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BASIC COURSE INSTRUCTOR UNIT GUIDE

24

HANDLING DISPUTES/CROWD CONTROL

November 1, 1994

NCJRS

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THE COMMISSION
ON PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA

UNIT GUIDE 24

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Handling Disputes/Crowd Control**

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SPECIFICATIONS FOR LEARNING DOMAIN #20: USE OF FORCE

September 1, 1994

I. INSTRUCTIONAL GOALS

The goals of instruction on **Use of Force** are to provide students with:

- A. an understanding of the important role that training plays in preparing students to cope with dangerous situations and to use reasonable force;
- B. an understanding of the liability associated with the use of force;
- C. knowledge of the conditions under which force can be lawfully used by a peace officer;
- D. knowledge of force options;
- E. the ability to make judgments concerning the level of force justified by a given set of circumstances;
- F. an understanding of the concept of fear and anger management;
- G. an understanding of the basic concept of intervention to prevent unreasonable use of force; and
- H. an understanding of the importance of effective tactical communication in use-of-force situations.

II. REQUIRED TOPICS

The following topics shall be covered:

- A. The effects of training on the ability to cope with danger and use reasonable force
- B. Liability associated with the use of force

- C. Laws governing the use of force by a peace officer
- D. Force options (use-of-force spectrum)
- E. Justifiable homicide and the *sufficiency of fear* requirement
- F. Factors that must be considered in making the decision to use deadly force
- G. Agency policies on the use of force
- H. Fear and anger management
- I. The concept of intervention
- J. Tactical communication as it relates to the use-of-force spectrum

III. REQUIRED TESTS

The following tests shall be administered:

- A. The POST-constructed knowledge test for Domain #20
- B. A scenario test that requires the student to respond to simulated encounters with suspects under circumstances that justify varying levels of force

IV. REQUIRED LEARNING ACTIVITIES

- A. Participation in a facilitated discussion relating to use of force by a peace officer

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **8 hours** of instruction on use of force.

VI. ORIGINATION DATE

July 1, 1993

VII. REVISION DATES

September 1, 1994

I. INTRODUCTION TO DISPUTE CALLS

A. The nature of disputes

1. Disputes are a difficult, frustrating and often dangerous part of law enforcement work.
2. Resolution of disputes, however, can be one of the most challenging and satisfying aspects of police work.
3. Success depends upon the demeanor of the officer and how they handle the situation.
4. In many instances, all that is required is the calming influence of the peace officer to resolve the dispute.
5. Dispute calls are among the leading causes of peace officer injuries or deaths.
6. Dispute or disturbance calls range from an unknown trouble report to a simple complaint by a neighbor.
7. Although a majority of dispute calls involve only a civil matter, they can easily escalate to involve a criminal violation. A civil dispute may be defined as any problem between two or more parties when no crime is involved.
8. Many disputes come to the attention of the police either through the request of one or more of the parties, or from an uninvolved party who sees or overhears the dispute.

B. The role of a peace officer in a dispute

1. The primary role of the officer is to keep the peace and restore order.
2. In most instances, the primary tactic when handling a **civil** dispute is to keep the peace by either
 - a. resolving the dispute, or
 - b. advising the parties of the proper method of resolving it.
3. Officers must determine if the dispute is a civil or criminal matter or both.
4. Officers must also provide safety to individuals and property.
5. Officers should **not** give legal advice.
6. Do not advise citizens where or when to obtain legal counsel other than referral to:
 - a. District Attorney

- b. Public Defender
 - c. City Attorney
 - d. Private attorney
 - e. Legal Aid
7. Be careful of what you say
- a. The public will often take your personal opinion as law.
 - b. You are not qualified to give legal advice.
8. If the situation is, or has become, a criminal matter, the following factors should be considered:
- a. Determine whether all the required elements of a crime can be established from the facts available
 - b. Particular attention should be directed to the "intent" requirement, as many crimes arising out of disputes require "specific intent".
 - c. If a crime has been committed, it must be determined whether it is a felony or a misdemeanor.
 - d. It is important to remember that a peace officer can not arrest for a misdemeanor not committed in their presence.
9. On occasion, even though a crime has technically been committed, the spirit of the law may be better served by something other than an arrest. For example:
- a. Resolution by lesser means
 - b. Informal resolution between the parties
 - c. Formal resolution through civil process

NOTE: This does not apply to domestic violence where arrest may be mandatory under the law. Likewise, there are a number of felonies that can occur in landlord/tenant situations which may make informal mediation inappropriate.

C. General response considerations

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.
- 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. Even if the officer handles it correctly, they may be seen by both parties as the bad guy!
- 3. Emotional factors (hate, fear, love, etc.)
 - a. The involved parties have often reached a highly emotional state.
 - b. Emotions are difficult to deal with if they are allowed to remain out of control.
- 4. The officer must maintain tact and apply resolution strategies.
 - a. Defuse the situation through calm, direct instruction.
 - b. Maintain control of self and 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, get them to talk it out and work it out in a reasonable manner, through mediation. (Let the parties involved find the solution, if possible.)

II. RESPONDING TO A DISPUTE CALL

A. Officer safety considerations

1. Consider all available information
 - a. Is there a weapon involved?
 - b. Who called?
 - c. Are all disputants still present?
 - d. What is the condition of the disputants (e.g., drunk, high, etc.)
 - e. Is the caller still present?
 - f. When was the call received?
 - g. What are the circumstances of the call?
2. Employ proper patrol procedures during arrival and approach
 - a. Parking vehicle in appropriate location
 - b. Use spotlights and flashlights properly
 - c. Secure car
 - d. Approach safely
 - e. Use available backup properly
 - f. Listen (i.e., voices, male or female, loud, threatening, apparent location in the house, etc.)
 - g. Look (e.g., through open windows, lights on, occupied rooms, etc.)
3. Make a safe entry into the premises
 - a. Knock normally
 - b. Stand to the side of the door (employ available cover and concealment)
 - c. Open the screen door, if appropriate
 - d. Be cautious of responses like "It's open" or "Come in"
 - e. Do not silhouette or illuminate yourself
 - f. If there is no response to the knock, check for indications of a dispute.

- g. If there is any indication of violence and there is no response to the knock, attempt to make a tactically safe entry into the premises after announcement.
 - h. If the door is open, visually check the interior before entering.
 - i. Beware of going from light into dark.
 - j. Have animals secured, if possible
 - k. Observations upon entry
 - (1) Visually check the area for potential weapons
 - (2) Inquire about weapons
 - (3) Visually note the condition of the premises
 - (4) Visually note the appearance of drug or alcohol use and check for plain view contraband
4. Initial contact with the disputants
- a. Locate all disputants and other occupants of the premises
 - b. If a violent encounter is in progress, the disputants may have to be physically separated immediately.
 - c. Visually and physically check the disputants for weapons, if appropriate.
 - d. Maintain visual contact and control at all times and avoid a "crossfire" situation.
 - e. Determine the physical condition of the disputants (e.g., emotional state, influence of drugs or alcohol)
 - f. Determine the relationship between disputants
 - g. Determine if the dispute is criminal or civil in nature.

III. TECHNIQUES FOR HANDLING DISPUTES

- A. Maintain a professional demeanor
 - 1. Appearance and bearing
 - 2. Remain impartial
 - 3. Remain calm
- B. Establish rapport with the disputants
 - 1. Introduce yourself
 - 2. Explain the purpose of your presence
 - 3. Explain how the call was received, if appropriate
 - 4. Avoid any comments, terms or behaviors which might be interpreted as insults
 - 5. Limit interventions by third parties unless it is directly beneficial to the resolution of the dispute

NOTE: The disputant's anger is often transferred to the responding officers. Officer safety should remain a consideration throughout the encounter.

C. Defusing techniques

NOTE: Not all disputes require defusing techniques. Many times there is a nonhostile disagreement which is readily resolvable by the responding officer.

- 1. Defusing is the act of reducing the potential for violence in order to calm the participants and restore order. The objective of defusing is to calm the disputants so that conversation is possible.
 - a. Defusing is usually necessary when the disputants are
 - (1) so angry and hostile with each other that a calm discussion cannot be conducted or
 - (2) upset or hysterical and unable to communicate.
- 2. Techniques for hostile situations involving angry persons

NOTE: The following techniques are options and are not necessarily appropriate in every situation nor are they listed in any order of priority. Officers will need to select whatever defusing strategy is most appropriate to the situation.

- a. Separate involved parties
 - (1) Separation keeps disputants from attacking one another.

(2) Separation provides the opportunity for disputants to regain composure.

(3) Separation keeps the stories of the disputants independent and helps the officer to verify statements.

b. Gain control of the conversation

(1) Give calm, direct instructions

(2) Use a firm voice

(3) Divert attention (ask for a small favor such as using the phone or turning off the TV)

(4) Use silence strategically

(5) Request the disputant to slow down and repeat statements without speaking excitedly

(6) Continue to ask questions

(7) Avoid threatening to arrest

(8) Avoid potentially demeaning remarks such as "CALM DOWN!".

(9) Never make an unprofessional comment such as "ACT LIKE A MAN", "GROW UP" or "I'M NOT A BABY SITTER".

D. Problem identification

1. Determine nature of dispute (e.g., family dispute, business dispute, etc.)

2. Determine the root problem prompting the dispute by using the following techniques:

a. Ask open-ended questions

b. Active listening

c. Maintain control

(1) Only one person can speak at a time

(2) Ensure each disputant has an opportunity to speak

d. Maintain strict impartiality (don't take sides)

e. Clarify by summarizing

NOTE: Establish face to face communication if the situation allows.

E. Mediation

1. Mediation is a problem solving technique that allows officers to assist disputants in reaching their own solutions to the problem.
2. Guidelines
 - a. Elicit from the disputants suggestions for resolving or improving the situations
 - b. Allow disputants to discuss suggestions and arrive at a mutually agreed upon solution.

NOTE: Do not allow illegal remedies.
Don't criticize suggestions.

- c. Summarize the agreed-upon solution to insure all parties have a clear understanding
- d. Encourage the disputants to have confidence in their agreed-upon solution
- e. Encourage the disputants to follow through with their agreed-upon solutions
- f. Leave them on a positive note (i.e., "Thanks for your cooperation. If there is anything further you need, please call.")

NOTE: If appropriate, make referrals.

IV. FAMILY DISPUTES (NONDOMESTIC VIOLENCE)

1. Officer's basic considerations
 - a. One-third of all homicides and a larger percentage of assaults take place within the family.
 - b. Family dispute situations are a primary killer of police officers nationwide
 - c. An officer normally arrives in the heat of a disturbance.
 - d. An officer may be unwelcome by at least one of the disputants or by both/all parties.
 - e. An officer should attempt to defuse the dispute, identify the problem and attempt to mediate a resolution.
 - f. If the family dispute is outside the residence, attempt to get disputants inside if practical.
 - g. The kitchen and other personal areas (i.e., bedroom, bathroom) are poor places for handling disputes because of availability of weapons (sharp and blunt instruments).
2. Relationships between disputants
 - a. Husband and wife
 - b. Cohabitants
 - c. Separated or divorced
 - d. Parent and child
 - e. Siblings
 - f. Boyfriend and girlfriend
 - g. Other relatives
3. Primary reasons for conflicts
 - a. Property
 - b. Treatment, custody of children
 - c. Parent/child conflict (discipline)
 - d. Alcohol consumption
 - e. Jealousy

- f. Money
- g. Drug usage
- h. Employment
- i. Responsibility around the house
- j. Hobbies, clubs, other activities
- k. Relatives

NOTE: Regard every family dispute as a potentially explosive and dangerous situation.

