

COUNTER-TERRORISM AND SPECIAL OPERATIONS BUREAU

NOTICE
16.2

October 27, 2017

TO: All Concerned Commanding Officers

FROM: Commanding Officer, Counter-Terrorism and Special Operations Bureau

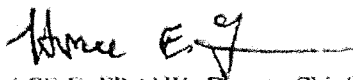
SUBJECT: UNLAWFUL ASSEMBLY CHECKLIST - UPDATED


The *Unlawful Assembly Checklist* has been created for personnel who respond to incidents/events where there is the potential for unlawful assemblies. Use of the checklist will ensure a successful post-incident investigation and address any gaps in the prosecutorial phase. The *Unlawful Assembly Checklist* should be included when writing an Event Action Plan where there is potential for an unlawful assembly to occur. Additionally, a box entitled "Unlawful Assembly Checklist" has been added to the Incident Command System (ICS), *Incident Objectives (ICS 202)*, Form No. 14.20.03.

The *Unlawful Assembly Checklist* has been added to the Emergency Operations Guide, Volume 2, Supervisor's Field Operations Guide, and is cross-referenced with the *Crowds Incident Checklist*. The *Unlawful Assembly Checklist* is now available on the Local Area Network Homepage under the Emergency Preparedness Coordinators link and the Local Area Network within E-forms.

If you have questions regarding this Notice please contact Sergeant II Michael Hammett, Emergency Preparedness Unit, Emergency Operations Division, at (213) 486-5730.

APPROVED:


HORACE E. FRANK, Deputy Chief
Commanding Officer
Counter-Terrorism and Special Operations Bureau


SEAN W. MALINOWSKI, Deputy Chief
Chief of Staff
Office of the Chief of Police

Attachment

DISTRIBUTION "B"

UNLAWFUL ASSEMBLY CHECKLIST

CONTROL OBJECTIVES

- Response of investigative personnel trained in unlawful assemblies.
- Department-trained videographers for demonstration events.
- Identification system in place to connect arrestee to the officers (i.e., wristbands or photos).
- If citing out arrestees during a pre-planned event, use the pre-designated cite dates in increments of 50 individuals per day, so that no one court is overwhelmed. Post cite dates at the Command Post.
- Identify trained investigative personnel (Detective SMEs) who will be on scene and author reports to include all necessary information.
- Have a Deputy City Attorney as part of Incident Management Team to give advice.

INVESTIGATIVE TOOLS USEFUL AT ARREST LOCATIONS

- Cameras/video capable of high resolution media.
- Functional loud speaker to ensure crowds can hear dispersal order (recorded).
- Live Airship Downlink for displaying size of crowd.
- Photos to connect the arrestee to the arresting officer.
- Whiteboards specifically designed for photographs for officer/suspect identification.

DETECTIVE PERSONNEL TASKS

Assigned investigators will convene at the Command Post and check in with the Incident Commander (IC) or their designee. Investigative personnel will be assigned as follows:

- Senior investigator DII or DIII will be assigned to the Command Post to monitor the decisions of the IC and communicate with other investigators on scene.
- Detective assigned to videographer to orchestrate what should be recorded (i.e., dispersal order, street signs at intersection and arrests).
- Detective assigned to field jail to ensure all arrestees booked or cited can be connected to an arresting officer.
- Detective assigned to author arrest reports should be in position in the field to monitor incident, give direction/advice and document times of importance (i.e., dispersal order, incident start and end times).
- Senior investigator to meet with on-scene City Attorney to confirm all protocols are in place for prosecution of arrestees.
- Post-incident debrief by all investigative personnel to ensure that all protocols were met and gather lessons learned.

This checklist has been created for investigative personnel who respond to unlawful assemblies Citywide. These steps will ensure a successful post-incident investigation and address any gaps in the prosecutorial phase. This checklist should be included as an attachment when completing an Event Action Plan (EAP) for any pre-planned event.

INCIDENT OBJECTIVES (ICS 202)

1. Incident Name:	2. Operational Period: Start Date:	End Date:
	Start Time:	End Time:
3. Control Objective(s):		
4. Operational Period Command Emphasis (Management Objectives):		
5. General Situational Awareness:		
6. Site Safety Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Approved Site Safety Plan(s) Located at:		
7. Incident Action Plan (the items checked below are included in this Incident Action Plan):		
<input type="checkbox"/> ICS 203	<input type="checkbox"/> ICS 207	Other Attachments:
<input type="checkbox"/> ICS 204	<input type="checkbox"/> ICS 208	_____
<input type="checkbox"/> ICS 205	<input type="checkbox"/> Map/Chart	_____
<input type="checkbox"/> ICS 205A	<input type="checkbox"/> Weather Forecast/Tides/Currents	_____
<input type="checkbox"/> ICS 206	<input type="checkbox"/> Unlawful Assembly Checklist	_____
8. Prepared by:		
Name/Serial No.:	Position/Title:	Signature:
9. Approved by Incident Commander: Name/Serial No.:		
Date/Time:		Signature:

CROWDS

CONTROL OBJECTIVES (I/C/OPERATIONS)

- Provide a detailed Size Up, and:
- Location of the incident;
- Size of the involved area;
- Estimated size of the crowd;
- Nature of the problem (e.g., demonstration, spontaneous response, abortion clinic, anti-war, etc.);
- Number of injuries and deaths, if known.
- Additional assistance needed (police, fire, medical, military, etc.), and location of Staging Area. (Emphasize numbers of personnel, not units);
- Best available ingress/egress routes for emergency vehicles.
- Use Crowd Management Strategies:
 - ✓ Make contact with the crowd and also make contact with the event organizer(s).
 - ✓ Obtain voluntary compliance.

