



Review of Police Response to March 4, 2019 Protest Incident

Presented by Francine Tournour, Director
Office of Public Safety Accountability

1(a). What precipitated the order to disperse?

- The parameters given to the platoon leaders is that SPD would allow for peaceful protests and facilitate marching, but give dispersal orders if protesters stopped in major intersections with high volume of traffic.
- In addition to the parameters, SPD also would not allow criminal behavior (violence or destruction of property).
- Per SPD, during the protest the group stopped in several intersections including on Folsom Blvd and J Street. In addition, they started observing vehicles that had been keyed on multiple streets and at two different times confrontations occurred with a resident and a pedestrian where it became physical. SPD also observed someone lighting something on fire.

1(b).
How was the
order to
disperse
communicated?

The orders were broadcasted via patrol vehicle speakers and later the final dispersal orders on Folsom Blvd were done with a Long-Range Acoustical Device (LRAD).

2.

What were the
circumstances
of the arrest?

All of the arrests were for unlawful assembly and one also included unlawful possession of a weapon (sap).

3.

Were people arrested who still wanted to leave but were not permitted to leave because of perimeter on the bridge?

Yes, once SPD issued the final broadcast of an unlawful assembly (Folsom Blvd/51st) all community members who did not disperse in a direction other than the bridge, where the arrest team was located, was arrested.

4.
What is the
distinction between
press and the public
during protests?

Per SPD, there was distinction between media and protesters when it was obvious.

There currently is not a template for credentialing media or having them wear something that makes them readily identifiable.

5.
Who was in
command of all
agencies
working
together?

SPD had a Deputy Chief and a Captain as the operational commanders.

SPD had liaison personnel from the outside agencies at the command center and various platoon leaders were directing deployment of outside agencies.

In the field the primary platoon commander was a Lieutenant.

6.

Why were people told to go one direction down 51st Street to disperse and then blocked and arrested when they followed orders to move in that direction?

Per SPD, the crowd was told to disperse from the area of 51st/Folsom. Some people were allowed to leave behind the skirmish line (west). The decision to make arrests had been made prior to the group walking southbound on 51st. Therefore, their direction of travel was irrelevant.

7.

What process is
in place to
revoke or
dismiss
citations for
journalists that
were
processed?

The District Attorney's office can dismiss
the cases.

OPSA Recommendations

SPD should review whether the strategic objective(s) of sensitive police operations, such as the policing of protests, are sufficiently established and communicated within its organization. Operational decision-making by incident commanders should be guided by clearly articulated strategic goals, which should include the promotion of community trust.

OPSA Recommendation

SPD should review whether its current process for planning the policing of anticipated protest events sufficiently incorporates stakeholders, to include protest organizers and/or community representatives, to ensure shared understandings of expectations regarding the policing of protests, and to facilitate public input into the definition of its policing strategies.

OPSA
Recommendation

SPD should review whether its current tactics for communicating with crowds relative to dispersal orders are effective, whether they provide sufficient clarity, and that individuals within the crowd are provided appropriate opportunity to comply.

Moreover, SPD should review whether the decision to use a dispersal order appropriately balances the demands of public safety with the desirability of facilitating peaceful protests and the associated objective of building community trust.

OPSA Recommendation

SPD should review whether its current model of tactical response to crowd management and crowd control situations is commensurate with the degree of threat posed by the situation. This review should include consideration of the potentially counter-productive effects of policing methods that may appear disproportionate to a given situation.

OPSA Recommendation

“The use of tactical units should be limited to a specific and deliberate mission because their use can undermine the police’s peace-keeping role. Such units can anger and frighten citizens, resulting in greater animosity toward the police, which in turn may fuel more conflict.”

– US Department of Justice

“Not all crowd situations involve unlawful behavior. Law enforcement’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. Law enforcement should seek to facilitate lawful expression by groups who are present even when unlawful activity occurs.”

– California POST

“...members will monitor the crowd throughout the event to assess the level of risk posed to both demonstrators and the public at large, with the goal of minimizing potential violence, injury or damage to property. Member response should be commensurate to overall crowd behavior, and members should differentiate between groups or individuals who are engaging in criminal behavior or otherwise posing a threat to the safety of others and those in the crowd who are lawfully demonstrating. Members will strive to maintain a diplomatic presence to dissuade participants from engaging in civil disturbance and to encourage crowd self-monitoring.”

– Portland Police Department
Crowd Management, Crowd Control Policy