

OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 10

September 15, 2008

SUBJECT: DISPERSAL ORDER - EXPANDED

EFFECTIVE: IMMEDIATELY

PURPOSE: Recent court actions and litigations have made it necessary to expand the Department's Dispersal Order to establish a special or secondary "Order to Disperse" for use in field situations where officers must disperse a "violative congregation." A violative congregation is defined as any assembly of three or more persons that threatens or violates the peace or security of a medical facility, while protesting at medical facilities. A medical facility is any hospital, medical clinic, medical office or other facility at which lawful, professional medical services, diagnoses and/or counseling are delivered to members of the public.

This Order is in addition to the Department Dispersal Order located in Volume 5, Chapter 7, of the Emergency Operations Guide (EOG).

PROCEDURE: Los Angeles Municipal Code (LAMC) Section 56.45 (b), Prohibition Against Intentional Interference with the Normal Operations of a Medical Facility, reads in part:

"Any person, acting alone or in concert with others, who intentionally acts in any manner that threatens or disturbs the peace or security of any medical facility by threatening to interfere with (1) the normal operations of a medical facility, (2) the lawful activities of a client of a medical facility, or (3) the lawful activities of a health care provider attempting to provide medical services shall be guilty of a misdemeanor."

The police are authorized to order the immediate dispersal of any congregation that is directed at, and threatens or violates the peace or security of a medical facility. In determining whether a congregation threatens or violates the peace or security of the medical facility, the police shall take into account the effects upon the normal operations of medical facilities, including, but not limited to, (1) the effect of activities on ingress and egress readily available to members of the public seeking medical services, (2) any noise, diversion or disturbance affecting a medical facility, and (3) any other

effects on the operations that unreasonably jeopardize the health and safety of the members of the public seeking medical services.

- I. DISPERSAL ORDER - ENGLISH.** Prior to dispersing a violative congregation at a medical facility, officers shall give the following Dispersal Order to participants. The Dispersal Order shall be read verbatim:

"I am (Officer's name and rank), a police officer for the City of Los Angeles. I hereby declare this to be a violative congregation and, in the name of the people of the State of California, command all those congregated at (give specific location, for example, the area bounded by Main Street on the east, Spring Street on the west, City Hall steps on the north, and the south sidewalk of 1st Street on the south) to immediately disperse, which means to break up the congregation and leave the area. If you do not do so, you may be arrested or subject to other police action. Other police action may include the use of less lethal munitions, which could cause significant risk of serious injury to those who remain.

This congregation has threatened or violated the peace and security of this medical facility. This congregation's conduct is unlawful pursuant to Section 56.45 of the Los Angeles Municipal Code, and is therefore not protected under the constitutional right to peaceably assemble. Each member of this congregation, and all persons acting in concert with this congregation, must immediately disperse or be subject to arrest.

No person shall return to congregate within fifty (50) feet of (1) this medical facility, (2) the parking facilities adjacent to and used by this medical facility, and (3) any connecting pedestrian access to this facility. This order shall remain in effect, for ___ (minimum of four hours or longer if the officer believes it necessary to preserve the peace and security of this medical facility). If you remain in the area which was just described, regardless of your purpose in remaining, you will be in violation. The following routes of dispersal are available: (give the most convenient route(s) of dispersal). You have ___ minutes (a reasonable amount of time) to disperse."

II. **DISPERSAL ORDER - SPANISH.** When it is known that some members of the crowd do not understand English, an effort should be made to read the Dispersal Order both in English and the other language(s). In the event that a Dispersal Order needs to be given in Spanish, a Spanish speaking officer(s) shall give the following, verbatim, prior to dispersing the assembly:

"Mi nombre es (**Officer's name and rank**), y soy un oficial de policía de la ciudad de Los Ángeles. Por este medio declaro que esta congregación es ilegal y, en nombre del pueblo del Estado de California, ordeno a todos las personas congregadas en (**give specific location, for example, the area bounded by Main Street on the east, Spring Street on the west, City Hall steps on the north, and the south sidewalk of 1st Street on the south**) que se dispersen inmediatamente; es decir, que cesen su congregación y abandonen el área. Si no lo hacen, podrían ser arrestados o ser sujetos a otras acciones policíacas. Otras acciones policíacas podrían incluir la utilización de armamento de salva que podrían implicar un riesgo considerable de lesiones de gravedad a aquellas personas que no se dispersen.

Esta congregación ha amenazado o violado la paz y seguridad de estas instalaciones médicas. La conducta de esta congregación es ilegal en virtud de la Sección 56.45 del Código Municipal de Los Ángeles; por lo tanto, no está protegida por el derecho constitucional de reunirse pacíficamente. Cada uno de los miembros de esta congregación, así como todas aquellas personas que actúan de manera concertada con ella, deben dispersarse inmediatamente; de otra manera, podrán ser arrestados.

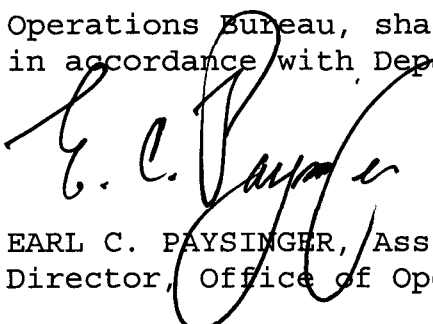
Ninguna persona podrá regresar para congregarse a una distancia menor de cincuenta (50) pies de (1) estas instalaciones médicas, (2) las instalaciones de estacionamiento adjuntas a estas instalaciones médicas y utilizadas por las mismas, y (3) cualquier vía peatonal de acceso conectada con estas instalaciones. Esta orden continuará siendo vigente por un lapso de ____ (**minimum of four hours or longer if the officer believes it necessary to preserve the peace and security of this medical facility**). Si permanecen en el área recién descrita, estarán violando la orden, independientemente de cual sea su propósito para permanecer en el área. Pueden utilizar

las siguientes rutas para dispersarse: (give the most convenient route(s) of dispersal). Tienen ___ minutos (a reasonable amount of time) para dispersarse."

III. **COMMANDING OFFICER'S RESPONSIBILITY.** The expanded version of the Dispersal Order will be posted in the EOG located on the Department Local Area Network (LAN) in approximately 90 days. Until the EOG is amended, commanding officers shall ensure that copies of the new medical facility Dispersal Order are distributed to their personnel and that this Dispersal Order is given prior to taking enforcement action against a violative congregation at a medical facility.

AMENDMENTS: This Order adds to the Emergency Operations Guide, Volume 5, Chapter 7.

AUDIT RESPONSIBILITY: The Commanding Officer, Special Operations Bureau, shall monitor the compliance with this Order in accordance with Department Manual Section 0/080.30.



EARL C. PAYSINGER, Assistant Chief
Director, Office of Operations

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