



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: FIRST AMENDMENT ACTIVITY
AND CIVIL DISTURBANCE
PERFORMANCE REMINDERS**

DATE: August 16, 2022

Bulletin #2022-023

The San Jose Police Department is dedicated to protecting the civil liberties of all community members and visitors as they exercise their constitutional rights to peacefully assemble. First Amendment activities are woven into the fabric of our democracy and are a key principle on which our nation was built. We are committed to treating all who gather to express themselves with dignity, fairness, and respect, while protecting their rights and providing equal protection under the law. If that expression overreaches into harming others, we will take action. We will restore the peace and ensure every member of our community may safely have their voice heard.

*-Anthony Mata
Chief of Police*

In an effort to lead within the law enforcement community, the Department strives to advance the boundaries of philosophy and technique, guiding industry standards and best practices. As a result of First Amendment activities and civil disturbances following the death of George Floyd, the Department received numerous recommendations from the [Police Department Preliminary After Action Report for the Public Protests, Civil Unrest, and Law Enforcement Response from May 29 - June 7, 2020 \(link\)](#) and the [Independent After Action Regarding the Events of May 29 – June 7, 2020 \(link\)](#). This training bulletin addresses specific recommendations that were not addressed in Memo #2022-041 DUTY MANUAL CHAPTER REVISION: FIRST AMENDMENT ACTIVITIES AND CIVIL DISTURBANCES. This training bulletin is intended to supplement the revisions to the Duty Manual set out in Memo #2022-041 and is not a comprehensive guide for planning, organizing, and responding to First Amendment activities and civil disturbances.

From the *Police Department Preliminary After Action Report for the Public Protests, Civil Unrest, and Law Enforcement Response from May 29 - June 7, 2020*, the following recommendations are addressed within this training bulletin:

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Recommendation #3j reads: “Field supervisors should emphasize and ensure complete and accurate information is provided to the transport officers before arrestees are transferred to their custody.” (This recommendation is addressed in Field Supervisor Reminders below.)

Recommendation #4h reads: “Employ civilian supply personnel during large-scale events to better track equipment use and inventory.” (This recommendation is addressed in Incident Command Reminders below.)

Recommendation #5a reads: “During large-scale incidents, a Press Information Officer (PIO) should be assigned to the command post for impromptu press interviews and messaging.” (This recommendation is addressed in Incident Command Reminders below.)

Recommendation #5b reads: “Press Information Officers should leverage social media to communicate important messages to the public during events.” (This recommendation is addressed in Incident Command Reminders below.)

From the *Independent After Action Regarding the Events of May 29 – June 7, 2020*, the following recommendations are addressed within this training bulletin:

Recommendation #3 reads: “SJPd should revise its Mobile Field Force training to emphasize the need for self-discipline and unit cohesion and to include a message from the Chief regarding the Department’s performance expectations.” (This recommendation is addressed during Mobile Field Force training and in the Chief’s Message above.)

Recommendation #8 reads: “In crafting dispersal orders to instruct crowds about the routes of egress from a protest, SJPd policy and training should advise officers to consider conditions such as parking, traffic and officer deployment to ensure the feasibility and safety of any direction provided about dispersal routes.” (This recommendation is addressed in Incident Command Reminders below.)

Recommendation #13 reads: “SJPd should consider practices such as body-camera narration that might enhance officers’ ability to subsequently capture their observations and decision-making when reporting on dynamic, extended deployments.” (This recommendation is addressed in Department Member Reminders below.)

Recommendation #19 reads: “SJPd should consider options for improving the dissemination and clarification of mid-operation policy changes, so that affected personnel in the field are suitably equipped to adapt as intended.” (This recommendation is addressed in Incident Command Reminders below.)

DEPARTMENT MEMBER REMINDERS

- Policies and procedures concerning use of force, report writing, arrest procedures, and courtesy do not change as a result of deployment during First Amendment activities or civil disturbances.

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- Department members are reminded to maintain a professional demeanor at all times. Refer to Duty Manual section L 2302.2 DEMEANOR AT FIRST AMENDMENT ACTIVITIES for additional information.
- Officers should consider body worn camera (BWC) narration to capture such elements as their observations (e.g., suspect description, weapons, words said) and decision making (e.g., use of force, injuries and medical treatment, probable cause). Such narration may assist in the overall investigation. However, BWC narration will not replace formal documentation.
- Department members are to remain neutral, not appear to take sides, and should be committed to treating all people involved with dignity, fairness, and respect.
- All Department members shall abide by the Duty Manual regardless of assignment.

FIELD SUPERVISOR REMINDERS

- Ensure subordinates provide complete and accurate information and completed forms to transport officers prior to any custody exchange. Refer to Duty Manual section L 2305.4 ARRESTS AT A FIRST AMENDMENT ACTIVITY OR CIVIL DISTURBANCE for additional information.
- Be mindful of Department members who are or may be targeted for any reasons or become a catalyst for violence or conflict. Supervisors should replace or redeploy these Department members when feasible and as soon as practicable.
- Department member wellness and stress levels should be monitored during events. It is recommended to replace or redeploy these Department members when feasible and as soon as practicable.

INCIDENT COMMAND REMINDERS

- Utilize civilian Department members such as dispatchers and Records personnel in the planning, organization, and response to large scale events, where applicable and when feasible.
- A Press Information Officer (PIO) should be assigned to the command post at large-scale events to provide impromptu interviews and messaging.
- A PIO should utilize social media to communicate important messages during large scale events. Refer to Duty Manual section L 2312.5 PUBLICATION OF DISPERSAL ORDER for additional information.
- When developing the details for dispersal orders, consideration should be given for routes of egress and should consider natural barriers, traffic, obstructions, dangerous circumstances, and the command post location. Further, consideration should be given to individuals who remain cooperative and non-assaultive and who have legitimate business in the area (e.g., their residence, business, or vehicle is nearby). Refer to Duty Manual section L 2312 DISPERSAL ORDER for additional information.

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- Any planning, organizational, or operational changes required during a large scale event should be communicated through the chain of command as soon as practicable. All changes should be reflected in the next briefing and in the next Incident Action Plan or Operations Plan. Refer to Duty Manual section L 2300.7 BRIEFING PRIOR TO DEPLOYMENT AT A FIRST AMENDMENT ACTIVITY OR CIVIL DISTURBANCE for additional information.

A handwritten signature in black ink, appearing to read 'A. Mata'.

Anthony Mata
Chief of Police

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