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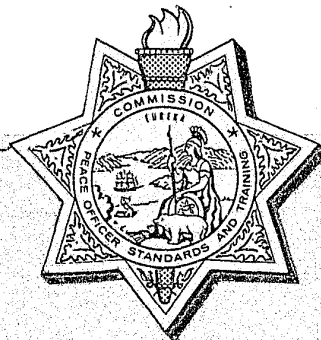


# BASIC COURSE INSTRUCTOR UNIT GUIDE

24

HANDLING DISPUTES/CROWD CONTROL

July 1993



THE COMMISSION  
ON PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA

The curricula contained in this document is designed as a *guideline* for the delivery of performance-based law enforcement training. It is part of the POST Basic Course guidelines system developed by California law enforcement trainers and criminal justice educators in cooperation with the California Commission on Peace Officer Standards and Training.

The training specifications referenced herein express the required minimum content of this domain.

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**UNIT GUIDE 24**

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## OFFICER'S BASIC RESPONSIBILITIES AT A DISPUTE

Given a direct question, the student will identify the following tasks as being an officer's basic responsibilities at the scene of a dispute:

- A. Keep the peace
- B. Determine if a crime has been committed
- C. Provide safety to individuals and property
- D. Attempt to find solutions to the problem
- E. Be tactful
- F. Retain reasoning powers

Performance Objective 8.26.1

## CURRICULUM

### A. Handling dispute calls

#### 1. Responsibility of peace officers in handling these dispute calls.

##### a. Keep the peace

- (1) Primary role of police officer is to keep or restore order rather than enforce the law.
- (2) In many instances, all that is required is the calming influence of the officer to resolve the dispute.

- (a) In fact, in most instances, the primary duty of the officer when handling a civil dispute is to keep the peace by either resolving

the dispute or by advising the parties of the proper method of resolving the dispute, namely through the civil courts or community agencies.

- (b) Determine if a crime has been committed.

- 1) Determine if a civil or criminal matter has occurred.
- 2) A civil dispute can consist of any problem, the solution to which is primarily civil in nature. Family disputes, neighbor disputes and business disputes.
- 3) Many become police problems either through the request of one or more of the

parties, or from an uninvolved party who sees or overhears the dispute.

(c) Provide safety to individuals and property.

- 1) Responding officers
- 2) Disputants
- 3) Witnesses
- 4) Significant others

(d) Attempt to find solutions to the problem. However, remember, you are there to keep the peace.

- 1) Do not give legal advice.
- 2) Do not advise citizens where or when to obtain legal counsel other than:
  - a) District Attorney
  - b) Public Defender
  - c) City Attorney
  - d) Own attorney
  - e) Legal Aid
- 3) Be careful of what you say
  - a) The public oftentimes will take your personal opinion as law.
  - b) You are not qualified to give legal advice.

2. Advise parties involved that you are here to KEEP THE PEACE.
3. If a criminal act is committed, take whatever action is needed.
  - a. Warning
  - b. Citation
  - c. Arrest
4. Your prime consideration, because of emotions, is safety of individuals and property.

5. Try to find a solution through some kind of mediated solution.

B. Dispute situations are difficult to handle

1. Arrival at a disturbance or dispute call

a. The most critical time for any police officer is approach and entry. The police rarely have the element of surprise. If possible, wait for your backup. These calls should be handled by two officers.

b. Under normal conditions, you should enter by consent of one or more of the parties.

(1) If it appears that you may have to protect and/or save a life, you may enter without invitation.

(2) It must be in good faith.

c. Entry - Approach: the following suggestions are to be used when possible:

(1) Do not park directly in front of the residence.

(2) Avoid the use of walkways, walk apart if with another officer

(3) Keep your hands free. Observe the exterior of the residence as well as the doors and windows.

(4) Stand to the side of the door

(5) Listen before you knock

(6) Observe the inside of the location. How many persons are present?

2. Remember, you have arrived at a confrontation.

a. You may be seen by one of the parties as a possible solution.

b. To the other party, you may be seen as an intruder.

c. And, if you handle it wrong, you may be seen by both parties as the bad guy!

3. Emotions are the key (hate, fear, love, etc.).

a. These parties have reached a highly emotional state.

b. Emotions are hard to deal with if they are out of control.

4. You must maintain tact and use your reasoning powers.
  - a. Never lose your cool -- defuse the situation through calm, direct instruction.
  - b. Maintain control -- of yourself and of the situation.
  - c. Find out what has occurred -- conduct a brief interview to determine the problem.
  - d. Give no legal advice
  - e. If a crime has been committed, take proper action. If not, try:
    - (1) Reasoning
    - (2) Mediation
    - (3) Resolution
  - f. Once a situation has calmed down, then get them to talk it out and work it out in a reasonable manner, through mediation. (Let the parties involved find the solution, not you, if possible.)

## ADVANTAGES OF SEPARATING DISPUTANTS

Given a direct question, the student will identify the following advantages of separating parties to a family dispute.

- A. Provides independent statements from disputants
- B. Prevents disputants from attacking each other
- C. Allows the officer to compare the disputants' statements

Performance Objective 8.27.2

## CURRICULUM

- A. Temporary separation
  - 1. Sometimes, as part of a mediation and in addition to a referral, it may be advisable to suggest a separation of the parties temporarily so that emotions may cool.
    - a. Perhaps a friend or relative living nearby will agree to house one of the parties for a night or two.
    - b. A temporary separation usually will not solve any deep-seated problems, but may help the immediate situation.
    - c. Separation is voluntary
- B. Advantages of separating disputants
  - 1. Keeps stories independent
  - 2. Keeps disputants from attacking each other
  - 3. Permits officer to verify statements
- C. Disadvantages of separating disputants
  - 1. One may refuse to talk without the other's presence
  - 2. One may think the other is making accusations





## RULES GOVERNING REPOSSESSIONS

Given a direct question, the student will identify what property is subject to repossession and who may make the repossession, as described below.

