

SANTA CRUZ POLICE DEPARTMENT

OPERATIONS

MASS GATHERING OPERATIONS

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PHILOSOPHY OF OPERATIONS

THE PHILOSOPHY OF POLICE OPERATIONS CONCERNING PROTEST, WHETHER IT IS CELEBRATORY OR PROTEST AND DEMONSTRATION IS TO PROTECT HUMAN LIFE ABOVE ALL, AND TO ENSURE THE EXERCISE OF FREE SPEECH. ALL DECISIONS MADE BY INCIDENT COMMANDERS (IC) ARE MADE IN LIGHT OF THESE TWO OVERARCHING PRINCIPALS.

PURPOSE:

This document is intended for Santa Cruz Police Department and Allied Law Enforcement Agency planning and briefing purposes. It is to be used in preparation for anticipated large gathering of citizens within the City of Santa Cruz.

SITUATION:

Following the death of George Floyd while in the custody of the Minneapolis Police Department, a number of municipalities experienced large gatherings, protest activities, civil disturbances, and in some significant acts of violence.

Since these events, a Minneapolis Police Department officer was arrested and tried related to this death. As a result of the jury verdict we assess there may be some level of celebration and/or civil unrest. We are also very cognizant of the potential for terror groups to exploit mass gatherings as an opportunity to inflict harm on our community.

Current intelligence indicates white supremacist or anti-government groups might use this trial as an opportunity to foment a further unrest. A non-guilty verdict could create an environment where large protests are likely, including vandalism and violence.

MISSION:

The mission of the Department when responding to the scene of an assembly is to preserve life and public order while at the same time protecting the constitutional rights of the individuals involved. The objectives, which must be addressed, are listed in priority order as follows:

- Provide lawful, exemplary and professional service
- Establish contact with the crowd leadership

- Obtain voluntary compliance with police directives
- Minimize enforcement action

SCPD will provide community protection, crowd management, ensure the safety of people attending all events, and facilitate a peaceful gathering while safeguarding the first amendment rights of all persons present.

CONCEPT OF OPERATIONS:

If disturbances occur, the protection of life shall be the highest priority when considering the mission. The arrest of law violators, whose activities are directed against property or individuals, shall be undertaken based upon the availability of sufficient personnel and resources to effectively address the situation. Operations should be undertaken based on priority as identified by the command element.

The Incident Commander will deploy an incident command type system (based on scale) during this operation to effectively deploy and track personnel and resources to manage incidents. The Incident Commander will be aware of the number of personnel committed to this event, as well as the available reserve personnel.

Previous related gatherings within the City have been mostly peaceful and lawful, however some instances of vandalism were noted. Available law enforcement will be used as deployable squads should they be needed to address and/or disperse unlawful disturbances and/or unlawful assemblies.

Law enforcement employees of each agency remain subject to the policies, orders and procedures established by their own agencies, and shall not take action(s) that conflict with such policies, orders or procedures. Law enforcement employees should notify a supervisor without delay if they anticipate or encounter such a conflict.

CRIME/ARREST REPORTS:

All in-custody and high priority reports will be completed before securing from duty. Allied agencies may choose to initiate their own report pursuant to their policy, and may also initiate a report on incidents they initiate. When documenting uses of force or investigations of a serious nature, all involved personnel will be required to complete a report to ensure a thorough investigation.

LARGE-SCALE DISTURBANCE:

Response to a large-scale disturbance may consist of moving a large number of people away from a location, while securing areas gained, and while allowing the crowd reasonable time to disperse prior to action being taken.

In the event of an Unlawful Assembly, the Incident Commander will make the decision to deliver the "Unlawful Assembly Announcement". This will be given in accordance to Penal Code Section 409, and will be recorded. The "Unlawful Assembly Announcement" will be given via loud speaker on at least two occasions.

If large scale disturbance operations become necessary, officers will be deployed as determined by the incident command. The primary responsibility of the Incident Commander during the initial stages of an unlawful assembly or subsequent riot is to rapidly assemble of sufficient personnel to restore order. Requests for additional resources should be made as soon as it is determined they are needed.

