



# San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062

*William D. Gore, Sheriff*



June 13, 2018

Sandra I. Arkin, Chair  
Citizens' Law Enforcement Review Board  
555 West Beech Street  
San Diego, CA 92101-3819

Dear Chair Arkin:

## **POLICY RECOMMENDATION: PROTEST/DEMONSTRATION EVENTS**

The Sheriff's Department welcomes and supports the Citizens' Law Enforcement Review Board's (the "Board") independent review of complaints alleging improper actions by members of this organization, as well as policies and practices as per the charter of the Board. We continuously strive to respond with professionalism and concern to the citizens we serve and the CLERB process provides invaluable assistance to that end.

The policy recommendation from the Board dated January 9, 2018 recommended policy changes and specific guidance to the personnel assigned to a protest or demonstration event. Specifically, the Board requested the following:

The San Diego County Sheriff's Department create policy and procedures that:

1. Pertain to the issuance of "Temporary Area Restrictions" as defined in Chapter 15, Division 2 of the San Diego County Code of Regulatory Ordinances.
2. Provide guidance for the physical separation of opposing groups at protest/demonstration events without violating the First Amendment rights of attendees.
3. Provide expectations and guidance about the timeliness of response to and extent of law enforcement action taken during physical altercations occurring at protest/demonstration events.

This recommendation was thoroughly reviewed. Previously, the Sheriff's Emergency Operations Manual did not list Temporary Area Restrictions or "TARs". The use of TARs was incorporated recently into operations and the manual has been updated in section 9.6.4 D adding the reference to the County of San Diego TAR as a section for enforcement (See attached).

Regarding the separation of opposing groups at events, this is an area of concern with any event that involves free speech and the protection of the rights of individuals and groups to gather and speak in a public forum. Each event deserves a full briefing to the involved staff to support the operational plan developed to preserve the peace while protecting the rights of the individuals gathered. The Department's committed that guidance is given during each individual event on the appropriateness of separating opposing groups.

Ms. Sandra I. Arkin  
June 13, 2018  
Page 2

The third recommendation relating to the timeliness of a response to and extent of law enforcement response to physical altercations occurring during protest/demonstrations events is discussed in Mobile Field Force (MFF) training. Recently, the Department has reviewed its responsiveness of staff to protests and demonstration events, and as a result, additional MFF directions have been developed. While this is an area of focus for each protest/demonstration, as discussed above each event should be recognized as unique and planned for accordingly.

We appreciate the time and effort the Board provides in policy discussions as it contributes to the best service possible to our community.

Sincerely,

WILLIAM D. GORE, SHERIFF

A handwritten signature in black ink, appearing to read 'D. Gilmore', is written over the typed name below.

David Gilmore, Lieutenant  
Office of the Sheriff  
Division of Inspectional Services

DG:js  
Attachment

### **9.6.1 PURPOSE**

This plan describes this Department's response prior to, and during, an incident of civil disorder.

### **9.6.2 POLICY**

A major crowd situation or riot can be one of the most explosive incidents encountered by this Department. In every case, when dealing with any crowd or riot situation, it shall be the policy of this Department to concentrate on our basic law enforcement mission of protecting life and property. This shall be done in a rapid, firm, fair and impartial manner, using only the minimum force necessary to accomplish the mission.

All personnel are reminded that, regardless of the type of occurrence, all existing Departmental Policies and Procedures shall be in effect, including use of force policies. All Departmental reporting procedures, both criminal and administrative, shall be in effect.

### **9.6.3 PROCEDURE**

- A. The Sheriff's Communications Center functions will focus on coordinating the response of mobile field forces from outside the affected station area, notification of appropriate command staff, the Emergency Planning Detail Lieutenant, and activation of the Department Operations Center (DOC).
- B. Initial Actions
  - 1. Upon notification of unusual crowd or mob activity notify the appropriate Field Supervisor.
  - 2. If violence is reported notify the affected station area's Field Lieutenant and Station Captain. Begin a critical Incident Log.
  - 3. Respond an ASTREA Unit to scene.
  - 4. Notify the Emergency Planning Detail Lieutenant and begin activation of Department Operations Center (DOC).
  - 5. Ascertain location of Incident Command Post and Staging Area.

**CIVIL DISORDER RESPONSE PLANS**

6. Notify adjacent Station Commanders and Tactical Unit Commander to stand by to go Level IB. Do not request these forces except on request of the Incident Commander.
7. If above forces are requested (or request appears imminent) notify the Assistant Sheriff for Law Enforcement Services that Level IB is in effect and the details of the incident.
8. Notify the Sheriff and Undersheriff.