- A. Only goods sold under a conditional sales contract in which the title remains with the seller and possession with the buyer may be repossessed.
- B. The following individual may make a repossession:
  - 1. The seller of goods to be repossessed and the full-time employees of the seller (Business and Professions Code Section 7522)
  - 2. The full-time employees of the financing company which financed the purchase of the goods to be repossessed
  - 3. State licensed private repossessors (Business and Professions Code Sections 7532 and 7533)

Performance Objective 8.28.1

## CURRICULUM

- A. Repossession disputes
  - 1. Seller's right to repossess:
    - a. California Civil Code 1812.2 gives the seller, under a conditional or installment contract, the right to retake in the event of buyer's default.
      - (1) Generally, where goods are sold under a conditional sales contract, title remains with the seller and possession with the buyer.
      - (2) This type of contract usually contains specific clauses giving the seller the right to repossess.
    - b. The United States Supreme Court has ruled that a notice and hearing are required before a seller can repossess property (Fuentes v. Shevin 1972 407 U.S. 72):
      - (1) The usual practice of the seller is to have the buyer waive the right of notice and hearing in the contract of sale.
      - (2) The court has held that these waivers are valid (Overmeyer v. Frick 1972 405 U.S. 174 and Swarb v. Lennox 1972 405 U.S.191).
      - (3) Therefore, the officer is likely to encounter irate buyers who have had no notice of any repossession proceedings.

3. Buyer's rights:

a. The buyer has a right to object to the reposessor taking the property.

- (1) This objection must be made before the reposessor has possession.

Example: If the reposessor gets into an automobile, but does not move it, and the buyer objects, the reposessor does not have possession and cannot take possession.

- (2) One court aptly stated "...if the buyer is in personal possession of the automobile and protests against such repossession and attempts to obstruct the seller in doing so, under such circumstances, it becomes the duty of the seller to proceed no further...and to resort to legal process." (Burgin v. Universal Credit Co. (1940) 2 Wash. 2d 364, 98 P. 2d 291)

- (3) The buyer's spouse has the same privilege as do other persons entrusted with the property.

b. In the event repossession is complete and there is other personal property involved, the buyer has the right to retain that property, provided the property is not an integral part of the repossessed property.

- (1) This personal property may be clothing, tools, etc.
- (2) However, the buyer has no right to remove an automobile radio or other item attached to the vehicle even if purchased separately (fixture law).

c. If the reposessor takes unattached property contained in a repossessed item, the reposessor is responsible for that property to the buyer.

- (1) The buyer has a right to recover on demand.
- (2) If the reposessor later refuses to return or disclaims knowledge of the existence of such personal property, the buyer may maintain a civil action to recover the value of such property (Varela v. Wells Fargo Bank (1970), 15 Ca. App. 3d 741).
- (3) Also, the buyer may demand and get a receipt for attached personal property and may likewise recover such property or value at a later time.

4. Third party rights:
- a. Where the buyer has given a third person permission to use the property or maintain possession, i.e., dominion and control, such third person then stands in the shoes of the buyer.
  - b. This third person may exercise the same rights and privileges as the buyer against the reposessor.
  - c. If the property, when discovered, is in the possession of a bailor, that is, in a commercial parking lot where an attendant is on duty or in a check stand, the reposessor has no right to take possession:
    - (1) The bailor has and keeps possession rights until redeemed by the buyer.
5. Points to remember:
- a. It is not the responsibility of the officer to determine if there has been a notice and hearing or a waiver of notice and hearing.
  - b. Officers should not try to interpret the contract or get involved in any manner in private repossessions, except to keep the peace.
  - c. A person who makes a good faith repossession without complying with the notice and hearing requirements is subject to civil liability, but not criminal liability.
  - d. Assuming that there has been such a waiver, the reposessor may retake property wherever he finds it, within limits:
    - (1) A reposessor has the right to go on private property to retake, however, in no event are they authorized to enter any building or enclosure without permission (C.C.P. 1159-1161; P.C. 418, 602,603).
    - (2) "Such action has a tendency to excite a breach of the peace and invite violent resistance." (36 A.L.R. 853).
    - (3) The reposessor may retake an automobile from a driveway or furniture from an open porch.
  - e. As a rule, repossession is complete if the buyer has to pursue the reposessor in order to object:

- (1) In order to have complete possession, the reposessor must exercise complete dominion and control over the property.
  - (2) For example, if the reposessor has moved an automobile from a driveway and into the street, the reposessor has possession and a right to retain possession against buyer's objections.
  - (3) The officer may be called upon to exercise his/her good judgment as to whether the movement has been sufficient to give possession to the reposessor:
  - (4) If not, the officer should advise the reposessor to seek civil remedy.
- f. Repossessors are required to conduct themselves in a peaceful manner at all times; as with any other person, they cannot commit an assault or battery or cause a breach of the peace.
6. Who may repossess:
- a. There are three groups of persons who may repossess property.
    - (1) The first group includes the seller and full-time employees (Business and Professions Code 7522).
      - (a) Part-time employees may not be used for repossession purposes.
      - (b) Members of this group do not need a State license.
    - b. The second group is the bank or finance company who has purchased the debt from the seller.
      - (1) If the buyer defaults in the payments, a full-time employee of the financing company may repossess the property.
      - (2) This group does not need a State license.
  - c. The third group includes private reposseors.
    - (1) This group is required to have a State license (Business and Professions Code 7500-7583).
    - (2) Further, they are required to have a license posted at the principal place of business (Business and

Professions Code 7532) and each shall carry a pocket card (Business and Professions Code 7533).

