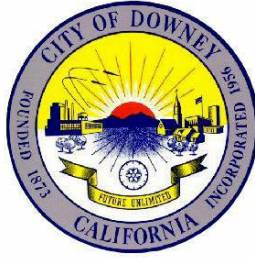


# DOWNEY POLICE DEPARTMENT

**TRAINING**



**BULLETIN**

Leslie Murray  
Chief of Police

No. 22-01

## **Citations for Disturbances at City Council Meetings**

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In an effort to curtail some of the disturbances occurring during City Council meetings and to support the decisions made by the City Manager when an individual has been removed from the meeting, guidance was sought from both the City Prosecutor and the Head Filing DA at Downey Court, in regards to the issuance of citations and/or applicable criminal and municipal code sections. This guidance was in order to secure a successfully filing in the event a citation was issued. As of now, the applicable sections will be 403 PC and 415.3 PC.

**403 PC** – *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.*

**415.3 PC** – *Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment or fine: (3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction.*

In regards to the documentation including any of the following would be helpful in securing a filing and not further emboldening these individuals with a DA rejection:

1. When describing the conduct that disturbs or breaks up an assembly, consider articulating how the conduct was so severe it “renders the meeting to a standstill.”
2. Note the number of warnings the individual was provided prior to dismissal.
3. How many opportunities the individual had to amend their behavior prior to dismissal.
4. During the individual’s comments, there was not discernable message contained within the rant. It is not merely a citizen passionate about a topic, indicating the individual’s comments and conduct is not free speech and is solely meant to disrupt.
5. The individual’s comments are vile, rude, contain name calling attacks and again no discernable message conveyed.

6. Additional benefits include:
  - a. Denoting the number of breaks needed to bring the meeting back to order.
  - b. How the disruptions affect the community's ability to participate or exercise their first amendment rights.
7. A case would be strengthened by video evidence "charting":
  - a. Any previous warnings
  - b. Noting the affects to the public involved
  - c. Documenting the disruptions

Any individuals issued a citation for the above sections should generally be cited and released in the field unless otherwise directed by the Chief of Police or designee.