
Crowd Control

8.03.01 PURPOSE

The purpose of this order is to establish general policies and procedures regarding the Department's response to ~~demonstrations and other First Amendment activities~~ public assemblies and specifies acceptable crowd control techniques and levels of force to ensure the protection of the First Amendment rights of the crowd and the safety of the entire community.

8.03.02 DEFINITIONS

- A. **Crowd Management.** Crowd management refers to the techniques used by peace officers in response to a known event, activity, or occurrence. In situations involving crowd management, law enforcement agencies have the ability to assist in the planning, coordination, and management of the event.
- B. **Crowd Control.** Crowd control is the law enforcement response to a protest or gathering that has become unlawful and/ or violent. It may also require arrest and/ or deployment of dispersal tactics or even use of force.
- C. **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" have been interpreted as conduct that poses a clear and present danger of imminent violence [In re Brown (1973) 9 Cal. 3d 612, 623.].
- D. **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, is a riot.
- E. **Duly Authorized Representative of Media.** A person in possession of current, valid credentials issued by the Department or other law enforcement agency, or other identification establishing duly authorized representation of news media affiliation or employment, whether print, television, or Internet media. A personal blogger with no credentials and no supporting third-party news service identification does not meet the criteria of duly authorized.

8.03.03 POLICY

~~A.~~

~~Protection of Rights.~~ It is the policy of the San Francisco Police Department to ensure that rights guaranteed by the constitutions of the United States and the State of California are protected for all individuals. A primary mission of police at events involving free speech activity is to protect and respect First Amendment rights to freedom of expression and assembly.

A. Law Enforcement Objective. The law enforcement objective during crowd control is to control the situation, provide intervention, prevent violations of the law, and reasonably enforce observed violations of the law while balancing the groups' First Amendment rights of free speech and assembly.

~~B. Restrictions.~~

B.

~~1. Limits.~~ The San Francisco Police Department 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.

1. Limit. Members shall 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, public order, or the safe movement of persons in the area.

~~2. Restrictions/Control.~~ The San Francisco Police Department Members shall not be affected by the content of the opinions being expressed nor by the race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability or political affiliation of anyone exercising their lawful First Amendment rights. ~~will not seek to restrict or control the content of opinions being expressed, nor shall members let their own personal, political, or religious views affect their actions.~~

~~3. Crowd Control Tactics.~~ Crowd control tactics shall not be affected by the content of opinions alone being expressed, nor by the race, sex, gender, sexual orientation, physical disabilities, appearance, or affiliations of the participants.

2.

~~C. Dispersal.~~ California Penal Code Section 726 establishes the authority to disperse unlawful assemblies and riots in the name of the people of the state. Crowds ~~shall not~~ may only be dispersed or ordered to move unless when there are reasonable and articulable factors justifying the order in accordance with law. Before issuing a crowd dispersal order, the event commander should consider any available less

~~intrusive options to stop the unlawful behavior necessitating the issuance of the crowd dispersal order. In considering whether a less intrusive option is available, the event commander will consider whether attempting such option would result in an immediate risk of physical harm to a person or property or would be clearly ineffective under the circumstances at the time. Before giving the order to disperse, the event commander must consider whether a dispersal endangers the public or participants in the crowd.~~

C.

D. Dispersal Orders. Dispersal orders for the purpose of ordering people to leave an ~~area, area~~ must satisfy the legal requirements and convey the importance of compliance. Elements of an effective dispersal order include:

- ~~a~~ Audible announcements setting forth the pending consequences of continued unlawful behavior, such as remaining at the location will subject individuals to arrest.
- Officers should provide sufficient time to disperse after the order with clear directions and visible and ample means of egress.
- To ensure participants can hear and understand the order to disperse, equipment appropriate to the size and noise of the crowd shall be used.
- The order to disperse should be given repeatedly over a period of time and, if necessary, from a variety of locations and in multiple languages, if appropriate.
- During dangerous and unlawful situations where the use of kinetic energy projectiles and chemical agents are warranted, it is required that repeated audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents.
- The announcements must include the type of kinetic energy projectiles and/or chemical agents to be used when objectively reasonable to do so.

~~D.E.~~ Arrests. A ~~proper~~ response to criminal conduct during an ~~assembly-free speech activity is maybe~~ to cite or book those individuals engaged in criminal conduct (see DGO 5.06, Citation Release). ~~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. The event commander shall be in charge of any event that will result in multiple arrests (mass arrests). If multiple arrests occur, follow the Crowd Control Manual for "Multiple Arrest Procedures".~~

E.F. Use of Force.

1. **Reasonable Force.** When the use of force is justified, the lowest level of force necessary to accomplish an arrest or dispersal shall be employed. Officers are permitted to use force that is objectively reasonable (See DGO 5.01, Use of Force).
2. **Use of Kinetic Energy Projectiles and Chemical Agents.** Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer 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 requirements stated in California Penal Code Section 13652(b). ~~Kinetic Energy Projectiles and Chemical Agents shall not be used to disperse any assembly, protest or demonstration except under specific circumstances (see Crowd Control Manual, SFPD).~~
3. **Horses, Motorcycles, Motor Bikes, K-9s.** Horses shall not be used to move or disperse passive individuals who are sitting or lying down. Motorcycles or motorbikes shall not be driven into a crowd or used to make physical contact with persons. The use of K-9s in crowd control is prohibited.

F.G. **Use of Non-Uniformed Officers.** Non-uniformed officers shall not be used to make arrests in crowd control situations unless there is reasonable cause to believe there is a danger to life or the possibility of great bodily injury. See DGO 5.08, Non-Uniformed Officers.

H. **Media.** 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 activity that is protected pursuant to the First Amendment, the following requirements shall apply:

1. ~~(1)~~ 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,
2. ~~(2)~~ ~~o~~ Officers 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,
3. ~~(3)~~ 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 148(a)(1) PC, for gathering, receiving, or processing information.

If the duly authorized representative is detained by an 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. This section does not prevent officers from enforcing other applicable laws if the person is engaged in activity that is unlawful. If access is granted to closed areas, members of the media are not permitted entry into a command post or allowed to move through police lines and interfere with police actions. These violations may be the cause for removing a journalist from a closed area or charging an offense not precluded by 409.7 PC.

8.03.043 PROCEDURES

For detailed policies and procedures concerning crowd control and event planning, see SFPD “Crowd Control Manual” and “Event Management Manual”.

References

DGO 5.01 Use of Force
DGO 5.06 Citation Release
DGO 5.08 Non-Uniformed Officers
Crowd Control Manual, SFPD
Event Management Manual, SFPD