- (3) Any person who violates these provisions is guilty of a misdemeanor (Business and Professions Code 7560).

d. Notification:

- (1) The reposessor is required to make immediate notification to the police by the most expeditious means available.
- (2) They must also notify the police in writing within 24 hours of repossession.



### HANDLING A DISPUTE CAUSED BY A REPOSSESSION

Given a direct question, the student will identify the following responsibilities of an officer at the scene of a dispute involving the repossession of property.

- A. Keep the peace
- B. Verify the legality of the repossession (i.e., check for identification, licenses, etc.)
- C. Identify the disputing parties (e.g., buyer, seller, finance company representative)
- D. Determine if a crime has been committed (e.g., broken locks by reposessor, assault, battery, disturbing the peace)

Performance Objective 8.28.2

### CURRICULUM

- A. Law enforcement officer's responsibilities and duties:
  - 1. The officer's primary responsibility at the scene of a repossession dispute is to keep the peace.
    - a. Remember that this is strictly a civil matter and in no event is the officer authorized to give legal advice.
    - b. Parties should be directed to contact their respective attorneys for such advice.
  - 2. The rules set forth are to be considered a guide to enable the officer to keep the peace...
  - 3. At the scene of a repossession dispute, first ascertain the identity of the reposessor, he will usually have either a company identification, a private license, a copy of the contract or a document describing the property to be repossessed.
  - 4. Next, identify the other disputing party.
    - a. If this person is the buyer, the buyer's spouse or a third person in lawful possession, the officer should inquire whether or not this person objects to repossession;
    - b. If they object, the reposessor cannot take the property.
  - 5. Occasionally, the officers must take some positive action if a crime is committed in their presence during the dispute:
    - a. The most common crimes arising at repossession dispute scenes are assault, battery, disturbing the peace, and malicious mischief.



- b. Occasionally a reposessor will break a lock on a garage to retake property:
  - (1) In this event, the officer should bear in mind the intent of the reposessor when considering a crime classification such as burglary.
  - (2) The intent to steal or commit a felony is normally not present.
  
- 6. Buyers often want to report repossessed property as stolen:
  - a. This frequently happens in the case of automobiles.
    - (2) For that reason, officers should carefully inquire as to who has title and whether or not the buyer is delinquent in the payments prior to initiating a stolen report.
    - (3) A check should also be made through records and communications.
    - (4) If the officer may reasonably conclude that the property has been repossessed, the buyer should be referred to the title holder.
  
- 7. In those situations where the reposessor has not gained possession, the officer should advise the reposessor to seek civil remedy:
  - a. This remedy consists of a "Claim and Delivery" action and the issuance by the court of a Writ of Possession (Code of Civil Procedure 509-521).
  - b. The latter will be served by an officer of the court.
  - c. An officer may be called to assist a court officer; in this instance, the officer should stand by and give only such assistance as needed to prevent the commission of a crime.

## LAWS GOVERNING LANDLORD/TENANT DISPUTES

Given a word picture depicting a landlord-tenant dispute, the student will identify an appropriate course of action consistent with the following principles.

- A. If a tenant has not paid his rent and there has been no eviction notice issued, the tenant cannot be denied access to his residence. The officer should attempt to negotiate a solution. If the landlord refuses to allow the tenant access to his residence, the landlord can be arrested under Penal Code Section 418
- B. If an eviction notice has been issued, the officer should advise both parties to consult an attorney and appear before the court to explain their positions. If the landlord refuses to allow the tenant access to his residence, the landlord can be arrested under Penal Code Section 418
- C. If an eviction order has been executed, the landlord may deny the tenant access to his residence and store the tenant's personal property. The landlord may not store property that the tenant needs to make a living or any medical prosthesis. If the tenant enters the residence in violation of the eviction order, he can be arrested under Penal Code Section 602.5
- D. If the owner-occupant of a dwelling has evicted the lodger (tenant) and the lodger refuses to leave within 30 days after receiving a 30-day eviction notice (Civil Code 1946.5), the lodger can be cited under Penal Code Section 602.3

Performance Objective 8.29.1

## CURRICULUM

- A. Penal Code violation in landlord/tenant disputes:
  - 1. The police officer should try to avoid arrests and achieve a lasting solution to the dispute by explaining to the parties what conduct is not lawful and by suggesting alternative solutions that are lawful.
  - 2. However, effective handling of landlord/tenant disputes often requires an understanding of applicable Penal Code provisions.
  - 3. Unlawful conduct by landlord:
    - a. Tenant lockout:
      - (1) Very often, when a tenant is behind in the rent, the landlord will jam or change the tenant's door lock in order to prevent the tenant's further use of the dwelling until the rent is paid.
      - (2) This lockout procedure is a misdemeanor prohibited by Penal Code Section 418.
      - (3) Penal Code Section 418 reads: Every person using or procuring, encouraging or assisting another to use, any force or violence in entering upon or detaining any

lands or other possessions of another, except in the cases and in the manner allowed by law, is guilty of a misdemeanor.