**9.6.4 PATROL STATION RESPONSIBILITIES**

**A. Affected Station**

1. Deployment of Department resources shall be designed to accomplish specific objectives. The identification of these objectives and the planning phase will be critical factors in any operation.

Tactical objectives shall be:

- Containment: Confine the disorder to the smallest possible area.
  - Isolation: Prevent growth of the disorder by cordoning off the area and denying access to those individuals who are not involved.
  - Dispersal: Disperse the incident and take appropriate law enforcement action against law violators.
2. The following force options shall be considered when dealing with a crowd or riot situation:
    - Show of force
    - Crowd control formations
    - Batons
    - Chemical agents
    - Other Department approved less-lethal options
    - Firearms

**CIVIL DISORDER RESPONSE PLANS**

- 3 The primary responsibility of the Incident Commander during the initial stages of an unlawful assembly or riot is the rapid assembly of sufficient forces to contain and isolate the participants. In the case of an unlawful assembly, a dispersal order must be issued. If the dispersal order is ignored or in case of riot, law violators must be quickly overwhelmed and arrested.
- 4 Initial responding units must provide a situation estimate regarding:
  - Location of the emergency
  - Number of participants and any casualties.
  - Activities of the participants (looting, burning, blocking traffic, etc.).
  - Direction of movement of the participants.
  - Safe Ingress/egress route(s) for emergency vehicles.
  - Additional Department personnel and resources required. (Emphasize number of people not units.) The Special Enforcement Detail is the fastest responding off-duty unit available.
  - Location and radio designation of the Incident Command Post and Staging Area.
5. Incident Commanders
  - a. Confirm and update the situation estimate to the Communications Center.
  - b. Confirm location of Command Post and Staging Area.
  - c. Ensure the Emergency Planning Detail has been notified to expedite resource response.
  - d. Request a Mobile Command Vehicle and ERAT Support.
  - e. Specify number of additional personnel required.
  - f. Request response of Mutual Aid Platoon, Tactical Unit and Public Affairs Representative.
  - g. Use the mission concept, i.e., assign a squad leader or platoon leader a mission. Let that leader develop the plan, respond to the scene, accomplish the mission, and/or report back to you with a situation update and/or request for additional control forces.

**CIVIL DISORDER RESPONSE PLANS**

- h. Consider requesting reservation of two tactical frequencies; one for operations, one for management.
- i. Provide Fire Department personnel and their equipment with whatever protection is necessary for them to carry out their mission. This protection may include escorts for fire department equipment into the affected area.
- j. Control ingress/egress traffic routes to affected area.
- k. Employ fixed-post positions to control "swept" areas.
- l. Handle looters and curfew violations per Emergency Operations Manual Section 5.4.
- m. Establish a temporary detention area and request Field Booking Teams from the Detentions Services Bureau (Section 6.1). Arrange for relief and feeding of personnel.
- n. File an After Action Report via chain of command.

**B Responding Forces -- Supervisors**

- 1. Obtain safe routes of approach to Staging Area.
- 2. Ensure personnel are properly equipped.
- 3. Muster units/personnel at staging area and provide roster to Command Post.
- 4. Maintain unit integrity to ensure the fastest possible response to missions and calls for assistance.

**C Additional Tactical Considerations**

- 1. Roadblocks can be used as an effective means of channeling movement and isolating an area. Department vehicles intended for movement of personnel and prisoners should not be used as barricades or roadblocks.
- 2. Patrols may be utilized to deal with crowd or riot situations. Any variety of patrol deployment patterns can be used to suppress a riot situation by displaying a highly visible mobile force.
- 3. Patrols may be used as a follow-up measure to ensure against a recurrence and to protect property that may have been vacated during the incident.

**CIVIL DISORDER RESPONSE PLANS**

4. It may become necessary to conduct search and seizure operations to prevent the use of weapons by rioters or to take known agitators into custody. Such operations could include confiscation of flammable materials, explosives, other destructive items.
5. Provide security for threatened public facilities.
6. Consider establishing curfew ( must be authorized by the Sheriff ).

**D. Some Applicable Statutes**

403 through 420 P. C. - concerning riots, routs, unlawful assemblies, etc.

415 P.C. - disturbing the peace.

594 P.C. -malicious mischief.

11.116-County Regulatory Code-Violation of County Code.

31.301 Co. Ord. - violation of curfew imposed by Sheriff (infraction).

32.1501 County Regulatory Code-Temporary Area Restriction.