4. Temporary separation

- a. 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.
 - 1) Perhaps a friend or relative living nearby will agree to house one of the parties temporarily.
 - 2) A temporary separation usually will not solve any deep-seated problems, but may help the immediate situation.
 - 3) Separation is voluntary.

VII. LANDLORD/TENANT DISPUTES

A. Penal Code violation in landlord/tenant disputes:

1. The police officer should try to 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) Occasionally, 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.
 - (4) Elements
 - (a) Person who uses, procures, encourages or assists another to use
 - (b) any force or violence
 - (c) in entering upon or detaining
 - (d) any lands or possessions of another.

NOTE: Exception: Does not apply when done as allowed by law (lawful eviction)

- b. Seizure of tenant's property:
 - (1) Occasionally, a landlord may 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) 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.

NOTE: For a further discussion of Section 1861 of the California Civil Code, refer to the reference section in this document.

c. Removal of doors and windows:

- (1) Occasionally, when a tenant is behind in the rent, a landlord will remove the doors or windows to the tenant's dwelling or destroy the tenant's personal property in an effort to harass the tenant.
- (2) The malicious destruction of the property of another is a misdemeanor prohibited by Penal Code Section 594.
- (3) 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.
- (4) Elements
 - (a) A person who maliciously
 - (b) damages or destroys
 - (c) personal property of another

NOTE: 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 may occasionally 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 may occasionally 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 noncommercial 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.
 - (c) Elements
 - 1) A person other than a public officer performing a lawful duty
 - 2) who enters or remains
 - 3) in any house, apartment or other such place
 - 4) without the consent of the person in lawful possession
- e. The unlawful interruption of utility services
- (1) Occasionally, when a tenant is behind in the rent, a landlord will disrupt or disconnect one or more of the tenant's utilities.
 - (2) The unlawful and malicious injury or obstruction of any cable, telephone, electric or gas line is a felony under various sections of the Penal Code.
 - (a) Elements of Penal Code Section 591
 - 1) Person who unlawfully and maliciously
 - 2) removes, injures or obstructs

3) any telegraph, telephone or cable line or any part thereof

(b) Elements of Penal Code Section 593

1) Person who unlawfully and maliciously

2) removes, injures or obstructs

3) an electric line, or any part thereof, erected or maintained by proper authority

(c) Elements of Penal Code Section 593c

1) Person who wilfully and maliciously

2) obstructs, removes or injures

3) gas or hazardous liquid pipeline or any part thereof

(3) The willful obstruction or injury of a water pipe is a misdemeanor under Penal Code Section 624

(a) Elements

1) Person who wilfully

2) breaks, obstructs or injures

3) any water pipe or main or works

f. Summary: 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.

4. Unlawful conduct by tenant

a. Re-entry to premises following a lawful eviction

1) A tenant will occasionally re-enter the premises from which he has been lawfully evicted.

2) This re-entry, when done without the permission of the landlord, is a misdemeanor under Penal Code sections 419 and 602.5.

3) Every person who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication or direction of any court, tribunal or officer and who afterwards unlawfully returns to settle, reside upon, or take

possession of such lands, is guilty of a misdemeanor. (Penal Code Section 419)

4) Elements

- a) Person who has been removed from any lands by process of law
- b) who afterwards unlawfully returns to reside or take possession of such land

NOTE: These sections only apply following the completion of a lawful eviction. During the time that the civil action (unlawful detainer) is under consideration by the court, the tenant cannot be prohibited entry to the unit.

B. Civil law in landlord/tenant disputes

1. Evictions

A landlord who wishes to have a tenant removed from a rental unit must file a civil lawsuit known as an "unlawful detainer". This process, which is commonly referred to as an eviction, involves several steps and can get complicated if the tenant decides to appear in court and answer the complaint. The only legal advice that officers should give to either landlords or tenants contemplating such action is to "contact an attorney" or seek other professional legal assistance.

NOTE: Additional information regarding California Law applicable to landlord/tenant disputes is contained in the reference section of this document.

VI. DISPUTES RELATED TO REPOSSESSIONS

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 and the reposessor is not in lawful control of the property, it cannot be taken.

NOTE: The difficulty in this area is for the officer to determine whether or not the reposessor has complete dominion and control over 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 vandalism, assault, battery, and disturbing the peace.
 - 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.

- b. Officers should carefully inquire as to who has title and whether or not the buyer is delinquent in the payments prior to initiating a theft report.
 - c. A records check should be conducted.
 - d. If the officer may reasonably conclude that the property has been repossessed, the complainant 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.

B. Repossession disputes

- 1. Cause of repossessions
 - a. Default on a conditional sales contract
 - b. A conditional sales contract exists when an article is purchased on credit, is physically in the possession of buyer, but the title of the item remains with the seller until the contract is paid in full.

NOTE: Be cautious. People who call for peace officers will probably want to use them as a "lever" on the other party involved. Remember, you are there just to keep the peace.

- 2. 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.

- (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.
- (3) 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.

NOTE: The difficulty in this area is for the officer to determine whether or not the reposessor has complete dominion and control over 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.

- (3) 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
 - (1) "In the possession of a bailor" means in a commercial parking lot where an attendant is on duty or in a check stand,
 - (2) In this case the reposessor has no right to take possession.
 - (3) 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 defeat a locking mechanism in order to enter any building or enclosure without permission (C.C.P. 1159-1161: Penal Code Sections 418, 602, 603).
 - (2) The reposessor **may** retake an automobile from a driveway or furniture from an open porch.
- e. As a general 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 is in the process of driving away, 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.

V. LABOR DISPUTES

A. Introduction

1. Labor disputes are volatile situations and can become major group problem situations, even riots, if mishandled.
2. Most activities are noncriminal, but difficult to handle, because:
 - a. Emotions are involved
 - b. Parties can be unreasonable in their demand for law enforcement action
 - c. Peace officers must remain cool-headed in the face of chaos and unreasonableness

B. Responding to a labor dispute situation

1. Get as much information as possible from:
 - a. Dispatcher
 - b. Noninvolved parties
 - c. Participants
2. If practical, observe and listen from a distance for a few minutes
 - a. Is there a disturbance?
 - b. What is the disturbance about?
3. When approaching, use backup if appropriate
4. Contact with the participants
 - a. Attempt to calm parties down
 - b. Use command presence
 - c. Assure them of your willingness to listen to both sides of the story
 - d. Be objective
5. Determine the facts
 - a. Who, what, when, where, why, and how
 - b. Talk to the groups individually
 - c. Identify the leader/spokesperson for each of the disputing groups

- d. Keep the parties separated, but don't become isolated from assisting officers
 - e. Many of these situations involve crowds. Try to get the involved person away from the crowd
6. Evaluate the situation
- a. What is the physical and emotional state of the participants?
 - b. What is the condition of the property?
 - c. Is the problem criminal or civil?
 - d. What law enforcement action is required?

7. Take proper action according to department policy

- a. As a general rule, mediation is more effective than arrest.
 - (1) As tempers cool, so does the desire for prosecution.
 - (2) Problems can usually be solved in some other manner.
- b. Arrest if appropriate

NOTE: Many departments have specific policies concerning arrests related to labor disputes.

- (1) Remember that you can only arrest for a misdemeanor that occurs in your presence
- (2) Private person's arrest may be in order
- c. If the problem is criminal in nature, advise the victim of available courses of action
- d. If civil, advise parties to contact a private attorney, or to bring it up at the bargaining table, as appropriate

8. Always use extreme caution

C. Laws related to labor disputes

- 1. Certain types of industrial property, to which the general public does not have access, may be "posted" against trespassing and loitering (Penal Code Section 554 et. seq.)
- 2. Violations of this section constitute a misdemeanor.
- 3. The most typical violation is the destruction of signs.

- a. It is a crime to tear down, deface, or destroy any of the signs described above (Penal Code Section 555.1)
- b. Violation of Penal Code Section 555.1 is a misdemeanor

4. Exceptions:

- a. No illegal trespass occurs for any peace officer or authorized public officer to enter posted property in the course of their official duties. (Penal Code Section 552)
- b. No illegal trespass occurs to lawfully use an established and existing right-of-way for public road use. (Penal Code Section 552)
- c. It is not illegal loitering to picket in the immediate vicinity of posted property or to engage in other lawful activity which informs the public about a labor dispute. (Penal Code Section 555.2)

VIII. CROWD CONTROL DEFINITIONS

A. Crowd management defined

A law enforcement response to a known event, activity or occurrence where law enforcement agencies have the ability to plan, coordinate and manage the event

B. Crowd control defined

A law enforcement response to a preplanned or spontaneous event, activity or occurrence where there is a potential or eminent threat of violence

C. Riot control defined

A law enforcement response to an unpredicted violent event, activity or occurrence where force may be necessary in dealing with or controlling the crowd to prevent additional violence, death or destruction of property

D. There are two types of crowd and riot control situations:

1. Fixed (i.e., open areas, enclosed areas, intersections, buildings, etc.)
2. Mobile (i.e., large crowd with small group splintering off, small groups looting or causing damage or destruction, or rioters on buildings throwing objects or firing at the police)

IX. PRINCIPLES OF CROWD MANAGEMENT

A. Incident planning

1. Prior information that an event will take place
2. Determine the number of participants and the psychological and emotional makeup of the group
3. Assess and allocate deployment of equipment and personnel
4. Assign specific tasks
5. Police presence is a preventative response
 - a. Low profile presence
 - b. Clearly established rules for conduct
 - (1) Crowd
 - (2) Police
 - (3) Press
 - c. Quick, effective response to violence or violations without over-reacting

B. Containment

1. Establish a perimeter which is
 - a. controllable, and
 - b. flexible
2. Control ingress
3. Control egress

C. Protecting the constitutional rights of all parties

1. People will view your activities in a crowd control situation differently
 - a. The police have the responsibility for the protection of life and property in the community they serve.
 - (1) 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.

- (2) All citizens have the right to assemble
(Ref. U.S. Constitution - First Amendment)
 - (a) This right necessarily has parameters to insure the public safety
 - (b) The officer must weigh the group's rights against the rights of the entire community.
- (3) The officer's duty is to protect the rights of all, without regard to sexual or ethnic makeup, 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 perceived infringements of its rights.
 - b. The officer must be a controller of the group while at the same time protecting its rights.

- D. The conduct of each officer will be guided by the policies and procedures of each agency.

NOTE: The instructor should make students aware that their agency head will formulate policy and they must adhere to that policy.

X. CROWD CONTROL

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

B. Protecting the constitutional rights of all parties

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 perceived infringements of its rights.

- b. The officer must be a controller of the group while at the same time protecting its rights.
- C. The conduct of each officer will be guided by the policies and procedures of each agency.

NOTE: The instructor should make students aware that their agency head will formulate policy and they must adhere to that policy.

