as possible for a crime report in order to identify and arrest the suspect(s) at a later time.
  - 3. the Incident Commander may consider using various standardized tactics such as line formations to move the crowd to prevent further violence.
  - 4. the Incident Commander can decide to direct personnel to deploy less lethal force when consistent with the SPD Use of Force Policy (G.O. 580.02) and Penal Code 13652.
  - 5. the Incident Commander may consider the deployment of chemical agents when a riot is occurring to include violence, arson, looting and after an unlawful assembly admonishment has been given. This does not preclude the self-deployment of OC foggers, 3-ounce containers or pepperball when exigent circumstances exist.
- E. Crowd Management Techniques may include the following:
  - 1. protecting critical infrastructure with skirmish lines.
  - 2. isolating the crowd to specific routes and locations as needed to prevent traffic impacts, to prevent furtherance of criminal activity, or to make arrests.
  - 3. presenting a display of officers to deter criminal activity.
  - 4. giving a dispersal order to allow notification and time for participants to leave peacefully after an assembly is declared unlawful.
  - 5. contacting the leader or organizer of the assembly to mediate a resolution.
  - 6. implementing reasonable time, place and manner restrictions to protect public safety. An example would be to separate two antagonistic groups for public safety but still allowing them to be in the same general area. Any restrictions must be:
    - a. content neutral.
    - b. narrowly tailored to serve an important government interest.
    - c. leave room for open, ample alternative channels of communication.
- F. Specialty Resources - The resources below are not limited to the functions listed and may be used for other purposes at the discretion of the Incident Commander.
  - 1. Bike Officers:
    - a. can be used to create a traffic perimeter due to their mobility to navigate traffic.
    - b. can be used to monitor assemblies from a distance.
    - c. can be deployed on a skirmish line to provide larger coverage areas due to the width of their bikes.
    - d. can use bikes to move a skirmish line forward.
    - e. can be used to maneuver into a crowd to effect an arrest.
  - 2. SWAT Officers:
    - a. can be used to deploy chemical agent(s).
    - b. can be used as arrest teams.
    - c. can be used for an officer or a subject rescue.
    - d. can be used as a quick response team.
  - 3. Detectives:
    - a. can be assigned to a squad.
    - b. can be assigned to arrest team/processing.
    - c. can be assigned to conduct follow up on crimes committed.
    - d. can be used in an intelligence-gathering capacity.
  - 4. Motor Officers:

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- a. can be used to create a traffic perimeter for traffic safety.
- b. can assist in monitoring an assembly from a distance.
5. Air Support Unit:
  - a. can provide an overview of the event from the air to include the size of the assembly.
  - b. can assist in identifying subjects committing a crime and documenting criminal activity.
  - c. can provide information on traffic considerations.
6. Real Time Crime Center:
  - a. can be used to monitor video feeds of the assembly.
  - b. can assist in documenting crimes being committed to include suspect information.
  - c. provides real-time information to the Incident Commander.
7. Professional Standards Unit
  - a. can proactively ensure timely reporting of uses of force and auditing of body-worn camera footage.
  - b. can assure reports, as well as blue and red border forms are completed and thorough.

### **DEMOBILIZATION**

At the conclusion of an assembly, proper demobilization is critical for accountability. The following should be considerations of the Planning Officer:

- A. Accounting for all personnel to include any mutual aid staff.
- B. Accounting for any use of force.
- C. Completing all documentation (first report of injury, report writing, etc.) at the end of watch unless authorized to hold over for the next shift by the Incident Commander or their designee.
- D. Closing and cleaning any facilities utilized.
- E. Cleaning, repairing, and returning any equipment that was checked out.
- F. Inventorying less lethal and chemical agents and re-ordering, if applicable.
- G. Restocking any other equipment or paperwork utilized.
- H. Conducting after-action debrief, when appropriate, as determined by the Incident Commander.

### **AFTER ACTION REPORT:**

In accordance with SPD policy, all major police operations require an After-Action Report. After every incident requiring an IAP, a report should be made by the Incident Commander to include:

- A. Synopsis of the incident to include time, type of incident and resources used.
- B. Any Uses of Force including numbers and types.
- C. Arrests.
- D. Damage.
- E. Reports numbers.
- F. Equipment issues.
- G. Specific type and number of Less Lethal Munitions used.
- H. Media interaction.
- I. Number of personnel assigned.

**APPENDIX**

**First Amendment**

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

**The following is a summary of some of the admonishments and California Penal Codes related to assemblies.**

**Admonish Only:**

I am (rank/name), a police officer with the Sacramento Police Department. I am giving you a lawful order (NOTE: be specific on your direction to the crowd: “You can no longer block 5<sup>th</sup> and J Street. You can continue to march or move onto the sidewalk area”).

**Dispersal Order (726 PC):**

“I am (rank/name), a police officer with the Sacramento Police Department. 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 (give specific location) to disperse immediately. You have (state the current time and a 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. Those who remain may be arrested.” Disperse by walking on the sidewalk (provide specific direction; example: away from officers towards 20<sup>th</sup> street).

Reminders:

1. Use plain language when giving directions for dispersal (do not use north, south, east or west—as it can be confusing).
2. Make sure the avenue of dispersal is not blocked by officers.
3. On the last and final dispersal order, add, “this is the final notice, anyone remaining on the street will be subject to arrest” (modify this if you are also clearing the sidewalk area of a blockage).
4. In the event of objectively dangerous and unlawful situations that less lethal munitions, chemical agents or electronic devices are to be utilized, the dispersal order should also include the following: “you may be arrested and/or subject to other police action including the use of: (name the type of device/weapon to be used i.e. kinetic energy projectiles, chemical agents, or electronic devices) which could result in serious injury”

**Passive Resister Admonishment (726 PC):**

“I am (Rank/Name), of the Sacramento Police Department. Please accompany these police officers who will process your arrest. If you do not voluntarily accompany them and you remain in a passive position, you may be subject to an additional arrest charge. We will not lift or carry you. If your passive resistance continues you will be subjected to control hold that will inflict a degree of pain. I repeat, we will not lift or carry you. You are under arrest and you are being asked to voluntarily cooperate and accompany these police officers.”

**Common California Penal Codes**

**148 PC.** Resisting Arrest

**241 PC.** Assault on a Police Officer

**403 PC** Willfully disturb or break up a public assembly or government meeting

**407 PC-** Unlawful Assembly defined

**409 PC.** Remaining present at place of riot, etc., after warning to disperse

**415 PC.** Disturbing the Peace

**416 PC.** Refusing to disperse upon lawful command

**422 PC.** Punishment for Threats

**First Amendment Restrictions:**

To survive First Amendment constitutional challenges, such restrictions must satisfy a three-prong test outlined by the Supreme Court in Ward v. Rock Against Racism (1989).

1. The regulation must be content neutral.
2. It must be narrowly tailored to serve a significant governmental interest.
3. It must leave open ample alternative channels for communicating the speaker's message.

**UOF to Disperse a Crowd Checklist**

As a result of Assembly Bill 48, with limited exceptions, "...kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration."

AB 48 restricts law enforcement from using these less-lethal options to "defend against a threat to life or serious bodily injury to any individual, including any officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control", only when the following requirements have been met or failed:

- 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.
- 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.
- 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.

"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-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.

Reference GO 580.02 for Watch/Incident Commander reporting requirements.