

**IRVINE POLICE DEPARTMENT
TRAINING BULLETIN
21-01
CITY COUNCIL DISRUPTION
*Prepared by:
Office of Professional Development
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PURPOSE AND SCOPE

The Mayor, or in the absence of the Mayor, the Mayor Pro Tempore (presiding officer), has primary responsibility for conducting and controlling the City Council meeting. If the Mayor is unable to maintain order, the sergeant-at-arms and Chief of Police can provide assistance. Further Irvine Police Department personnel will be summoned as necessary to protect life and property and restore order.

GENERAL AUTHORITY

Irvine Municipal Code §1-2-314 provides that persons present at a City Council meeting must maintain appropriate decorum. If a person substantially impairs or disturbs a City Council meeting they shall be advised of the violation and asked to cease such behavior by the presiding officer. If after such advice and request they continue to disrupt the meeting the presiding officer may direct any peace officer to arrest the person(s) committing the violation under authority of Penal Code §403.

If it becomes necessary to clear the City Council chambers to maintain order, this can be done under the authority of Government Code §54957.9. This section provides that after attempting to restore order via a warning and removal of person(s) causing the disruption, the presiding officer may order the peace officers present to clear the Council Chambers. Although Government Code §54957.9 does not require a dispersal order, officers acting under this authority, under the direction of the City Council, should give verbal instructions regarding exit routes and amount of time to disperse.

If the Council chambers are cleared, the City Council meeting will continue in private session. Only matters appearing on the agenda may be considered in such session. Representatives of the press or other news media, except those who were part of the original disruptive activities, shall be allowed to attend any private session initiated pursuant to this section. The City Council may, at their discretion, admit members of the public who were not responsible for the original disruptive activities.

RELATED STATUTORY CODE SECTIONS

- a. PC §403: Disturbances of assembly or meeting other than religious or political: Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.
- b. PC §404: Riot: Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot.
- c. PC §404.6(a): Urging riot. Every person who with the intent to cause a riot does an act or engages in conduct that urges a riot, or urges others to commit acts of force or violence, or the burning or destroying of property, and at a time and place and under circumstances that produce a clear

and present and immediate danger of acts of force or violence or the burning or destroying of property, is guilty of incitement to riot.

- d. PC §405a: Taking a Person from Custody by a Riot: The taking by means of a riot of any person from the lawful custody of any peace officer.
- e. PC §406: Rout: Whenever two or more persons, assembled and acting together, make any attempt or advance toward the commission of an act which would be a riot if actually committed, such assembly is a rout.
- f. PC §407: Unlawful Assembly defined: Whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.
- g. PC §409: Remaining present at place of riot after warning to disperse: Every person remaining present at the place of any riot, rout or unlawful assembly, after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.
- h. PC §410: Magistrates neglecting or refusing to disperse rioters: If a magistrate or officer, having notice of an unlawful or riotous assembly, mentioned in this chapter, neglects to proceed to the place of assembly, or as near thereto as he can with safety, and to exercise the authority with which he is invested for suppressing the same and arresting the offenders, he is guilty of a misdemeanor.
- i. PC §726: Giving of command to disperse: Where any number of persons, whether armed or not, are unlawfully or riotously assembled, the sheriff of the county or his or her deputies, the officials governing the town or city, or any of them, must go among the persons assembled, or as near to them as possible, and command them, in the name of the people of the state, immediately to disperse.
- j. PC §727: Authority to arrest rioters if they do not disperse: If the persons assembled do not immediately disperse, such magistrates and officers must arrest them, and to that end may command the aid of all persons present or within the county.
- k. Irvine Municipal Code §1-2-314(B): Decorum. By other persons. Persons who substantially impair or disturb a City Council meeting by intentionally committing acts in violation of the provisions hereof or of implicit customs or usages governing the conduct of City Council meetings shall be advised of such violation and requested to curtail such acts by the presiding officer. If after such advice and request, such persons refuse or fail to curtail such acts, the presiding officer may cause any peace officer present to eject them from the Council chamber or place them under arrest and be charged with a violation of Penal Code §403. The members of the Council may, pursuant to Government Code §54957.9, order the meeting room cleared and continue with the session when the orderly conduct of the meeting becomes unfeasible and order cannot be restored.

POLICE DEPARTMENT RESPONSIBILITIES

Sergeant-At-Arms: A sworn police officer is present at each City Council meeting open to the public. The assigned officer serves as the sergeant-at-arms; he/she is responsible to the Council for the maintenance of order during the meeting. The sergeant-at-arms is stationed in uniform and at a strategic position within the City Council chambers. The sergeant-at-arms is selected by the Special Investigations Division (SID) Lieutenant.

- a. Unless otherwise directed by the Chief of Police, the sergeant-at-arms shall wear a Class A or B uniform, and carry or have immediate access to issued police equipment as required by Policy §1007.14 (Uniform Regulations).
- b. The sergeant-at-arms will check in with the City Clerk prior to the start of the meeting and remain at his/her post through the end of the meeting or as directed by the Chief of Police.

The Watch Commander: The watch commander (or on-duty supervisor) is expected to provide additional assistance to the Chief of Police and the sergeant-at-arms in the event a disruption occurs. The watch commander should review the Council agenda and be aware of any potential issues that could result in a disruption. It is the watch commander's responsibility to summon additional personnel to assist with a safe removal of any disruptive persons and maintenance of order.

RESPONSE PROTOCOL

Preparatory Statement: The primary responsibility for conducting and controlling the Council meeting rests with the Mayor. If there is a perceived threat of impending disruption to a City Council meeting, the Mayor or presiding City Council member may make a preparatory statement to the audience to articulate the conduct expected of the attendees and explain the Council's response should the meeting become disrupted. This preparatory statement may be made at any time during the meeting.

Initial Instructions to Come to Order: If, during the meeting, the Council is unable to proceed with its business, the Mayor should make the declaration below:

"You are disrupting this meeting. The Council cannot proceed with the agenda business. This meeting shall come to order immediately, or it shall be recessed or adjourned. Any person disrupting the conduct of this meeting may be subject to criminal prosecution."

If order is not immediately restored, one additional warning should be given as follows:

"You are disrupting the conduct of this meeting. Please come to order."

Removal of Disruptive Persons: At the direction of the Mayor, the sergeant-at-arms shall escort the disruptive person(s) from the meeting room. A refusal to comply with the sergeant-at-arms is grounds for arrest. Prior to an attempt to remove the unruly person(s), the sergeant-at-arms shall notify the watch commander and request assistance.

Council/City Manager Response: If the removal of the disruptive persons and restoration of order is not successful or cannot be accomplished without injury to officers, the Council, the disruptive persons or the audience, the Mayor should immediately recess or adjourn and the Council shall immediately leave the chamber and proceed to the anteroom. The sergeant-at-arms and other available police personnel will make certain the public does not enter the staff or Council area.

The City Manager or his/her representative will take further appropriate action, including the bringing in of police, if necessary, to restore order and/or clear the chamber. If the clearing of the chamber is unsuccessful without violence, the Council, pursuant to state law, may make an additional declaration of disruption and meet privately, after readmitting the press, to continue the agenda.

Readmission to the Council Meeting: The City Manager or his/her representative may, at the direction of the Mayor, readmit any individual determined not to be responsible for willfully disturbing the orderly conduct of the meeting to the Council Chamber.