- D. Officers must assess the crowd control situation and be prepared to advise their supervisor or agency of its status.
 - 1. Officers should report all changes in status and continuously modify their proposed course of action based on those changes.
 - 2. Their manner should be professional, unbiased, and firm in all contacts with the crowd or its representatives.
 - 3. There must be sufficient personnel deployed at the scene to make arrests and insure proper control.

XI. CROWD PSYCHOLOGY

A. Group phenomena

1. Formation of group identity
 - a. Is often established quickly and informally or can be established through a formal process
 - b. Can be short lived and very intense
 - c. Emotional bond rather than intellectual

2. Group cohesiveness
 - a. Development of tighter identify - US versus THEM syndrome
 - b. Strong, often intense, emotional bonding
 - c. Highly protective of members from "outside" attacks or influence
 - d. Tendency to "act as one"

3. Group-induced anonymity
 - a. Individual "loses self" in the group
 - b. Sense of protection in large number of "faceless individuals"

NOTE: Cite Stanford University riots: In the early 1980's, the A.C.L.U. joined rioters claiming that police efforts to use news photos to identify violators was unfair, illegal and unconstitutional. The rioters felt they had a right to be anonymous.

- c. Many individuals will act "silly", etc. when in a large group, as they feel the possibility of being identified or singled out is remote.
4. Group potentiality for violence
 - a. Potential for violence increases as size of the group increases.
 - b. Emotional responses of large groups often become heated and often result in violence (vandalism, etc.) which can be undirected, unfocused, or random.
 - c. Violence is often spontaneous.
5. Contagion
 - a. Violence is contagious - A nonviolent crowd with peaceful intentions can explode suddenly due to a highly emotional response to any type of stimulus.

- (1) Ignition due to rumor
- (2) Ignition due to stimulation by individuals intent on causing a riot, etc.
- (3) Ignition due to police action

B. Crowd phases

1. Grouping phase:

- a. The grouping phase is that period when the individuals will come together and initial mingling takes place.
- b. This is the time that the police initiate the staging process of personnel and logistics, and commence detailed planning.

2. Interaction phase:

- a. The interaction phase is the period when individuals become a mass and a crowd yelling process starts to take place.
- b. During this time the police will finalize all planning and place its personnel in position and in view of the crowd, but not necessarily confronting the crowd.

3. Volume phase:

- a. The volume phase is the period when mass finally becomes a crowd with the final yelling process taking place.
- b. During this phase the police will go on alert and tactically deploy personnel.

4. Overt act phase:

- a. The overt act phase is best described as when a real violation of the law takes place.
- b. It will normally be a single action amounting to no more than an infraction or a misdemeanor.
- c. At this point, the police should initiate enforcement action.
- d. If the overt act is allowed to go unchecked, expect the next phase to commence in thirty minutes.

5. Mimicking phase:

- a. The mimicking phase is a repetition of the overt act by one or more members of the crowd.

- b. It is usually at this point that the onlookers begin to take a more aggressive part.
- c. Continued enforcement action on the part of the police should take place.
- d. The mimicking stage is the most critical because if allowed to go unchecked within a second thirty minutes, it often turns into the riot phase.
- e. This is also the time that the overt actions of the police may panic the crowd and cause it to move to the riot phase.
- f. At this time, it becomes necessary that the police ensure that their actions are at a level not to excite the crowd.
- g. Individual and unit discipline are the most critical factors at this stage.

6. Riot phase:

- a. The riot phase is that point in time when a substantial portion of the crowd becomes involved in lawless acts.
- b. The police bring to bear the full weight of their assets to restore order.
- c. Police actions should be in direct proportion to the activities of the crowd.

C. Group composition

1. Leaders

- a. Formal
- b. Informal

2. Aggressors

- a. Different from leader
- b. Often very vocal, "pushy," and active -- need direction from leader(s)

3. Followers

- a. Can be physically active or merely emotionally or verbally supportive
- b. Usually without direction and need leadership and urging except during highly emotional responses
- c. Can break away from the original group of leaders when informal leaders rise or splinter groups rise or events cause a highly emotional, violent or uncontrolled response

D. Types of crowds

1. Responsive
2. Reluctantly responsive
3. Passive nonviolent
4. Actively resistant
5. Violent - riotous

XII. PRINCIPLES OF RIOT CONTROL

A. Incident planning

1. Contingency plans
2. Determine the size and makeup of the participants
3. Operate with a tactical plan
4. Assess and allocate deployment of equipment and personnel
5. Assign specific tasks
6. Quick, effective response to violence or violations without over-reacting

B. Containment

1. Establish a perimeter which is
 - a. controllable and
 - b. flexible
2. Control ingress
3. Control egress

C. Isolation

1. Establish an inner perimeter
2. Create a buffer zone
 - a. Provides ready means to identify intruders or unauthorized persons inside the outer perimeter
 - b. Serves as an operating zone, if necessary
3. Isolation makes the rioters feel vulnerable.
4. Allows officers to focus enforcement capabilities

D. Dispersal

1. Dispersal of the rioters can begin once the perimeter has been established and ingress and egress controlled.
 - a. Dispersal should be accomplished systematically.
 - (1) Provide adequate time for the crowd to comply

- (2) Larger crowds require more time to respond.
- (3) Officers must be patient, observant, alert and cautious
- (4) Do not "press" or "force" a crowd to move too fast.
 - (a) Can cause panic
 - (b) Can cause violent resistance
- b. Provide clear and simple directions/ instructions
 - (1) All commands to the crowd must be simple and clear to avoid any confusion.
 - (2) Complex instructions/orders tend to cause delays, confusion, or arguments.
- c. The area should be divided into sections, one section cleared at a time.
- d. Establish a definite dispersal route.
 - (1) Police personnel must know what route the crowd is going to take.
 - (2) People must know where they must go and how.
 - (3) Do not "box" in the crowd -- can cause panic
- e. Limit evasion or "pooling"
 - (1) Officers must "shrink" the inner perimeter as the crowd disperses.
 - (2) Any attempt to evade the inner perimeter, officers or escape via an unauthorized route must be cut off immediately.
 - (3) People who begin to slow and "pool" to talk or observe must be urged to continue moving.
- f. Violent resistance or confrontation:
 - (1) Must be dealt with quickly and efficiently without excessive force or over reaction
 - (2) Force used should be appropriate to the degree of violence encountered and only as a response to aggressive and violent action by rioters.
- g. 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 considerations regarding the security of a dispersal route (i.e., opportunity for vandalism and continued involvement)

E. Multiple arrest issues

1. Preplanning of arrests
 - a. Arrest packets
 - b. Booking area
 - c. Transportation
 - d. Prisoner custody and security
 - e. First aid
 - f. Chemical agent decontamination
2. Designate arresting officer(s)
3. Arrest team concepts
 - a. Positions: Team leader, arresting officers, cover officers
4. Laws pertaining to crowds/riots

Applicable Penal Code Sections under which arrests may be made

- a. 404a - Riot
- b. 406 - Rout
- c. 407 - Unlawful assembly
- d. 409.5 - Police authority to close area
- e. 726 - Police must arrest and disperse rioters
- f. 727 - Proper dispersal order
- g. 416 - Refusing to disperse
- h. 409 - Remaining present after notice to disperse

NOTE: The supporting materials section of this unit guide contains a handout which gives descriptions of Penal Code Sections and the language required in a Dispersal Order.

NOTE: Comprehensive information regarding public peace laws is contained in unit guide 39, Crimes Against the Justice System.

XIII. RIOT CONTROL FORMATIONS

A. Introduction to squad formations

1. The mere presence of law enforcement officers at the scene of a disturbance will not always prevent an unruly crowd from committing further acts of violence.
 - a. The appearance of a competent, organized and highly disciplined contingent of police officers will often cause a disorderly group to become disheartened.
 - b. Group members will often abandon their disruptive activities.
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 variations have been used in crowd or riot control. They are:
 - a. Column
 - b. Skirmish line
 - c. Crossbow
 - d. Arrest/rescue
 - e. Diagonal
 - f. Wedge/vee
2. These basic formations can be adapted to meet the existing situation (e.g., the number of officers involved in the formations).
3. It must be remembered that the squad formations are effective only when ALL SQUAD MEMBERS OPERATE AS A TEAM.
 - a. Unit integrity is essential.
 - b. Each officer must maintain personal discipline.
 - c. Independent action subordinates to teamwork.

4. In selecting the appropriate formation, consideration must be given to such factors as
 - a. the size, demeanor, attitude and intent of the crowd
 - b. the surrounding terrain
 - c. the available dispersal routes
 - d. the objectives of the department, and
 - e. other involved elements (i.e., tactical withdrawal).

NOTE: Although these decisions will typically be made by incident command officers, the nature of the event may be such that line officers may have to assume responsibility for team response.

C. Squad formations

NOTE: Instructors should discuss the squad formations, uses of each and their strengths and weaknesses.

1. COLUMN
 - a. The COLUMN can be used to move a group of officers from one location to another and to divide a crowd.
2. SKIRMISH LINE
 - a. The SKIRMISH LINE can be used to move crowds straight back, to contain a riotous group or to deny them access to restricted streets or areas.
3. CROSSBOW
 - a. The CROSSBOW is designed to split crowds or sweep areas.
 - b. Utilize arrest teams
4. ARREST/RESCUE
 - a. A small dynamic tactical formation used to enter a crowd to protect officers when affecting arrests or perform rescues (e.g., circle, diamond or box)
5. 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.

6. WEDGE/VEE

- a. The WEDGE/VEE can be used to penetrate and split a crowd.

D. Practical application

1. At the end of the classroom lecture and prior to entering the field the instructor should reinforce the following:
 - a. Learning formations
 - b. Preventing injuries
 - c. Being effective
 - d. Being professional
 - e. Squad formations as a means of crowd control could very well be the determining factor between order and anarchy or even life and death.

NOTE: Information concerning event re-enactments and presentation of practical exercises are described in the document *Guidelines for Student Safety in POST Certified Courses*.

E. Practical application

1. The instructor will lead a class through squad formations.
2. Instructors may designate students to lead their respective squads.
3. The process will require utilization of a large field area with some barriers such as fences.
4. Field exercise
 - a. Students should report with their appropriate protective equipment.
 - (1) Demonstrate the proper use of riot gear
 - b. Students should assemble in their normal squad formation utilized during inspection or physical defense training.
 - c. Demonstrate formation step or walk
 - d. Demonstrate positioning and use of baton
 - (1) Types of batons
 - (a) Side-handle
 - (b) Straight

(c) Riot

- e. Each squad should be placed in the formation to be demonstrated, then walked through.

NOTE: Instructor should address left-handed students.

- 5. After several walk-throughs of each formation, the squad should practice at normal cadence.

XIV. MUTUAL AID RESPONSIBILITY OF FIELD OFFICERS

A. Definition

1. Mutual Aid is defined as alerting, dispatching, and utilizing personnel and equipment of an agency based on the need of another law enforcement agency.
2. Mutual aid is not the same as an outside agency assist (e.g., officer needs assistance emergency).

B. Application

1. When a request for mutual aid is made, the agency making the request must contact the Office of the Sheriff of the county. The request must state the purpose for the assistance, the estimated number of officers required, and where the officers are to report, and who will be the incident commander or coordinator
2. The Office of the Sheriff of the county will notify the law enforcement agencies within the county and activate the Mutual Aid protocol. The Sheriff will indicate the number of officers desired and the particulars of the request.
3. The responding agencies will immediately advise the Office of the Sheriff of their ability to respond, the number of officers being sent, and the estimated time of arrival for the responding officers.

