

**UNIVERSITY OF CALIFORNIA POLICE
RIVERSIDE**

SPECIAL ORDER

Chief of Police

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Approved by:

Chief Michael Lane

Office of the Chief # 12-001

Alphabetical Title: Demonstrations

Demonstrations

PURPOSE AND SCOPE

The UCR Police Department strives to ensure the Constitutional rights of individuals to peacefully gather and freely express views in an environment where the rights of every individual are protected. The Department is primarily responsible for ensuring public safety, protecting persons and property, and maintaining order. The enforcement of law shall be carried out consistent with state and federal law, and Department policy and procedures.

OBJECTIVES

Officers' objectives include but are not limited to the following:

- Protection of life and property
- Protection of Individual constitutional rights
- Fair and impartial enforcement of the law
- Prevention of disruption to university and community affairs ('keep the peace')
- Protection of vital facilities
- Prosecution of violators
- Expedite traffic and pedestrian movement

INITIAL ASSESSMENT OF INCIDENT

The first responding officer at the scene of a demonstration shall assess the range of activities and relay such information to the watch commander. The first responding officer's situation assessment should include:

- The group demonstrating and its leadership.
- The location of the demonstration, type and size of area affected.
- Group's potential for violence, injury to people, or damage to property.
- History of past demonstrations by particular group.
- Number and types of injuries, if any.

CONCEPT OF THE OPERATION

The ranking person on-duty or the designee of the Chief of Police shall become the Incident Commander for the duration of the tactical situation. The Incident Commander will, upon arrival at the scene of the demonstration, assess the situation in consultation with appropriate police personnel and appropriate university officials. It is expected that the Incident Commander will be personally present at the scene of a demonstration. If no exigent circumstances exist, the Incident Commander should meet with the demonstration group leadership to discuss the various options available to them prior to any police action taking place. The Incident Commander should consider the following objectives in developing and implementing response efforts during the course of the demonstration:

- If the demonstration is peaceful and non-violent, assess whether police presence is warranted or if police action is needed
- If the demonstration is not peaceful, is violent, or appears that it may become disorderly or violent:
 - Utilize a field of force of significant strength and apply tactics at the proper time and place to rapidly gain control. Significant strength is a function of the size and hostility of the crowd that needs to be controlled.
 - Employ economy of force to minimize the potential for adjunct emergencies and the possible need for rapid reallocation of resources.
 - Determine the type and magnitude of the demonstration and decide if the proper response should be high profile or low profile.
 - Collect, evaluate and disseminate intelligence information to all involved units.
 - Remain in affected area with sufficient personnel and equipment after it appears that order is re-established to ensure that the situation returns to normal.
 - Implement recovery operations when practicable.

USE OF FORCE

Policies related to the use of force and reporting requirements are contained in the Use of Force, Control Devices and the Taser in Policy Manual §§ 300, 308 and 309 respectively.

Any physical effort used to control, restrain or overcome the resistance of another is considered to be force. Force may only be used if necessary to carry out lawful police action. The use of force should be considered as a last resort to be used only after other alternatives have been exhausted or if exigent circumstances require the use of force. Officers shall use only that amount of force that is objectively reasonable, given the facts and circumstances perceived by the officer at the time of the event. When necessary, officers should use the least amount of force objectively reasonable to do one or more of the following: effect a lawful arrest, to overcome unlawful resistance, to maintain order, to disperse an unlawful assembly, to secure an area, to prevent violence, to prevent injury to people, to prevent damage to property, or to protect the officer or other officers from injury.

In crowd control situations, an officer retains his/her rights and duties relating to the use of force in self defense, the defense of others and making arrests. However, some crowd control situations require the tactical use of force even though no arrests are being attempted (e.g., dispersing a crowd).