b. Seizure of tenant's property:

- (1) It is not unusual for a landlord to seize a tenant's possessions in payment for past-due rent.
- (2) It is also a seizure when the landlord locks the tenant out of the dwelling, since the tenant's possessions are thereby locked in.
- (3) The seizure of a tenant's property is a misdemeanor, also prohibited by Penal Code Section 418:
  - (a) Generally, landlords may not take possession of a tenant's property unless they first obtain a court order allowing them to do so - -California Civil Code Section 1861(a)
  - (b) Civil Code Section 1861(a) reads in part: Keepers of apartment houses, apartments, cottages, or bungalow courts shall have a lien upon the baggage and other property of value belonging to their tenants or guests, and upon all the right, title and interest of their tenants or guests in and to all property in the possession of such tenants or guests which may be in such apartment house, apartment, cottage, or bungalow court, for the proper charges due from such tenants or guests, for their accommodation, rent, services, meals, and such extras as are furnished at their request, and for all monies expended for them, at their request, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property of value until such charges are paid, and such monies are paid.
  - (c) This statute clearly requires that the landlord obtain a lien (court order) prior to seizing the property of a tenant.
  - (d) Even with a lien, a landlord generally cannot seize any property necessary to the tenant's livelihood or any necessary household items (i.e., stove, refrigerator, tables, chairs, beds, washing machine, etc. - Refer to Civil Code Section 1861(c) for complete breakdown).

c. Removal of doors and windows:

- (1) If the landlord removed the doors or windows to the tenant's dwelling in an attempt to evict the tenant, or in any other way destroyed the tenant's property, the landlord may be guilty of vandalism, (Penal Code Section 594).
- (2) Penal Code Section 594 reads: Every person who maliciously damages or destroys any real or personal property not his own, in cases otherwise than such as are specified in this code, is guilty of a misdemeanor.
- (3) Even though the landlords may thereby be destroying their own property, the courts have held that, since a tenant has a property interest in the premises, any such acts of destruction by the landlord constitute malicious mischief against the tenant.

d. Trespass:

- (1) A landlord will often enter a tenant's premises without permission from the tenant:
  - (a) If the entry is reasonable, for example, to repair a leaking water pipe, or to investigate smoke, it is not considered a trespass.
  - (b) In addition, if the tenant has consented by lease to the landlord's entry at will, then such entry is not trespass.
- (2) However, a landlord will often enter a tenant's premises without prior permission in order to harass the tenant or to snoop around:
  - (a) This conduct is considered to be a trespass constituting a misdemeanor under Penal Code Section 602.5.
  - (b) Penal Code Section 602.5 reads: Every person other than a public officer or employee acting within the course and scope of his employment in performance of a duty imposed by law, who enters or remains in any non-commercial dwelling house, apartment, or other such place without consent of the owner, his agent, or the person in lawful possession thereof, is guilty of a misdemeanor.

(3) Summary:

- a. Even though the landlord may have proper legal grounds for evicting a tenant, it is unlawful for the landlord to use any of the above methods in an attempt to force the tenant to vacate the premises. Rather, the landlord must bring a civil suit, called an "unlawful detainer" action, to have the tenant legally evicted.

B. Civil law in landlord/tenant disputes:

1. Introduction:

- a. If officers have a knowledge of the relevant civil law that may be involved in the typical landlord/tenant dispute, they may be better able to provide referral advice and suggest a permanent solution:
  - (1) For example, if a landlord has locked the tenant out for non-payment of rent, the officer could briefly explain to the landlord the legal steps necessary to evict the tenant.
  - (2) Simply telling the landlord that lockouts are unlawful might get the tenant back into the apartment again, but that alone will not resolve the landlord's problem.
- b. Many times officers will merely inform the parties that their dispute is a civil matter and leave; but if they understand basic legal principles, the officers can often resolve the dispute by informing the parties of their legal rights and obligations.
- c. A permanent solution to the dispute will eliminate recalls and the possibility of a subsequent dispute leading to violence.

2. Eviction

- a. The best legal way for a landlord to evict a tenant is by bringing an unlawful detainer action in court.
- b. There are several steps in this proceeding:
  - (1) Notice:
    - (a) If the tenant has violated any of the conditions of the lease or rental agreement (e.g., failed to pay the rent when it was due; keeping a pet when this is specifically prohibited), the landlord must give the tenant a three-day written notice

to either correct the condition or move, prior to bringing an action in court to evict.

- (b) This means that, if the tenant who is behind in the rent pays the total rent due within the three-day period, the landlord cannot evict.
- (2) The landlord must give a copy of this notice to every adult to whom the premises were rented.
- (a) In addition, the landlord must serve the tenant with a legally correct notice.
  - (b) Such forms are available at any large stationery store.
- (3) In addition, a landlord has the right to terminate a month-to-month tenancy for almost any reason, even if the tenant has not violated any provisions of the rental agreement:
- (a) To do this, the landlord must first serve the tenants with a written notice instructing them to vacate in 30 days.
  - (b) If the tenants fail to move within 30 days, the landlord must then bring an unlawful detainer action against them.



