I. STATEMENT OF ISSUE

It is the policy of the police department to allow persons to enjoy and exercise rights under the Constitutions of the State of California and the United States. Those rights include the right to free speech and to peacefully assemble. While a police response is rarely necessary for a passive non-violent protest, violent demonstrations or riots, where there is imminent or expected danger to persons or property, do require immediate and planned response from law enforcement.

When the police are forced to make mass arrests or respond to demonstrations or riots there is increased potential for violence, destruction of property and over taxation of local and surrounding agency resources. Even though a situation involving mass arrest may be tense, rapidly evolving, and require split-second decisions be made, any arrests shall be made only after there is an individual determination of probable cause supporting the arrest. Therefore, the need exists for a procedure to assist personnel in making the appropriate decisions in response to actual incidents.

II. PROCEDURE

A. Decision to Arrest or Form Skirmish Lines

The Incident Commander (I.C.) or Watch Commander should consider the following prior to mass arrest or formation of skirmish lines:

1. The size and type of violation or incident
2. The actual or anticipated behavior or potential for violence from the group of violators. Large groups of violators throwing bottles or objects, burning property, blocking freeways or uncontrolled highways, or engaging in actual violence towards others is behavior which will generally result in the implementation of this procedure. The Watch Commander or I.C. is ultimately responsible for making that decision.
3. The number of police officers available to make arrests or form skirmish lines
4. The location of the violation and potential for violence, bystander injury, or property damage
5. The history of the violator group
6. The identity of the violator(s) and whether they are known or unknown
If the decision is made to affect arrests or form skirmish lines, they should, as a general rule, not be made until sufficient police personnel and appropriate safety equipment are “on scene” to maintain control.

B. Initial response

1. The Watch Commander shall notify the appropriate Patrol Commander when a known or potential large demonstration or mass arrest situation exists. The Patrol Commander should assume command responsibilities from the Watch Commander, as appropriate. In absence of higher authority, the Watch Commander is the I.C.

2. The initial I.C. is responsible for notifying the Deputy Chief of any actual mass arrest or demonstration. Dependent on the size or magnitude of the incident, additional Division Commanders may be summoned.

3. For Mass Arrests resulting from assembly-based violence
   a. The Deputy Chief will be the I.C. and staff the Department Operations Center (DOC) or Emergency Operations Center (EOC), as needed.
   b. The the Patrol Commander shall be responsible for the Operations Section.
   c. The Investigations Commander shall be responsible for Tactical and Field Operations (branch in Operations section).
   d. The PSU Lieutenant, or other designated Sgt., shall be the press information officer (PIO) under the I.C.

4. The I.C. shall:
   a. Determine the approximate number of officers and support personnel needed for crowd control, arrests, booking, perimeter positions, relief, and transportation. Those resources may be ordered to respond pursuant readiness condition 3, as specified in PP 2.26-A.
   b. Be responsible for the deployment of all personnel assigned to the incident. Assignments may be based on attached operational plans. Requests for outside agency assist or mutual aid shall be made pursuant to PP 2.09-B, Mutual Aid. Non-police personnel may be summoned and deployed at the direction of the I.C.
   c. Designate a command post and assign sufficient personnel to each function in the Incident Command System. The command post should be safe, securable, and have telephone communications.
   d. Select an appropriate radio frequency.
   e. Designate a staging area at which personnel or equipment may be held in reserve. It should be away from the public’s view in a designated safe area, have telephone communications and provide for the needs of staged personnel. Assign a staging manager to account for the availability status of all personnel and equipment.
   f. Assign a Press Information Officer and a location, fairly close to the scene, for press communications.
Admonitions

Warning to Disperse

The following is the order to disperse.

1. I am ______________________________ of the Davis Police Department. I am declaring this an unlawful assembly. You are violation of ____________________ and are subject to arrest.

2. You have ________ minutes to leave this location. You may leave by ________________ (provide 2 routes).

3. You are ordered to leave. If you fail to leave, you may be subject to police batons, chemical agents, and impact munitions, or any force deemed necessary.

Arrest Admonition

I am placing you under arrest for _____________________. Please come peaceably and under your own power. If you do not, an additional charge of resisting arrest will be made. If you do not come on your own power, you will force us to use pain compliance control holds on you.

Darren Pytel
Police Chief

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