C. The following laws are related to response for mutual aid:

1. State of Emergency 8558(b) California Government Code
2. Local Emergency 8558(c) California Government Code
3. Disaster defined - 402 Penal Code.
4. Authority of peace officer at scene of emergency - 409.5 Penal Code.

D. Officer conduct

1. The command structure and chain of command is established by the requesting agency.
2. The conduct of each officer may be guided by the policies and procedures of the requesting agency.

NOTE: Students should be cautioned to consult their own department regulations to determine which policies, if any, are subordinated to those of the requesting agency. For example, some agencies may require that officers adhere to their own agency's use of force policy in every case.

3. The conduct of each officer must also be lawful and professional.

E. Documentation

1. Maintain accurate activity logs
2. Prepare accurate and timely reports

F. Office of Emergency Services (OES) procedures for mutual aid

1. OES is developing a uniform response to mutual aid requests to assure consistency by all law enforcement agencies.
 - a. OES response protocol recommends
 - 1) agencies send officers in units of four officers (a team leader and three officers)
 - b) one vehicle per unit of four officers
2. As tactics used by groups of persons involved in civil disturbances and riots change, it is necessary for law enforcement to adjust and respond to the changes.
3. During requests for mutual aid responding agencies have sent varied numbers of officers and equipment. This has often caused administrative problems for manpower coordination and transportation logistics.
4. By developing a uniform response, an agency making a mutual aid request can more easily coordinate the officers and assets that respond and the responding agency officers will know what is to be expected and have a better concept of his or her general duties
5. Rioters are becoming more mobile and fluid in their attacks using "hit and run" tactics to force the police to run from location to location. This has fatigued, frustrated and fragmented the officers.

**LEARNING DOMAIN #24
HANDLING DISPUTES/CROWD CONTROL**

EXERCISE:

8.44.1 Given a simulated crowd situation, the student will successfully participate in the following basic control formations: (1-1-86)

- A. Skirmish line
- B. Wedge/Vee
- C. Diagonal
- D. Column

SCENARIOS:

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

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

LEARNING ACTIVITIES:

13.24.01 Given a roleplay, simulation, video re-enactment or other stimulus material provided by the instructor, the student will participate in an instructor-led discussion on how to legally and procedurally respond to a variety of disputes which minimally include the following:

- A. Lockout or other landlord/tenant conflict
- B. Repossession
- C. Labor/management conflict
- D. Neighborhood or business conflict
- E. Family conflict (nondomestic violence incident)

The following issues should be discussed in connection with each of the dispute situations:

- A. Maintaining officer safety
- B. Providing safety to individuals and property
- C. Applying appropriate defusing strategies
- D. If appropriate, separating parties
- E. Keeping the peace
- F. Determining if a crime has been committed
- G. Attempting to find solutions to the problem
- H. Applying effective communication skills

13.24.02 The student will participate in a crowd control simulation which incorporates the following concepts and tactics:

- A. Containment
- B. Isolation

- C. Dispersal
- D. Crowd control formations which include:
 - 1. Skirmish line
 - 2. Wedge/Vee
 - 3. Diagonal
 - 4. Crossbow
 - 5. Column
 - 6. Arrest/rescue movements (e.g., circle)

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

Formations

CALIFORNIA LAW APPLICABLE TO
LANDLORD/TENANT DISPUTES

I. APARTMENT AND APARTMENT HOUSE DEFINED

- A. Apartment defined (Section 15002 H & S 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 H & S 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 CC)
 - 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 CC).
 - 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 CC).
 - 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 CC).

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

III. LIEN OF KEEPERS OF APARTMENT HOUSE (SECTION 1861 CC)

- 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. (PC 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) CC).
 - 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 (Sections 1161, 1161a, 1162 CCP)

For eviction for nonpayment 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 of the 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 CC)

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

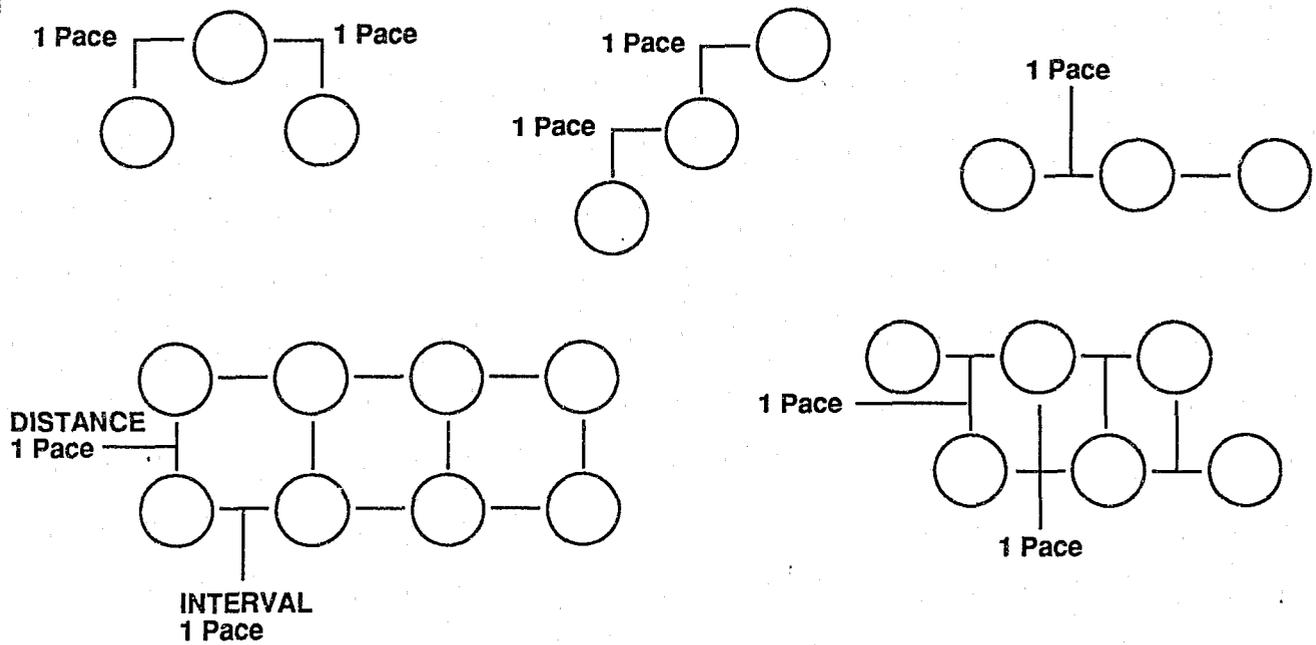
control of the local jurisdiction and its resources. As such, when a planned event is beyond the control of the local jurisdiction, mutual aid might be withheld by prospective providers, and may require contractual agreements.

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.

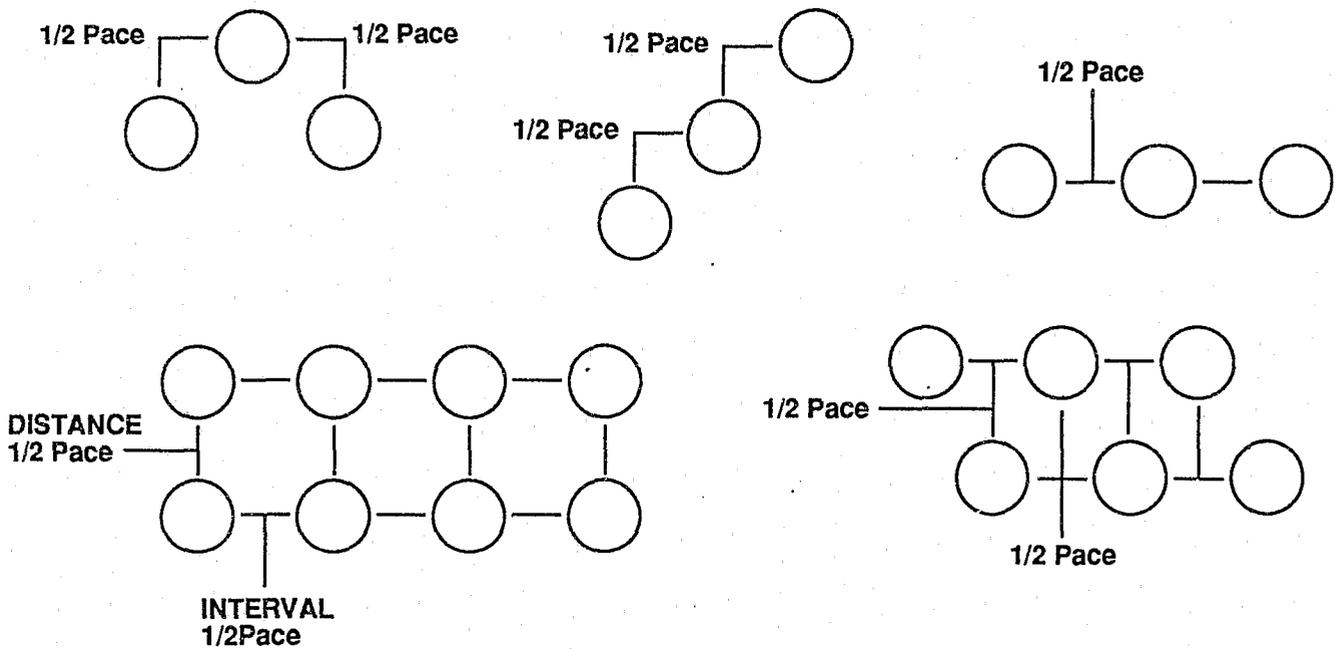
When at all possible, assisting mutual aid personnel should be deployed as a unit, and use their own familiar equipment. Assignment should be on a "mission" basis, with the Incident Commander detailing the unit to accomplish a certain task. The assisting personnel will have a supervisor or senior officer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

NORMAL DISTANCE



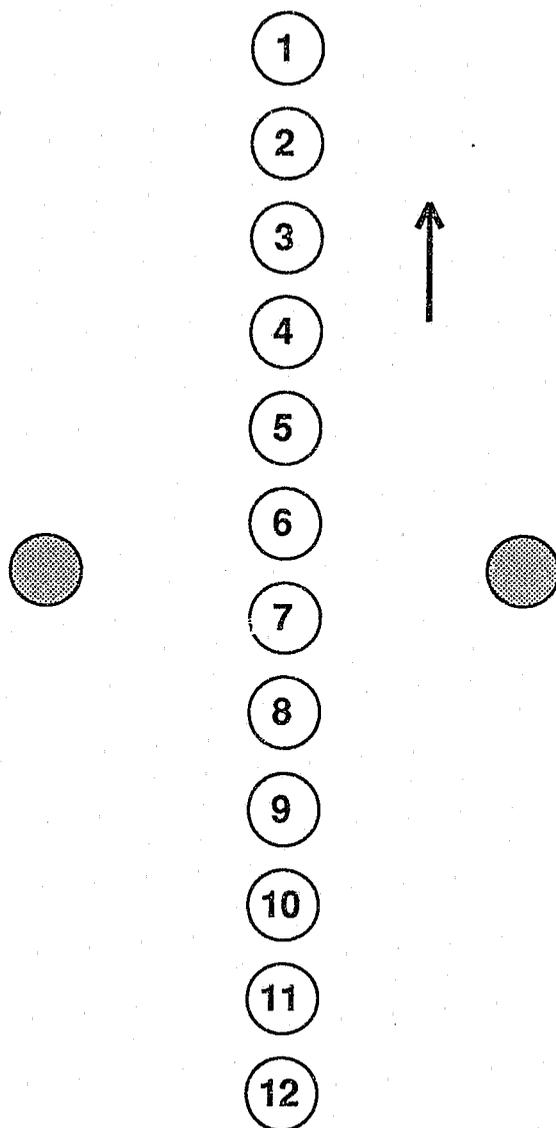
CROWD CONTROL DISTANCE



In physical conflict situations interval and distance will vary greatly depending upon tactics and mission of the unit.