### ISSUES INVOLVED IN A MUTUAL AID REQUEST

Given a direct question, the student will identify those issues to be considered when responding to a mutual aid request. This will minimally include:

- A. The distinction between mutual aid and outside agency assistance
- B. The chain-of-command method of communication
- C. Discretionary use of arrest and control during the incident
- D. Reporting, booking, and custody procedures during the incident
- E. Knowledge that restraint and limitations to independent action may be imposed by the local command

Performance Objective 8.38.1

### CURRICULUM

- A. Introduction
  - 1. Mutual Aid is defined as alerting, dispatching, and utilizing personnel and equipment of an agency based on need of another law enforcement agency.
  - 2. Most agencies have procedures for responding to request for mutual aid.
    - a. On-duty commanding officer to be informed.
    - b. On-duty commanding officer to approve.
    - c. On-duty commanding officer to designate who and how many respond.
  - 3. Responding to a request for mutual aid is defined in policy of the agency which normally defines such factors as:
    - a. Vehicles that may be used for transportation.
      - (1) Which officer is assigned as transportation officer.
      - (2) No unauthorized personnel to drive vehicle.
      - (3) Use of vehicle dictated by local agency policy.
        - (a) High speed chases.
        - (b) Using vehicle for road control point.
    - b. Responding officers used as back-up.
      - (1) Perimeter control.



- (2) Provide transportation of personnel or equipment.
- (3) Assist with mass arrests.

B. The following laws are related to response for mutual aid

1. State of Emergency
  - a. Section 8558(b) California Government Code
2. Local Emergency
  - a. Section 8558(c) California Government Code

C. Mutual aid

1. Defined (By OES)
  - a. Local Mutual Aid - Aid performed in accordance with local mutual aid agreements on a voluntary basis or in time of local emergency.
  - b. Emergency Mutual Aid - Aid rendered after a State of Emergency or a State of War Emergency has been declared by the Governor.
2. Office of Emergency Services (OES)
  - a. Responsible for the coordination and application of State resources in support of local jurisdiction during times of emergency.
3. Other supporting mutual aid, state-level agencies
  - a. California Highway Patrol
  - b. State Military Department
  - c. Department of Justice
  - d. California Dept. of Fish and Game
  - e. California Dept. of Parks and Recreation
  - f. California State Police
  - g. California Dept. of Corrections
4. Regions
  - a. Seven mutual aid regions

5. Request channels
  - a. Chief of Police
  - b. Operational Area Law Enforcement Coordinator
  - c. Regional Law Enforcement Coordinator
  - d. State Law Enforcement Coordinator
6. Laws related to state mutual aid
  - a. State of Emergency 8558(b) California Government Code
  - b. Local Emergency 8558(c) California Government Code
  - c. Unauthorized spectators at scene of a disaster - 409 Penal Code
  - d. Disaster defined - 402 Penal Code.
  - e. Authority of peace officer at scene of emergency - 409.5 Penal Code.
7. Agency organization
  - a. Organizational chart
  - b. Location of command post
  - c. Logistics
8. Considerations within responding to a mutual aid request
  - a. May be responsible to a supervisor or command officer from another jurisdiction
  - b. Need for self control and restraint
  - c. Be aware of arrest and booking needs of jurisdiction
  - d. Follow all instructions
  - e. Make accurate reports of all activities
  - f. Know the limits of authority



## TACTICAL PRINCIPLES OF RIOT CONTROL

Given a direct question, the student will identify the following principles of riot control:

- A. Containment
- B. Isolation
- C. Dispersal

Performance Objective 8.43.1

### CURRICULUM

- A. The containment of riotous activity is essential to its termination
  - 1. The law enforcement agency must respond as rapidly as possible to curtail the activity and control its spread.
    - a. However, officers should not respond or be sent to the riot area before sufficient law enforcement personnel are on hand to effectively control the perimeter of the affected area.
    - b. When a perimeter is established, ingress and egress must be strictly controlled. This will prevent the spread of the riot, and prevent outsiders from entering to loot or join the rioting.
  - 2. Dispersal of the rioters can begin once the perimeter has been established and ingress and egress controlled.
    - a. Dispersal should be accomplished systematically.
    - b. The area should be divided into sections, one section cleared at a time.
    - c. Establish a definite dispersal route.
    - d. After a section has been cleared, it must be patrolled by sufficient personnel to prevent any resumption of riotous activity.

NOTE: Instructors should discuss the factors of a dispersal route (i.e., opportunity for vandalism and continued involvement.)



## BASIC PRINCIPLES OF CROWD MANAGEMENT

Given a direct question, the student will identify the basic principles of crowd management:

- A. Preventive response
- B. Crowd psychology

Performance Objective 8.43.2

### CURRICULUM

#### A. Introduction

People gather in groups for many reasons. They gather in small spontaneous groups out of curiosity and large formal groups out of common interest. The group may be passive or hostile, or a mixture of both types.

1. The officer encountering a crowd control situation must appraise the situation carefully. There are many factors to be considered including:
  - a. The legal rights of the group to assemble
  - b. Right of the public to carry on business
  - c. Tactical ability of the police at the time
  - d. Emotional complexion of the group
2. The officer encountering a crowd control situation must keep in mind that the overall objective is control of the situation.

#### B. People will view your activities in a crowd control situation differently

1. The police have the responsibility for the protection of life and property in the community they serve.
  - a. One of the primary considerations of the police when assessing a crowd control situation is the makeup of the group and the reasons for its gathering.
  - b. All citizens have the right to assemble (Ref. U.S. Constitution - First Amendment)
    - (1) This right necessarily has parameters to insure the public safety
    - (2) The officer must weigh the group's rights against the rights of the entire community.