Pain compliance may be a reasonable use of force to move or arrest individuals during a demonstration. The use of intermediate force (OC, Taser, baton strikes) shall not be used to overcome passive resistance or other non-aggressive forms of demonstration. The escalation of force can be justified by active, prolonged or excessive resistance or the

commission of criminal acts that could cause a threat to public safety.

TACTICAL USE OF FORCE

The decision to commence a tactical use of force rests with the ranking officer on-scene, unless delegated downward. Whether in an arrest or a tactical situation, officers must consider the nature of the resistance they face as they select force options:

Active Aggression - A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to a person appears imminent.

Active Resistance - Evasive physical movements to defeat an officer's attempt at control, including bracing, tensing, linking arms or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Passive Resistance - Actions that do not prevent the officer's attempt to control a subject. For example, a subject who remains in a sitting, standing, limp, or prone position with no physical contact (e.g., locked arms) with other individuals.

A subject who, while sitting or standing, has locked arms with another subject is engaged in active resistance. The use of intermediate force (OC, Taser, baton strikes) shall not be used against such non-aggressive displays of active resistance during a peaceful protest. Should the need arise to move or arrest a non-aggressive individual, force options including, but not limited to, pain compliance techniques and pressure points should be considered.

Civil Disobedience - An act of civil disobedience is an illegal public protest, non-violent in character. The use of intermediate force (OC, Taser, baton strikes) shall not be used against such non-aggressive displays of civil disobedience.

Force - Any physical effort used to control, restrain or overcome the resistance of another. The reasonable application of force requires awareness of the facts and circumstances of each particular situation, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others and whether the subject is actively resisting arrest or attempting to evade arrest by flight. It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

Riot Control - Refers to the techniques used by peace officers in response to an escalation of crowd violence where reasonable force may be necessary to prevent additional violence, injuries, death or the destruction of property. Riot control is generally a contingency plan that is part of a well-prepared crowd management plan. Law enforcement should concentrate on the basic mission of protecting life and property. This should be done in a rapid, firm, fair and impartial manner, using that force which is objectively reasonable and necessary to accomplish the mission.

DEPLOYMENT OF CONTROL DEVICES AND RIOT CONTROL AGENTS

No personnel shall deploy any control device or agent for which he/she has not been trained. Riot control agents such as CS gas shall only be deployed pursuant to the order of a command level officer. This does not preclude officers in a rapidly-evolving incident from defending themselves with kinetic energy and pepper projectile systems. The tactical use

of Taser and batons shall be pursuant to the order of the incident commander. This does not preclude officers in a rapidly evolving incident from defending themselves with an Taser, OC, baton or deadly force pursuant to Policy Manual §§ 300. Considerations for the tactical use of these items include, but are not limited to:

- Crowd size and actions
- Weather conditions
- Proper equipment and supplies for personnel on scene
- Exit routes for the crowd
- First aid and decontamination
- Consequences for the community
- Command structure in place

In crowd control or crowd management situations that require the tactical deployment and use of control devices or agents, the Incident Commander will provide instructions to the squads on the use of the techniques or devices. The Incident Commander will determine whether the tactical situation allows for officers to safely contact subjects and determine the effect of the use of control devices or agents including those who have restraining techniques, or pain compliance tools or techniques, applied to him/her, to be medically assessed on-scene by paramedics and/or EMS, or to be transported to a medical facility for examination/treatment by medical personnel.

INCIDENT COMMANDER RESPONSIBILITIES

The Incident Commander will develop and implement police response efforts during the course of the demonstration. It is expected that the Incident Commander will be personally present at the scene of a demonstration. The Incident Commander will direct all police action during the incident and will make the decision regarding when to effect arrests and the level of force to be employed. This does not preclude independent action by officers who witness attempted, in progress, or completed crimes as long as the independent action does not jeopardize the safety of officers or interfere with the successful completion of the mission.