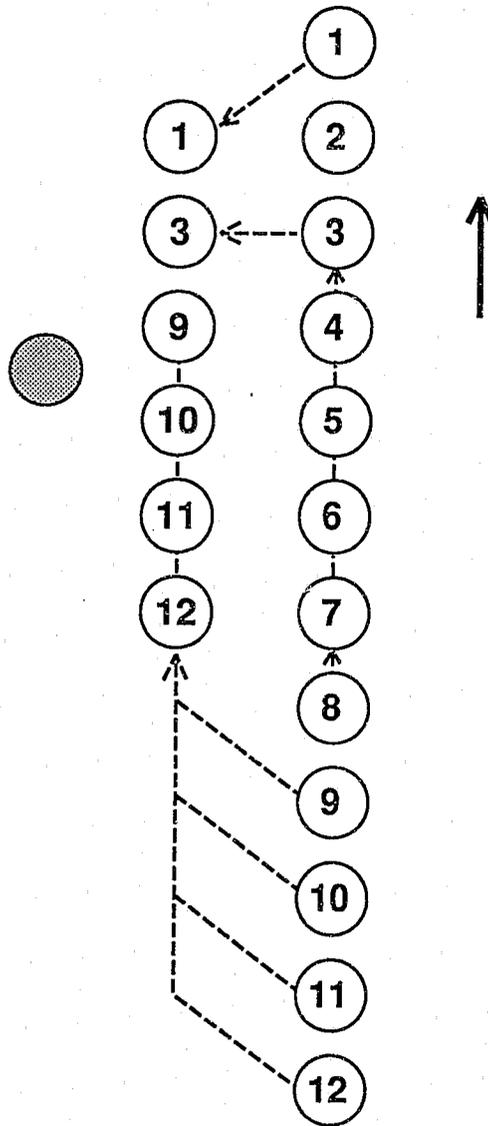
SQUAD COLUMN OR SINGLE FILE

 = ALTERNATE POSITION OF SQUAD LEADER



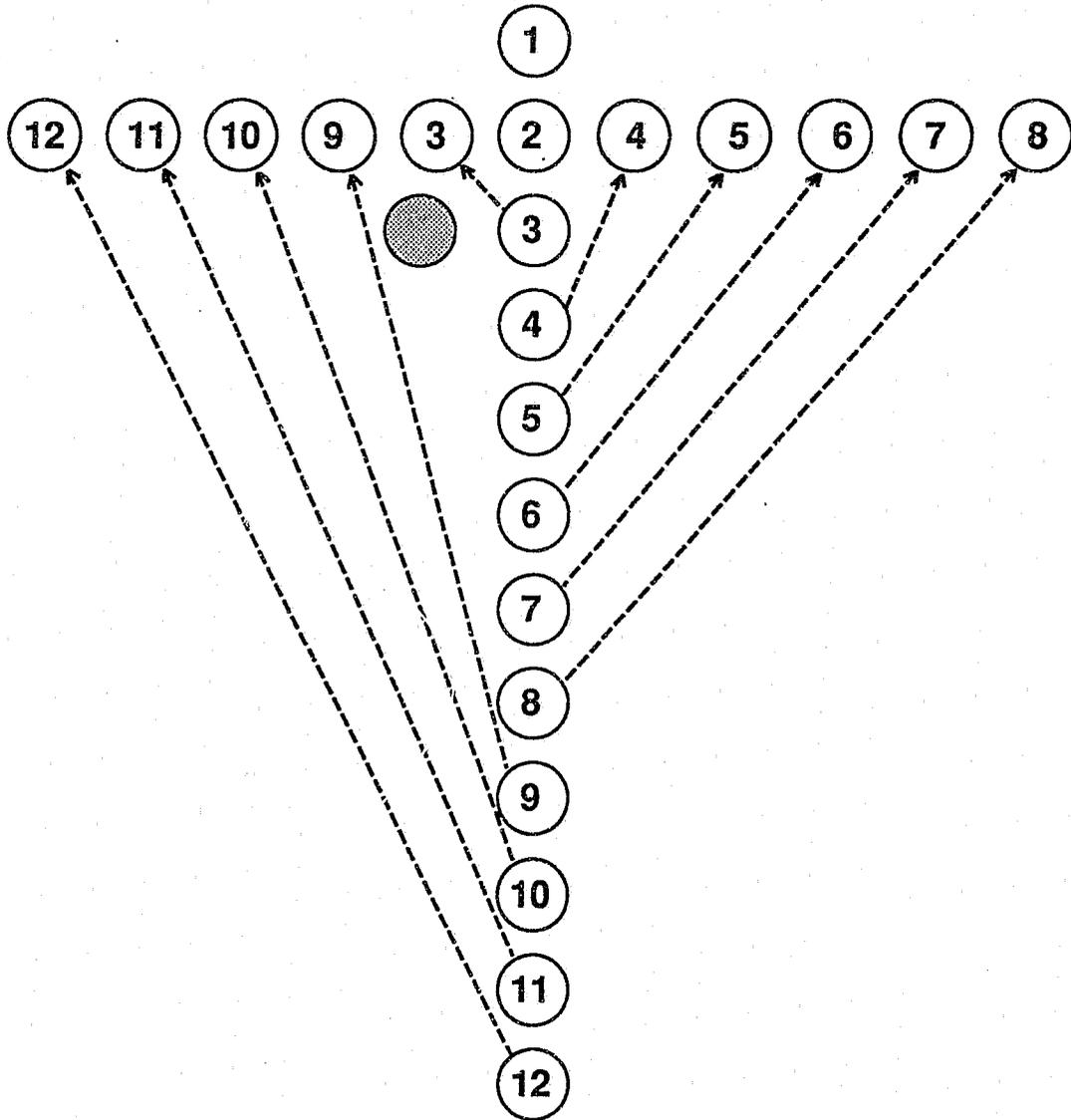
SQUAD COLUMN OF TWO'S

 = ALTERNATE POSITION OF SQUAD LEADER



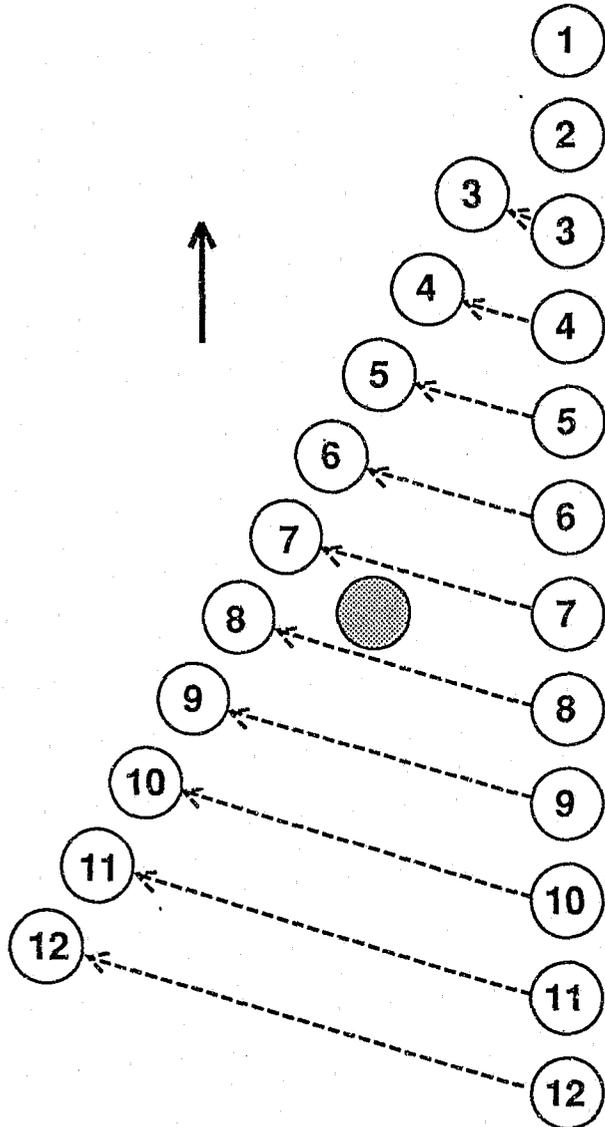
SQUAD SKIRMISH LINE

 = ALTERNATE POSITION OF SQUAD LEADER
EVEN TEAM TO RIGHT.
ODD TEAM TO LEFT.



