

## First Amendment Assemblies

### 433.1 PROTOCOL FOR DELIVERING DISPERSAL ORDERS

Dispersal orders shall not be given until the Department's resources are in position to support crowd movement. It is the responsibility of the officer giving the order to document in a formal report, the delivery method for the order (i.e., Public Announcement System, bullhorn, other voice amplification system), the date and time the order(s) were administered. Other important factors to consider before making a dispersal order include:

- Framing the area of dispersal
- Providing the route(s) for dispersal
- Documenting the time when the order(s) are given
- Providing the number of minutes given to the crowd to disperse
- Providing the time the order ends and when law enforcement actions may begin

The number of minutes a crowd is given to disperse shall be reasonable based on the totality of the circumstances. Factors to consider include the size and composition of the crowd, the location, and the avenue(s) of egress.

### 433.2 INTENT OF THE DISPERSAL ORDER

The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem. It should be made clear that the crowd is expected to immediately leave the area, and include a warning that force may be used which may inflict significant pain or result in serious injury [Deorle v. Rutherford, 272 F.3d 1272, 1284 (9th Cir. 2001)]. The dispersal order must be given in a manner reasonably believed to be heard and understood by the intended audience. Based upon the circumstances, multiple announcements from various locations should be considered. Dispersal orders may be delivered in English and in other languages that are appropriate for the audience.

### 433.3 SANTA MONICA DISPERSAL ORDER

I am \_\_\_\_ (peace officers name and rank), a Police Officer for the City of Santa Monica, I hereby declare this to be an unlawful assembly and in the name of the People of the State of California, command those assembled at \_\_\_\_\_ (location), to immediately disperse. If you do not do so, you may be arrested or subject to other police action. Other police action could include the use of force which may inflict significant pain or result in serious injury. California State Penal Code section 409 prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of Penal Code section 409. The following routes of dispersal are available \_\_\_\_\_. You have \_\_\_\_\_ (reasonable amount of time) to disperse.