- The Incident Commander or designee will determine the allocation of police equipment and other resources to be used.
- The Incident Commander or designee will designate and restrict radio frequencies for field operations duration of the incident.
- The Incident Commander or designee shall ensure that EMS has been notified of the incident and will be available to respond to the demonstration in case of a medical emergency.
- The Incident Commander will regularly communicate up the chain of command, if circumstances permit such communication.

LOGISTICS OFFICER RESPONSIBILITIES

The Logistics Officer shall be responsible for logistics, including but not limited to the following:

- Meals - coordinating the acquisition and distribution of food
- Police resources - coordinating the acquisition and distribution of police equipment

MUTUAL AID

Day-to-day mutual aid is governed by written agreements with outside law enforcement agencies and Policy Manual §§ 352. In the event that the resources of the Department are

insufficient to effectively control the demonstration, the Incident Commander may request mutual aid from surrounding law enforcement agencies and/or other UC campuses. Personnel responding from assisting agencies should be directed to the command post or the staging area.

If mass arrests are anticipated, the Riverside Police Department should be notified and a request for mutual aid may be initiated.

LAWFUL ORDERS TO DISPERSE

The UCR Police Department will respect the Constitutional rights of individuals to peacefully gather and freely express views in an environment where the rights of every individual are protected. In the event of a peaceful, nonviolent demonstration that does not pose an imminent threat of harm to people or property, the Incident Commander should consult with campus administrators regarding whether the demonstration should be permitted to continue for a period of time, if in the administrators' judgment the demonstration does not constitute a substantial disruption of University activities and recognizing that immediate action could lead to violence or the need for the use of force. If it is determined to be in the best interests of public safety to disperse a crowd, the Incident Commander or designee, when applicable, will make a clear announcement declaring an unlawful assembly and order the dispersal of the demonstrators pursuant to Penal Code § 407. After the declaration of an unlawful assembly the demonstrators will be given a reasonable amount of time to comply.

Penal Code § 407 defines an unlawful assembly: "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" are interpreted as, "conduct that poses a clear and present danger of imminent violence." Dispersal orders are intended to permanently disperse a crowd, not to merely relocate the problem. When the dispersal order is given, it should be made clear that the crowd is expected to immediately leave the area. Dispersal orders should not be given until control forces are in position to support the crowd movement. Personnel should specify a route for the crowd to leave and allow a reasonable amount of time for dispersal. The department has issued dispersal order cards to all supervisors. The dispersal order must be given in a manner such that it can be heard and understood by the intended audience. Based on circumstances, law enforcement command officers should consider any need to:

- Issue multiple announcements from various locations
- Use amplified sound
- Issue the orders in languages that are appropriate for the audience
- Position officers to the rear of the crowd to confirm and document that the order could be heard; or
- Use video and/or audio recording for documentation purposes.

ARREST AND BOOKING PROCEDURES

Failure to comply with an order to disperse or commission of crime(s) may result in arrests for specific Penal Code sections including, but not limited to the following:

- Penal Code § 148 Willfully resist, delay or obstruct an officer
- Penal Code § 409 Failure to Disperse
- Penal Code § 416 Refusing to Disperse upon Lawful Order
- Penal Code § 602 Trespassing

- Penal Code § 647c Willful and malicious obstruction of free movement
- Penal Code § 727 Failure to Disperse after an order is given

423.13 DEMOBILIZATION

The Incident Commander shall determine when the incident is concluded and no longer requires police resources to be deployed. The demobilization shall be conducted in an orderly manner after all personnel and equipment has been recovered.

At the conclusion of the incident each officer shall immediately report to their respective supervisors any use of force in excess of standard arrest and control techniques pursuant to the Policy Manual.

The Incident Commander will hold a debriefing of the incident as soon as practicable. All Department personnel will then return to regular assignments.

TRAINING

Police personnel shall receive periodic training covering the provisions of this policy and crowd management and control tactics. Refresher training in tactics, this policy, and related use of force policies should be conducted as part of the planning and briefing activities whenever possible. All such training shall be documented.