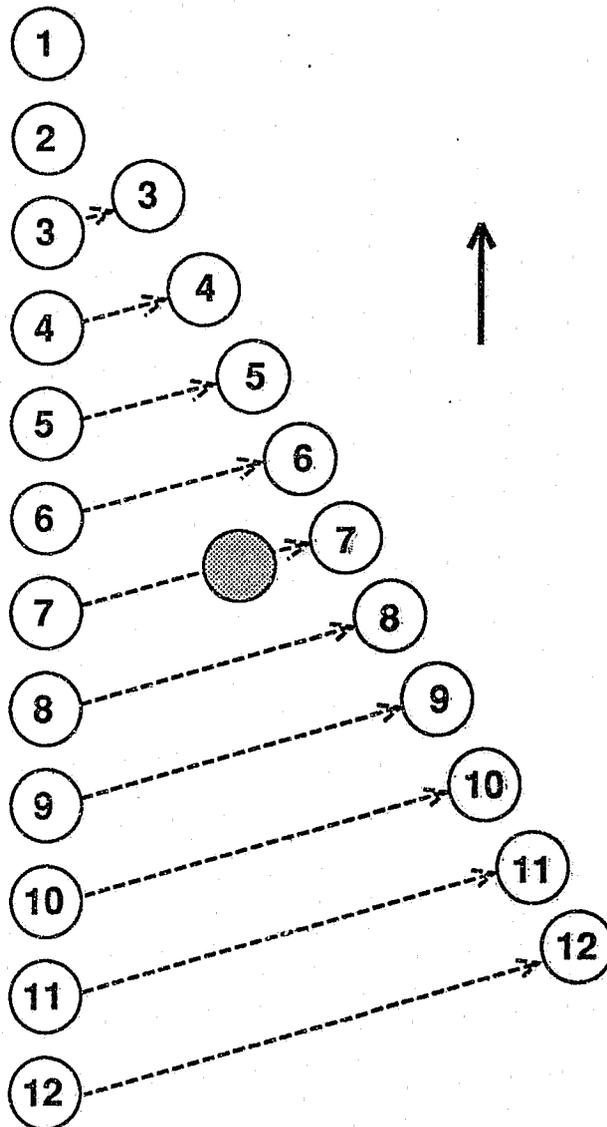
SQUAD LEFT DIAGONAL OR ECHELON

 = ALTERNATE POSITION OF SQUAD LEADER



SQUAD RIGHT DIAGONAL OR ECHELON

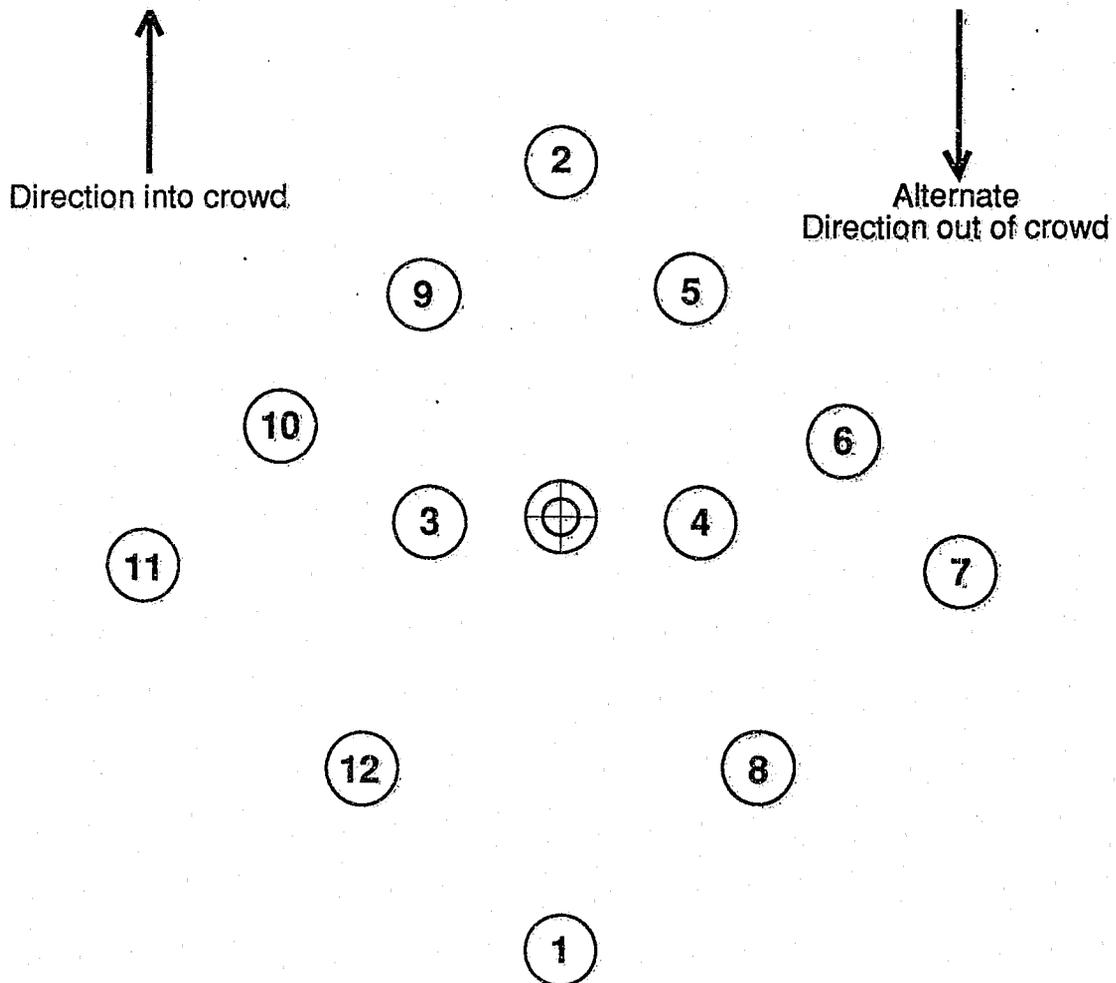
 = ALTERNATE POSITION OF SQUAD LEADER



SQUAD WEDGE ARREST FORMATION

Nos. 3 & 4 Designated Arrest Team

 = Prisoner/s

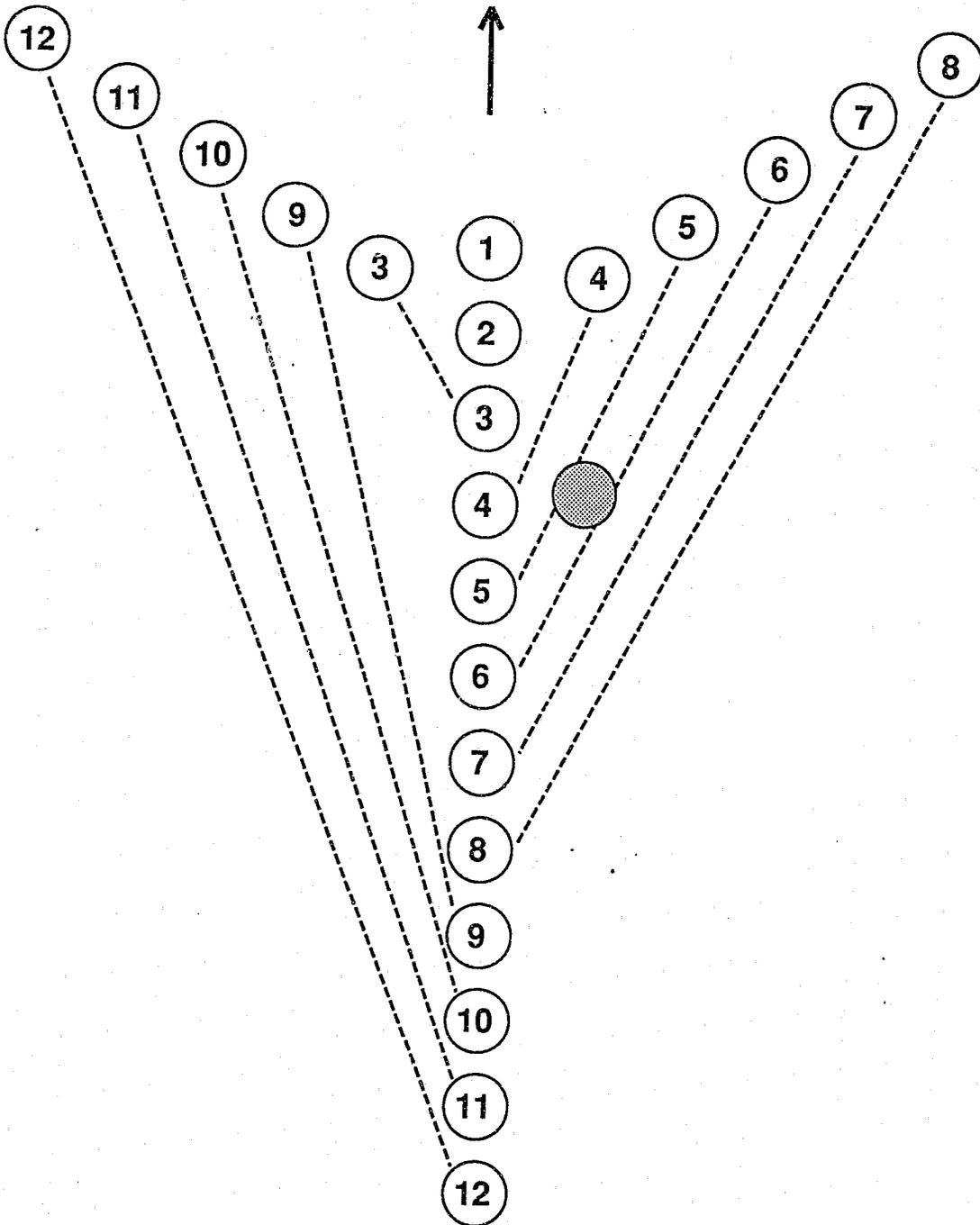


On the command, "SUPPORT TEAM - MOVE!", no.'s 3 & 4 will pull the arrestee to the center of the wedge and the squad will automatically form a diamond formation and await the squad leaders command to move forward or to the rear. The squad leader becomes the point if the squad is moved to the rear.

SQUAD VEE

● = ALTERNATE POSITION OF SQUAD LEADER.

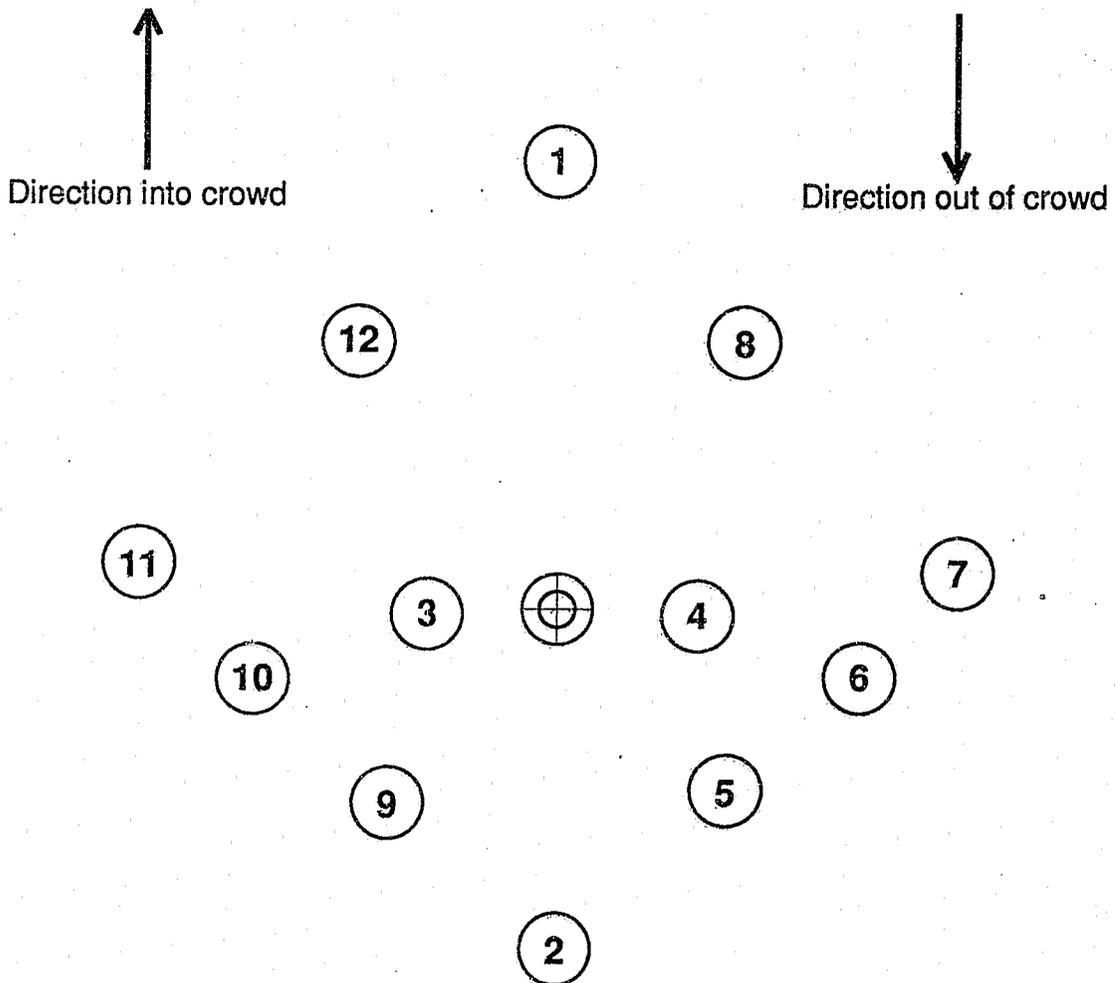
EVEN TEAM TO RIGHT.
ODD TEAM TO LEFT.