- c. The officer's duty is to protect the rights of all, without regard to sexual or ethnic make-up, or political, religious, or moral views.
2. The officer's actions and conduct in dealing with the group must be professional and legal.
  - a. Very often a group will gather to protest real or imagined infringements of its rights.
  - b. The officer must be a controller of the group while at the same time protecting its rights.
3. Individual agency guidelines will dictate the officer's actions.
  - a. The agency head formulates policy for its officers based on jurisdictional directive of government.
4. Officers must assess the crowd control situation and be prepared to advise their supervisor or agency of its status.
  - a. Officers should report all changes in status and continuously modify their proposed course of action based on those changes.
  - b. Their manner should be professional, unbiased, and firm in all contacts with the crowd or its representatives.
5. The arrest and prosecution of law violators in crowd control situations is essential to the effective control of those incidents.
  - a. There must be sufficient personnel deployed at the scene to make arrests and insure proper control.

**EXERCISES**





## FIELD RIOT CONTROL

Given a simulated crowd situation, the student will successfully participate in the following basic control formations:

- A. Line skirmishes
- B. Wedge
- C. Diagonal
- D. Column

Performance Objective 8.44.1

### CURRICULUM

- A. Introduction to squad formations
  1. The mere presence of a group of police officers at the scene of a disturbance will not always prevent an unruly crowd from committing further acts of violence.
    - a. However, the appearance of a competent, organized and highly disciplined contingent of police officers will often cause a disorderly group to become disheartened to the extent that group members will abandon their disruptive activities.
    - b. The police squad detailed to control a disturbance is very much like a group of football players. Working as individuals, the "players" are neither able to make any "yardage" nor to "hold the line."
    - c. Functioning like a smooth, well-disciplined football team, a trained squad is able to "hold the line" or "score" against a considerably larger group of persons.
  2. This unit will introduce you to several effective formations in controlling disturbances.
    - a. They are flexible and can be modified to meet the existing situation.
    - b. Squad formations are effective only when ALL squad members operate as a TEAM.
- B. Properly employed and effectively applied, squad formations represent one of the most practical methods of controlling crowds and riots.
  1. Several basic squad formations with minor modifications have been successfully used in crowd or riot control. They are the WEDGE, the SKIRMISH LINE, DIAGONAL, COLUMN.

2. Disturbances might be compared to fingerprints in that no two are identical. Therefore, the tactics used in controlling disturbances must be flexible.
    - a. The importance of TEAMWORK by all squad members cannot be overstressed.
    - b. It should also be remembered that the department is a professional agency, and appropriate demeanor is essential.
    - c. In addition to knowledge of squad formations and their application, you should have a thorough knowledge of the laws dealing with disturbances which were covered in another unit.
  3. The formations in this lesson and their suggested applications have proved to be effective in controlling crowds and riots.
    - a. The basic formations, however, are flexible and can be modified to meet the existing situation.
    - b. The squad leader must exercise sound judgment in selecting the appropriate basic formation or its modification
    - c. In selecting the appropriate formation, consideration must be given to such factors as the size, demeanor, attitude and intent of the crowd, the surrounding terrain, the available dispersal routes, the objectives of the department, and other involved elements (i.e., tactical withdrawal).
    - d. It must be remembered that the squad formations are effective only when ALL SQUAD MEMBERS OPERATE AS A TEAM.
- C. The instructor will describe the following squad formations and reason for their use.
1. SKIRMISHER LINE
    - a. The SKIRMISHER LINE can be used to move crowds straight back, to contain a riotous group or to deny them access to restricted streets or areas.
  2. WEDGE
    - a. The WEDGE can be used to penetrate and split a crowd.
  3. DIAGONAL
    - a. The DIAGONAL can be used to change the course of direction of groups in either open or congested areas or to move a crowd away from a structure.

4. COLUMN

- a. The COLUMN can be used to move a group of officers from one location to another and to divide a crowd.

D. Teamwork is the key

This should be utilized at the end of the classroom lecture prior to entering the field, then reinforced on the field.

1. Learn these formations.
2. Prevent injuries.
3. Be effective.
4. Be professional
5. In today's society of social unrest, squad formations as a means of crowd control could very well be the determining factor between order and anarchy or even an officer's life and death.

E. Practical demonstration and review

1. The instructor will lead a class through the above squad formations.
2. Instructors may allow officers to lead their respective squads in the above formations.
3. This process will require utilization of a large field area with some barriers such as fences.
4. Demonstration process.
  - a. Step one will be to have all officers report to field with their appropriate riot gear and in full uniform.
  - b. They are to report in their normal squad formation utilized during inspection or physical defense training.
  - c. Step, or walk, should be demonstrated.
  - d. Positioning of baton should be re-demonstrated.
  - e. Each squad should be placed in the formation to be demonstrated, then walked through.
5. After several walk-throughs of each formation, the squad should practice at normal cadence.

**SCENARIOS**

### **HANDLING FAMILY DISPUTE CALLS**

Given an exercise, the student will handle a family dispute situation meeting all criteria of safety, effectiveness, legality, and reasonableness.

Performance Objective 8.27.3

### **CURRICULUM**



### **HANDLING LANDLORD/TENANT DISPUTES**

Given an exercise involving a landlord/tenant dispute, the student will handle the situation(s) in a manner consistent with the law.

Performance Objective 8.29.2

### **CURRICULUM**



**SUPPORTING MATERIAL**

**AND**

**REFERENCES**

This section is set up as reference information for use by training institutions. These materials can be used for instruction, remediation, additional reading, viewing, or for planning local blocks of instruction. This list is not an endorsement of any author, publisher, producer, or presentation. Each training institution should establish its own list of reference materials.

