

Crowd Control

8.03.01 PURPOSE

The purpose of this order is to establish general policies and procedures regarding the Department's response to demonstrations and other First Amendment activities and specifies acceptable crowd control techniques and levels of force.

8.03.02 POLICY

- A. Protection of Rights.** It is the policy of the San Francisco Police Department to ensure that rights guaranteed by the constitutions of the United States and the State of California are protected for all individuals. A primary mission of police at events involving free speech activity is to protect and respect First Amendment rights to freedom of expression and assembly.
- B. Restrictions.**
- 1. Limits.** The San Francisco Police Department will not attempt to limit the size, location, time or activity at any demonstration, march, protest, or picket unless there are articulable facts or circumstances causing reasonable concern for public safety, public health, or the safe movement of persons in the area.
 - 2. Restrictions/Control.** The San Francisco Police Department will not seek to restrict or control the content of opinions being expressed, nor shall members let their own personal, political, or religious views affect their actions.
- C. Crowd Control Tactics.** Crowd control tactics shall not be affected by the content of opinions alone being expressed, nor by the race, sex, gender, sexual orientation, physical disabilities, appearance, or affiliations of the participants.
- D. Dispersal.** Crowds shall not be dispersed or ordered to move unless there are reasonable and articulable factors justifying the order in accordance with law. Before giving the order to disperse, the event commander must consider whether a dispersal endangers the public or participants in the crowd.
- E. Dispersal Orders.** Dispersal orders for the purpose of ordering people to leave an area, must satisfy the legal requirements and convey the importance of compliance. Elements of an effective dispersal order include audible announcements setting forth the pending consequences of continued unlawful behavior, such as remaining at the location will subject individuals to arrest.

Officers should provide sufficient time to disperse after the order with clear directions and visible and ample means of egress. To ensure participants can hear and understand the order to disperse, equipment appropriate to the size and noise of the crowd shall be used. The order to disperse should be given repeatedly over a period of time and, if necessary, from a variety of locations and in multiple languages, if appropriate. During dangerous and unlawful situations where the use of kinetic energy projectiles and chemical agents are warranted, it is required that repeated audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents. The announcements must include the type of kinetic energy projectiles and/or chemical agents to be used when objectively reasonable to do so.

F. Arrests. A proper response to criminal conduct during a free speech activity is to cite or book those individuals engaged in criminal conduct (see DGO 5.06, Citation Release).

G. Use of Force.

- 1. Reasonable Force.** When the use of force is justified, the lowest level of force necessary to accomplish an arrest or dispersal shall be employed. Officers are permitted to use force that is objectively reasonable (See DGO 5.01, Use of Force).
- 2. Use of Kinetic Energy Projectiles and Chemical Agents.** Kinetic Energy Projectiles and Chemical Agents shall not be used to disperse any assembly, protest or demonstration except under specific circumstances (see Crowd Control Manual, SFPD).
- 3. Horses, Motorcycles, Motor Bikes, K-9s.** Horses shall not be used to move or disperse passive individuals who are sitting or lying down. Motorcycles or motorbikes shall not be driven into a crowd or used to make physical contact with persons. The use of K-9s in crowd control is prohibited.

H. Use of Non-Uniformed Officers. See DGO 5.08, Non-Uniformed Officers.

I. Media. If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest or rally where individuals are engaged in activity that is protected pursuant to the First Amendment, the following requirements shall apply: (1) A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network may enter the closed areas described in this section, (2) officers shall not intentionally assault, interfere with, or obstruct the duly authorized representative of any news service, online news service, newspaper, or radio or television station or network who is gathering, receiving, or processing information for communication to the public, (3) A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network

that is in a closed area described in this section shall not be cited for the failure to disperse, a violation of a curfew, or a violation of 148(a)(1) PC, for gathering, receiving, or processing information. If the duly authorized representative is detained by an officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so. This section does not prevent officers from enforcing other applicable laws if the person is engaged in activity that is unlawful.

8.03.03 PROCEDURES

For detailed policies and procedures concerning crowd control and event planning, see SFPD “Crowd Control Manual” and “Event Management Manual”.

References

DGO 5.01 Use of Force
DGO 5.06, Citation Release
DGO 5.08, Non-Uniformed Officers
Crowd Control Manual, SFPD
Event Management Manual, SFPD