Squads from participating allied agencies may supplement Santa Cruz PD squads, and may be formed to provide support or perimeter duties. The Santa Cruz police IC shall be in charge and overall responsible for operations.

Should it be necessary and/or appropriate to deploy chemical or less lethal munitions during police actions, the decision rests with the IC. Staff members who are victims of violent assault shall have the right to prevent further acts and must articulate all uses of force per Department policy. The decision to use less lethal munitions will rest with the Incident Commander.

The decision to use chemical munitions will rest with the Chief of Police.

Video (BWC) units will be used to document the actions of unlawful assembly when practical.

DEFINITIONS:

404 PC Riot – Any use of force or violence, disturbing the public peace or any threat to use such force or violence, if accompanied by immediate power of execution by two or more person acting together, and without authority of law, is a riot.

404.6 PC Inciting a Riot – Every person who with the intent to cause a riot does an act or engages in conduct that urges a riot, or urges others to commit acts of force or violence, or the burning or destroying of property, and at a time and place and under circumstances that produce a clear and present and immediate danger of acts of force or violence or the burning or destroying of property, is guilty of incitement to riot.

405(a) PC Lynching – The taking by means of a riot of any person from the lawful custody of any peace officer is a lynching.

406 PC Rout – Whenever two or more persons, assembled and acting together, make any attempt to advance toward the commission of an act which would be a riot if actually committed, such an assembly is a rout.

407 PC 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.

408 PC Participating in Rout or Unlawful Assembly – Every person who participates in any rout or unlawful assembly is guilty of a misdemeanor.

409 PC Refusal to Disperse when Ordered – Every person remaining present at the place of any riot, rout, or unlawful assembly, after the same has been lawfully warned to disperse, except public officers and person assisting them in attempting to disperse the same, is guilty of a misdemeanor.

DISPERSAL ORDER

“I AM (PEACE OFFICER’S NAME AND RANK), A PEACE OFFICER FOR THE (NAME OF JURISDICTION). I HEREBY DECLARE THIS TO BE 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 *(INCLUDE THE DESCRIPTION OF SPECIFIC USE-OF-FORCE OPTIONS (E.G., ELECTRONIC CONTROL DEVICE, BATON, CHEMICAL AGENTS))* WHICH MAY INFLICT SIGNIFICANT PAIN OR RESULT IN SERIOUS INJURY. PENAL CODE §409 PROHIBITS REMAINING PRESENT AT AN UNLAWFUL ASSEMBLY. IF YOU REMAIN IN THE AREA JUST DESCRIBED, REGARDLESS OF YOUR PURPOSE, YOU WILL BE IN VIOLATION OF PENAL CODE §409. THE FOLLOWING ROUTES OF DISPERSAL ARE AVAILABLE (ROUTES). YOU HAVE (REASONABLE AMOUNT OF TIME) MINUTES TO DISPERSE.”

Each protest is separated and unique. While SCPD identifies three phases of operations, there are shades and sub-phases for each phase of operation. The IC will define, based on information from commanders in the field, the phase of operation. Each phase is based on the circumstances surrounding the event and can be based on size, intensity and presences of criminal acts, such as violence, looting or vandalism. Tactics used to prevent violence and property crimes shall be defined by and communicated through the IC. The IC shall work with protest organizers whenever possible and shall negotiate to de-escalate as a method of operation.

PHASE 1

Phase 1 Criteria:

Phase 1 will be considered any peaceful gathering of people, in a non-violent and lawful manner, in public places, or places open to the public. This would include the occupying or taking control of sidewalks, parking lots, and any other areas where the movement of vehicle or pedestrian traffic is not impacted or restricted.

PHASE 2

Phase 2 Criteria:

Phase 2 will be considered any gathering of people, in a non-violent manner, committing minor acts of vandalism, disturbances and/or disruption of vehicle traffic in public places, or places open to the public. This would include the occupying or taking control of streets, intersections and sidewalks.

PHASE 3

Phase 3 Criteria:

Phase 3 will be considered any gathering of people, in a violent manner, committing acts of vandalism, arson, looting, physical disturbances and any other crimes which endanger the safety of the public and significant damage to real property.