TOPICAL LIST OF SUPPORTING MATERIALS AND  
REFERENCES INCLUDED IN THIS SECTION

California Law Applicable to Landlord/Tenant Disputes

Mutual Aid

CALIFORNIA LAW APPLICABLE TO  
LANDLORD/TENANT DISPUTES

I. APARTMENT AND APARTMENT HOUSE DEFINED

A. Apartment defined (Section 15002 Health and Safety Code).

1. A room or suite of rooms in an apartment house.
2. Intended or designed for occupation by one family.
  - a. For living or sleeping purposes.

B. Apartment house defined (Section 15003 Health and Safety Code).

1. Any structure more than one story in height, or
2. Any portion of such structure:
  - a. Occupied, designed, built, or rented for occupation.
3. As a home for three or more families.
  - a. Each family living in a separate apartment and cooking within the structure.

II. RENTING AND LEASING

A. The lease (Section 1624 Civil Code).

1. If the lease is for more than one year, it must be in writing (it is usually for one year, although it may be less).
2. The lease should contain:
  - a. A description of the property
  - b. The term of the lease
  - c. The rent
  - d. The signature of the lessor

B. Renting of lodgings for an indefinite term (Section 1944 Civil Code).

1. For a dwelling, it is presumed to be for the time adopted for the estimation of the rent.
  - a. Example, advertisement of lodging rented by the day, or month.
2. Without any such agreement, it is presumed to be monthly.

C. Renewal of the lease by lessee's continued possession (Section 1945 Civil Code).

1. The tenant remains on the property after the expiration of the lease.
2. The owner accepts rent from the tenant.

3. Both parties are presumed to have renewed the lease on the same terms and for the same time.
  - a. Not exceeding one month if the rent is paid monthly.
  - b. Nor, in any case, more than one year.

D. Month to month tenancies (Section 1946 Civil Code).

1. Either party may terminate by giving thirty days written notice at any time.

III. LIEN OF KEEPERS OF APARTMENT HOUSE (SECTION 1861 Civil Code)

A. This Section makes it legal to issue Writ of Possession and is good only after Writ of Possession is obtained.

1. Unlawful forcible entry and detainer. Every person using or procuring, encouraging or assisting another to use, any force or violence in entering upon or detaining any lands or other possessions of another, except in the cases and in the manner allowed by law, is guilty of a misdemeanor. (Penal Code Section 418)

B. Keepers of apartments and apartment houses shall have a lien upon the baggage and other property of value belonging to:

1. Tenants, and
2. Guests

C. For the proper charges due from such tenants or guests for their:

1. Accommodations
2. Rent
3. Services
4. Meals
5. And such extras as furnished at their request

D. This Section does not apply to: (1861(c) Civil Code)

1. Necessary household, table and kitchen furniture including:
  - a. One refrigerator
  - b. Washing machine
  - c. Sewing machine
  - d. Stove and stovepipes
  - e. Dresser and dressing table
  - f. Overstuffed chair and davenport
  - g. Dining table
2. Or:
  - a. All tools, instruments, clothing, and books used in gaining a livelihood.
  - b. Beds, bedding, and bedspread
  - c. Hanging pictures, oil paintings, and drawings drawn or painted by any member of the family.
  - d. Any family portraits and their necessary frames

- e. Foodstuffs
  - f. Piano
  - g. One rifle and shotgun
3. Or:
- a. Any musical instrument of any kind or description which is used by the owner thereof to earn all or part of his living.
  - b. Any prosthetic or orthopedic device personally used by the tenant or guest.

#### IV. EVICTION NOTICES (SECTION 1161, 1161a, 1162 Code of Civil Procedures)

For eviction for non-payment of rent, or failure to perform conditions of the lease, whether for a home, room or apartment, the landlord is required to give a three-day notice in writing, demanding payment, stating the amount or possession of the property. If there is a sub-tenant actually occupying the premises, a notice must also be served upon the sub-tenant. Notices to "pay rent or quit" or "notices to quit" must be in writing. Necessary forms may be obtained from a stationery or legal book store and these notices may be prepared by the landlord. The eviction notice may be served by the landlord of the property to be evicted or by a person over the age of 18. The landlord, in preparing the notice, should retain a copy of this notice in the event that further legal action is necessary.

When a tenant pays his rent and takes possession of the landlord's property, the landlord cannot and should not, enter this dwelling, as "every man's house is his castle" and permission should be secured from the tenant prior to entering. Most written leases contain an agreement authorizing the lessor to enter to inspect the premises. However, if the tenant is renting a unit of a hotel, inn, boarding house, lodging house, and fails to pay his rent or any extras that are furnished to him at his request, the hotel, inn, boarding house, lodging housekeepers can file a lien on his baggage and hold the same until such time the rent that is due is paid. The landlord can go to the extent of padlocking the tenant's door, after filing court action (writ of possession).

#### V. DEFRAUDING A PROPRIETOR (SECTION 537 Penal Code)

Any person who obtains any food or accommodations at a hotel, inn, restaurant, boardinghouse, lodginghouse, apartment house, bungalow court, motel, auto camp, or public or private campground, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at a hotel, inn, restaurant, boardinghouse, lodginghouse, apartment house, bungalow court, motel, auto camp, or public or private campground, absconds, or surreptitiously, or by force, menace, or threats, removes any part of his baggage therefrom without paying for his food or accommodations is guilty of a misdemeanor.