SQUAD VEE ARREST FORMATION

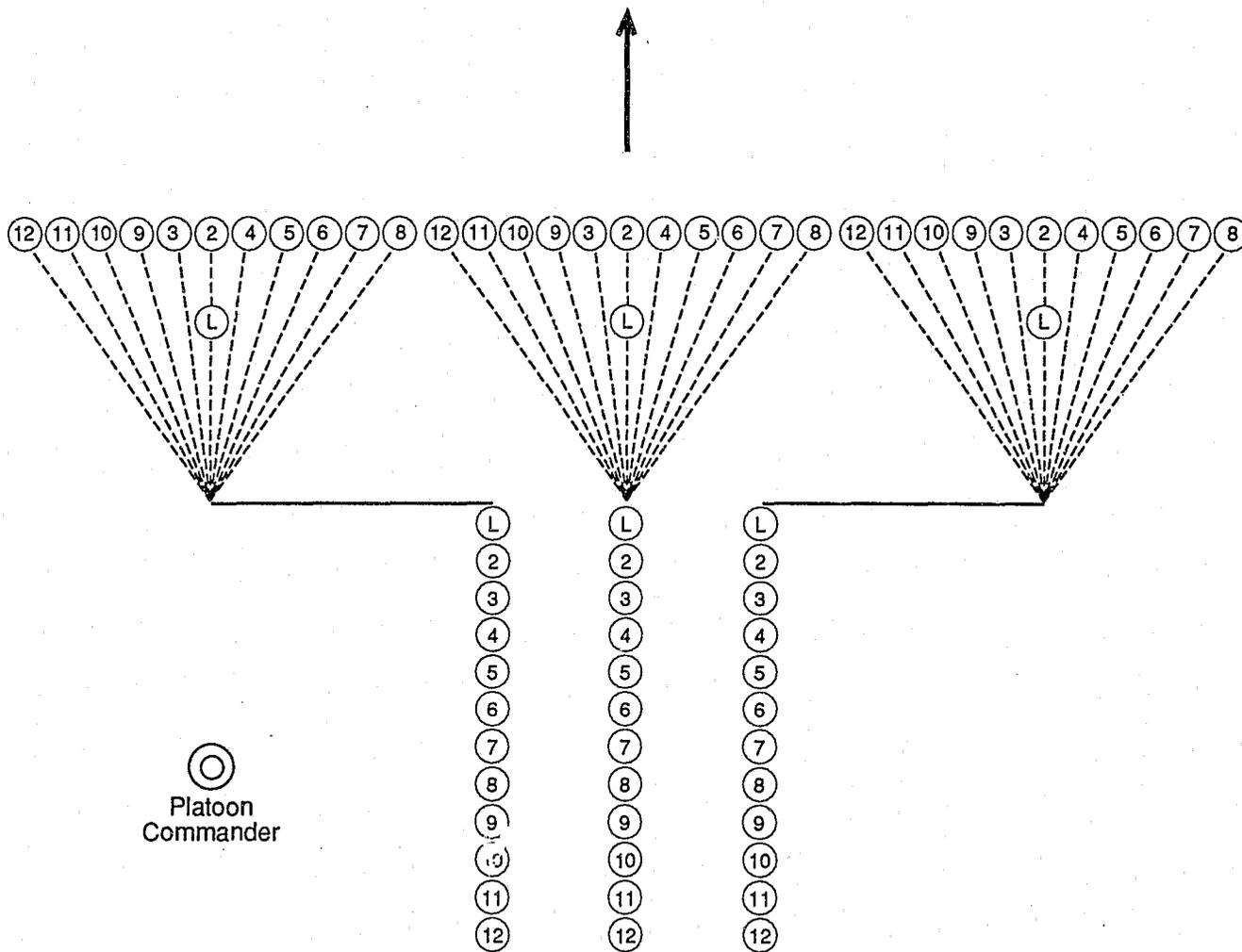
Nos. 3 & 4 Designated Arrest Team

 = Prisoner/s



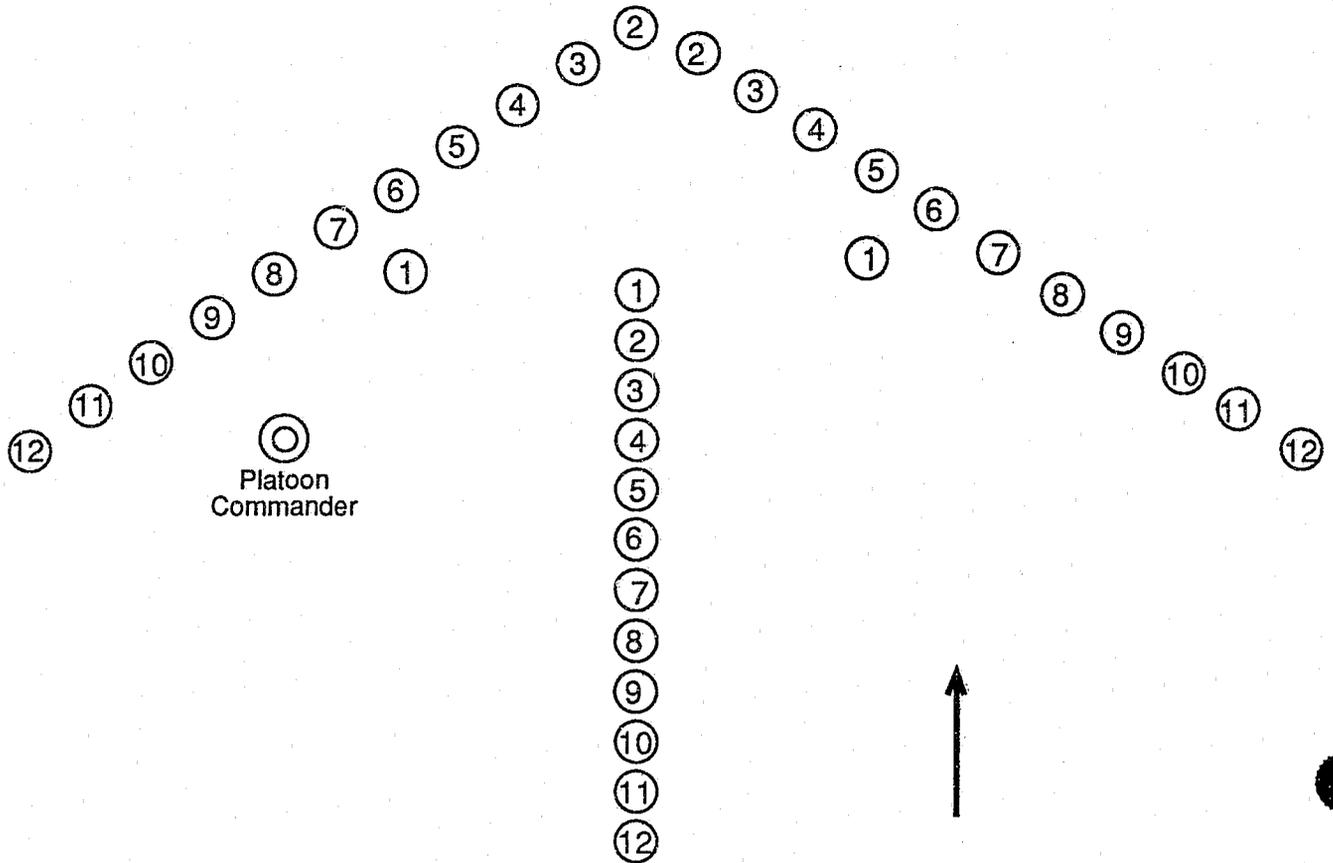
On the command, "SUPPORT TEAM - MOVE!", no.'s 3 & 4 will pull the arrestee to the center of the vee and the squad will automatically form a diamond formation and await the squad leaders command to move forward or to the rear. The squad leader becomes the point if the squad is moved forward.

