

**CITIZENS' LAW ENFORCEMENT REVIEW BOARD  
POLICY RECOMMENDATION**

**PROTEST/DEMONSTRATION EVENTS**

**BACKGROUND:**

In 2017, civil disturbances involving clashes, or physical altercations, between protesters and counter-protesters occurred in numerous U.S. cities, to include Seattle, Washington; Boston, Massachusetts; Berkeley, California; Portland, Oregon, and Charlottesville, Virginia. Some clashes resulted in injuries, others in arrest, and others in both arrests and injuries. In Charlottesville, Virginia, one person was killed after a member of one group drove a vehicle into a crowd containing several members of another group. Protesters and counter-protesters also clashed on a few occasions in San Diego County and the City of San Diego.

Oftentimes clashes between protesters and counter-protesters involve persons armed and equipped with knives, shields, poles, sticks, baseball bats, dowels, axes, torches, Tasers, clubs, bricks, firearms, pepper spray, and other similar implements. On September 26, 2017, the San Diego County Board of Supervisors passed Ordinance No. 10497 (N.S.), which was added as Chapter 15 to Title 3, Division 2 of the San Diego County Code of Regulatory Ordinances. This ordinance authorizes the Chief Administrative Officer or designee, after consultation with the Sheriff or designee, to issue "Temporary Area Restrictions in the unincorporated areas of the County as necessary to preserve public health, public safety and property on County streets, sidewalks, and other public property during events planned, proposed, or anticipated to be held in the unincorporated areas of the County." The restrictions "shall be limited to establishing perimeters and/or separations for such events and prohibiting or otherwise limiting items that have been known to be used as weapons or implements of riot."

Clashes sometimes occur at protest/demonstration events when there is no physical separation of opposing groups or when group members circumvent or overwhelm established physical barriers, e.g., barricades, dividers, law enforcement personnel, etc.

A quick and pre-planned, coordinated law enforcement response to physical altercations occurring at protest/demonstration events is necessary to reduce the likelihood of serious injury and/or death to attendees, bystanders, and first responders.

**PROPOSED RECOMMENDATIONS:**

Pursuant to Section 340.9(g) of the San Diego County Administrative Code of Ordinances, the Citizens' Law Enforcement Review Board (CLERB) shall have the authority to review and make recommendations on policies and procedures of the San Diego County Sheriff's Department and San Diego County Probation Department. As CLERB believes civil disturbances at protest/demonstration events have become an increasing risk to public safety and first responders, CLERB is recommending that the San Diego County Sheriff's Department create policy and procedures that:

1. Pertain to the issuance of "Temporary Area Restrictions" as detailed 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.

Submitted by:

  
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Paul Parker, Executive Officer

12-28-17  
Date

Reviewed by:

  
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Lynn Setzler, Special Investigator

12-28-17  
Date