Evidence that such person left the premises of such a hotel, inn, restaurant, boardinghouse, lodginghouse, apartment house, bungalow court, motel, auto camp, or public or private campground, without paying or offering to pay for such food or accommodation shall be prima facie evidence that such person obtained such food or accommodations with intent to defraud the proprietor or manager.

#### VI. CARE AND REPAIR OF PROPERTY (SECTIONS 1928, 1929, 1941 and 1942 Civil Code)

Owner's responsibility to make rental property habitable.

## MUTUAL AID

The basic policy in state assistance to local government in civil disorders and "unusual occurrences" is to support local law enforcement with state resources after local and adjacent government aid has been reasonably committed, or whenever the magnitude of the emergency is such that the best interest of the State will be served by the involvement of state resources before commitment of all local agencies.

### Organization of Mutual Aid

#### 1. Day-to-Day

In limited-scope situations, agencies may utilize in place day-to-day Mutual Aid from surrounding jurisdictions, as per local memorandum of understanding (MOU). An emergency plan should include provisions for the rendering of mutual aid to other jurisdictions, and when the agency should implement mutual aid provisions for its own major incidents. It is far preferable to have local mutual aid agreements worked out in advance and to train personnel in the implementation of their provisions prior to the actual event.

#### 2. Local Mutual Aid

When the chief of police determines that an emergency situation in the jurisdiction may become or is already beyond the control of present department resources, it is the chief's responsibility to request Mutual Aid from the County Sheriff - the Operational Area Coordinator.

In accordance with the California Emergency Services Act, Law Enforcement Mutual Aid is organized on an Operational Area, Region, and statewide basis. Each county is designated an Operational Area. The sheriff or a chief of police in each county is the Operational Area Law Enforcement Coordinator and receives requests for Mutual Aid from municipalities within the county.

#### 3. When an emergency situation develops or appears to be developing which cannot be resolved by a law enforcement agency within an operational area, it is the responsibility of the Area Coordinator to provide needed assistance and coordination to control the problem (See Section 26602 Government Code). This should include use of resources from ALL agencies in the Operational Area. Should it appear that the resources of an operational area may be overtaxed or even depleted in coping with an emergency, the Regional Law Enforcement Coordinator should be advised in advance.

#### 4. Regional

Should a present or anticipated emergency be of such a magnitude as to require the commitment of the resources of one or more operational areas within the region, it is the responsibility of the Regional Law Enforcement Coordinator to organize and coordinate the dispatch of resources within that Region to the emergency. The Regional Coordinator will keep the State Law Enforcement Coordinator advised of the situation.

The State is divided into seven Law Enforcement Mutual Aid Regions to facilitate the coordination of mutual aid.

#### 5. State

if the combined resources of a Region are insufficient to cope with an emergency situation, or if such a situation is obvious, the Regional Coordinator will request additional assistance through the State Law Enforcement Coordinator. The Office of Emergency Services (OES) is

responsible for Law Enforcement Mutual Aid coordination at the state level. Additionally, OES is responsible for the receipt and dissemination of information relating to existing or potential disasters or other emergencies.

## 6. Support Forces

The California Highway Patrol, the Department of Justice, and the State Military Department are additional state agencies that may support local law enforcement efforts during an emergency. A request for their assistance must first be directed to OES. The mutual aid capabilities of these agencies include:

- \* The California Highway Patrol (CHP) may provide personnel and equipment during an emergency in a manner consistent with the CHP's primary role of traffic law enforcement when local agency resources have been reasonably committed.
- \* The Department of Justice provides legal counsel and intelligence to the Governor and maintains a statewide communications network. When requested, the Department of Justice provides specialized staff, intelligence, and communications assistance to local agencies.
- \* The State Military Department maintains the readiness of all state military personnel and equipment. It also provides intelligence and staff personnel at local emergency operating centers when the commitment of state military resources is required.
- \* When required, the resources of other state agencies may be available through the Office of Emergency Services.

## Procedures for Initiating Mutual Aid

When any law enforcement agency anticipates the need for mutual aid assistance, the following procedures will be followed:

- \* The department head or designee, usually the watch supervisor, will make the determination as to the necessity for requesting mutual aid assistance, and will notify surrounding agencies and/or the county.

Assisting agencies will be apprised of the problem and given intelligence information gathered by the requesting agency.

- \* When possible, assisting agencies should be given an estimate of the number of officers needed to assist, the equipment the responding officers should bring, and the location for staging.

## 1. Considerations

Certain provisions should be kept in mind by those furnishing or requesting mutual aid. Such aid is designed to be implemented only when an unplanned situation becomes beyond the control of the local jurisdiction and its resources. As such, when a planned event is beyond the control of the local jurisdiction, mutual aid might be withheld by prospective providers, and may require contractual agreements.

Mutual aid is subject to recall at any time by the providing agency. This relates to the requirement that no agency may be requested or required to unreasonably deplete their own resources. This has sometimes been interpreted to mean that agencies should attempt to send fifty percent of on-duty resources.

When at all possible, assisting mutual aid personnel should be deployed as a unit, and use their own familiar equipment. Assignment should be on a "mission" basis, with the Incident Commander detailing the unit to accomplish a certain task. The assisting personnel will have a supervisor or senior officer that should then determine the operations that will best accomplish the required task or mission.

Assisting units should be released as soon as possible, consistent with proper incident management. Assisting personnel should be provided with subsistence items, such as food and shelter, when it appears they will be required to remain for an extended period of time.