PLATOON SKIRMISH LINE



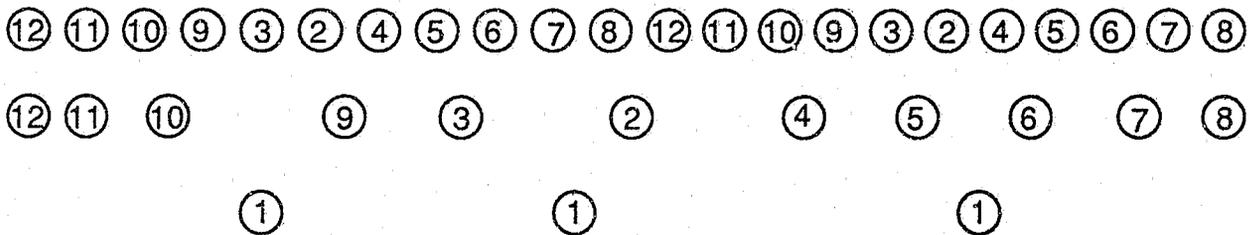
PLATOON WEDGE

SQUAD IN COLUMN SUPPORT



PLATOON SKIRMISH LINE

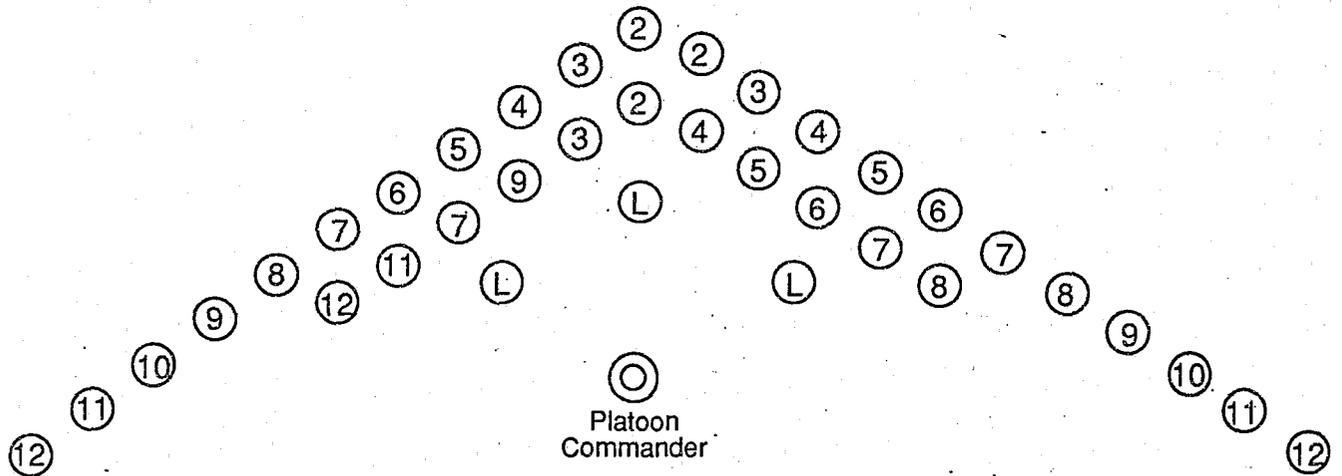
SQUAD IN SKIRMISH SUPPORT



Platoon
Commander

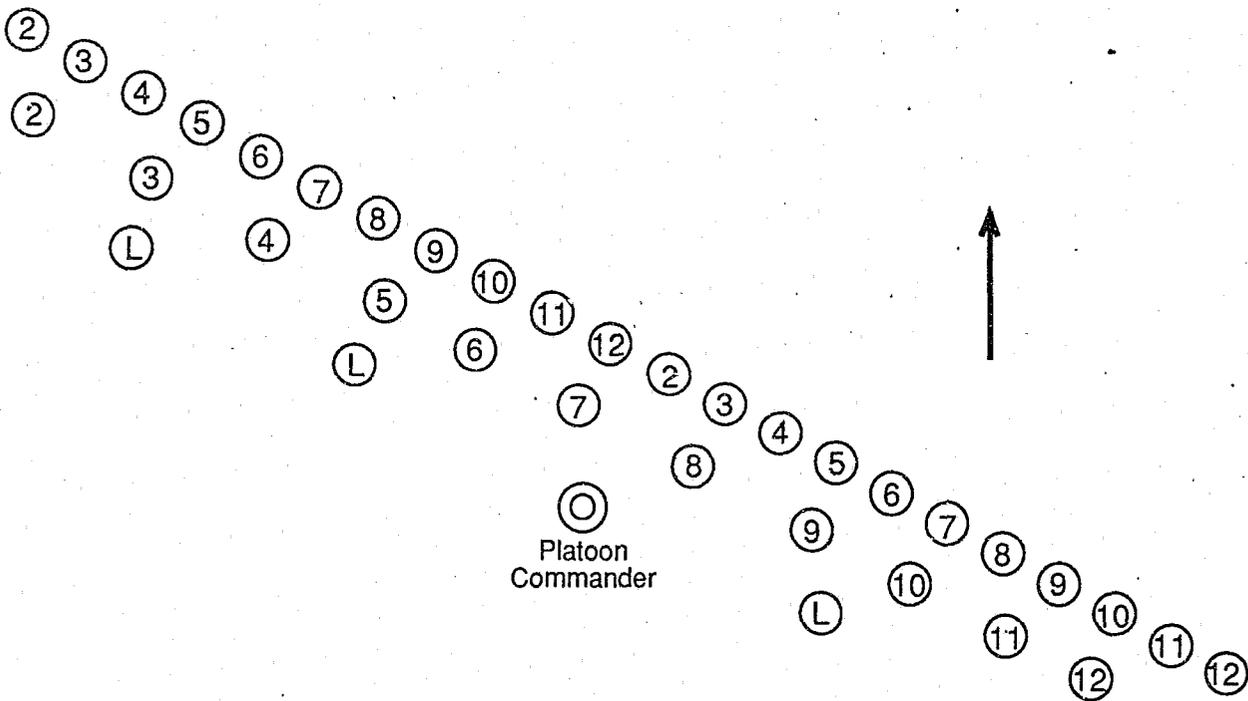
PLATOON WEDGE

SQUAD IN WEDGE SUPPORT

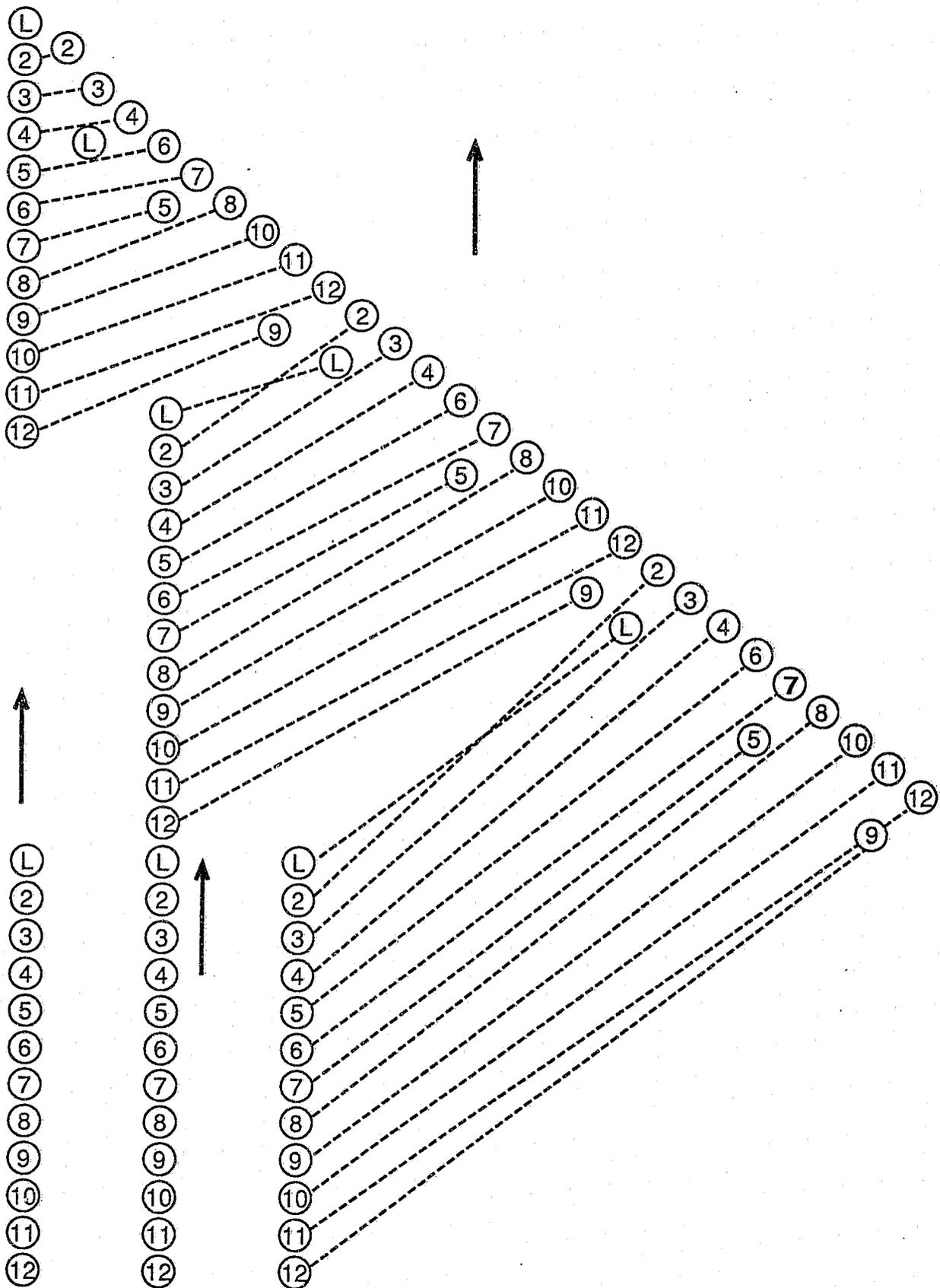


PLATOON RIGHT DIAGONAL

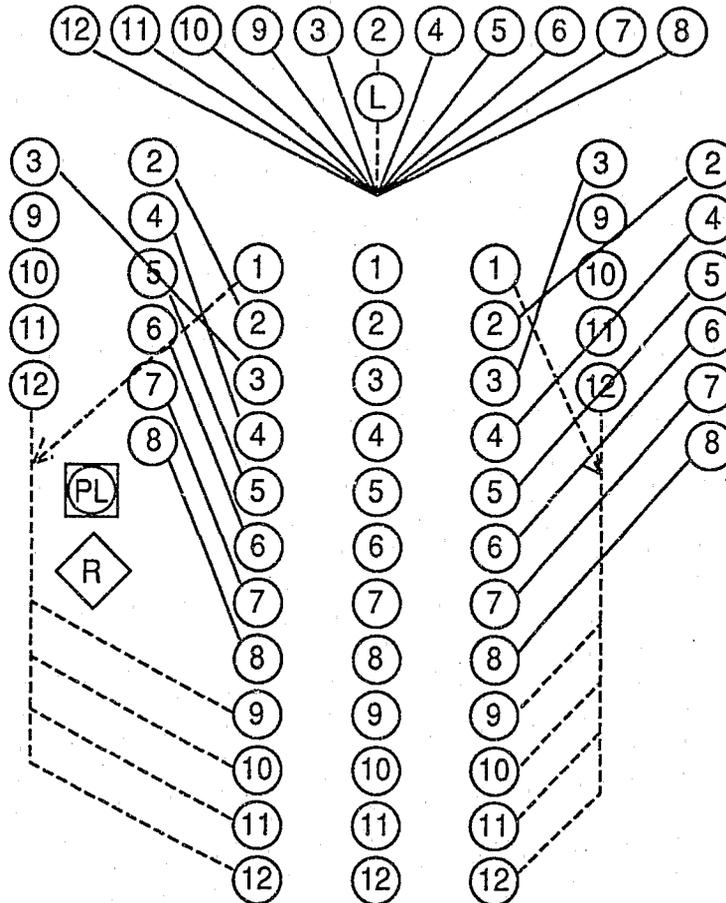
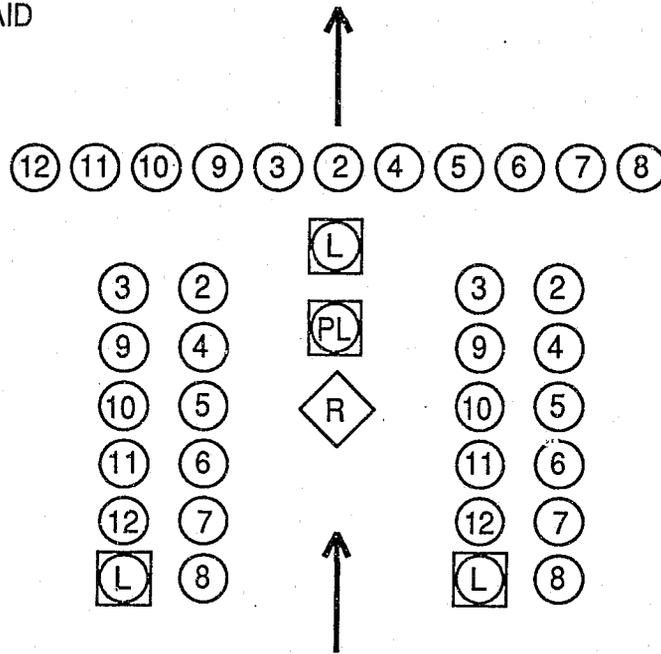
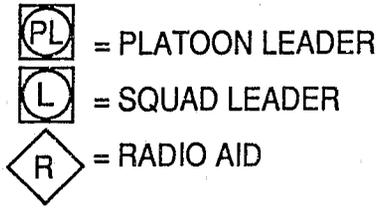
SQUAD IN DIAGONAL SUPPORT



PLATOON FULL RIGHT DIAGONAL



PLATOON CROSSBOW FORMATION



ADDITIONAL REFERENCES:

A Handbook for Practice and Research
2nd Edition, Karl A. Slaikev, Allyn and Bacon, 1990