For Riots or Unlawful Assemblies:

- Know the criteria for declaring an Unlawful Assembly (violence or imminent threat of violence).
- Issue a Dispersal Order.
- Quickly organize resources into squads and contain the situation.
- Consider MFF tactics and request a MFF if needed.
- Arrest violators.

Refer to Unlawful Assembly Incident Checklist

INCIDENT COMMANDER TASKS

- Establish an Incident Command Post or Unified Command Post if necessary, out of view of the target location.
- Complete necessary pages of ICS Forms 201 (4 pages). Map Sketch, Summary of Current Objectives and Actions, Current Organization, and Resources Summary.
- Build your organizational chart appropriate to the scope of the incident/event.
- Initiate a Bureau or Citywide tactical alert if necessary.
- Ensure the Staging Area is large enough to accommodate resources and provides easy access for responding resources.
- Establish a Staging Area
- Utilize Unlawful Assembly Incident Checklist

NOTIFICATIONS

- Watch Commander
- Metropolitan Division
- Communications
- Area Commanding Officer
- RACR/DOC
- Labor Relations Unit (if labor related)
- Liaison with City Attorney
- Detective Bureau

A complete discussion of crowd situations can be found in Volume 5 of the Emergency Operations Guide – *Guidelines for Crowd Management and Crowd Control*.

PUBLIC ASSEMBLIES:

Any public assembly of individuals be it for lawful protest or for unlawful activities may require a response by law enforcement. The response of law enforcement can range from simple observation to crowd management strategies to crowd control tactics. In a society where the right of free speech and assembly is guaranteed by the Federal and State Constitutions, it is the responsibility of police officers to ensure the protection of the Constitutional Rights of the members of the public.

These Constitutional guarantees apply to First Amendment activities, including participation in marches, demonstrations, picketing, protests, rallies, leafleting, signature gathering for petitions, charitable solicitation as well as singing, chanting, pantomime, skits, dance or any other activities that communicate information or ideas.

The government may not prohibit or regulate these activities in a way that will prevent meaningful and effective communication. The government may impose reasonable regulations as to the time, place, and manner of any expressive activities.

In determining whether the speech activity is lawful, police officers may not base their decisions on their subjective, personal views of either the political affiliation or the message of those persons exercising their right to speak.

The rights guaranteed individuals by the United States and California Constitutions, including the right to assemble and engage in expressive activities, are not annulled by the declaration of a state of emergency. The declaration of a civil emergency and its communication to the public are a factor which may be considered by the government in determining whether it is reasonable to impose specific time, place, and manner limitations on the exercise of constitutional rights.

CROWD MANAGEMENT:

The Los Angeles Police Department recognizes that not all crowd situations involve civil disorder or unlawful activities. Therefore, it is the policy of the Department to use crowd management strategies and tactics whenever possible to mitigate the possibility of a lawful crowd escalating to an unlawful assembly or riot.

CROWD CONTROL:

The police officer's responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgement of the rights of others. As a general rule, speech alone, without passive disobedience or violent action, has a high priority of protection. Public officials cannot restrict such speech unless, as the courts have said, "There is a clear and present danger of a substantive evil that arises far above public inconvenience, annoyance, or unrest."

Civil disorders, by their very nature, have the potential to cause damage to property, injury or even death and the infringement on the rights of citizens. Because of the dangerous nature of civil disorders, the Department has an obligation to restore a lawful and safe environment as quickly as possible. Supervisors and officers shall use appropriate crowd control tactics to achieve this objective.

USE OF FORCE:

There are no exceptions to the Department's Use of Force Policy. When the use of force is justified in a crowd control situation, only "objectively reasonable" force to accomplish an arrest or dispersal shall be employed. Officers are permitted to use whatever force is "objectively reasonable" to protect others or themselves from bodily harm. California Penal Code Section 835a states officers "may use reasonable force to affect the arrest, prevent escape or overcome resistance." During crowd control situations, officers must use only objectively reasonable force to overcome resistance and effect control.

Preferred Violation Codes Guide for Unusual Occurrences

Violation Codes	Level	RFC / Greenie	Notes
80.02 LAMC **Preferred Violation**	Infraction	Greenie	No person shall willfully fail or refuse to comply with any lawful order, direction, or signal of a police officer or traffic officer. **Because it is an infraction only, the detention period is very limited.
41.18(a) LAMC	Misdemeanor	Book or RFC	Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor.
409 PC	Misdemeanor	Book or RFC	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 persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.
416 (a) PC	Misdemeanor	Book or RFC	If two or more persons assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse on being desired or commanded so to do by a public officer, the persons so offending are severally guilty of a misdemeanor.

**If citing out arrestees during a pre-planned event, use the pre-designated cite dates in increments of 50 individuals per day, so that no one court is overwhelmed. Post cite dates at the Command Post.

**Please refer to the Supervisor's Field Operations Guide - Volume 2 of the LAPD Emergency Operations Guide, for additional Laws for unusual occurrences.

If advisement is needed, contact the Custody Services Division Watch Commander at (213) 356-3440.