

1 BARRETT S. LITT, SBN 45527
E: blitt@littlaw.com
2 LITT, ESTUAR, HARRISON &
3 KITSON, LLP
4 1055 Wilshire Boulevard, Suite 1880
Los Angeles, California 90017
T: (213) 386-3114; F: (213) 380-4585

5
6 CAROL A. SOBEL, SBN 84483
E: carolsobel@aol.com
7 LAW OFFICE OF CAROL A. SOBEL
429 Santa Monica Boulevard, Suite 550
8 Santa Monica, California 90401
T: (310) 393-3055; F: (310) 393-3605

9
10 PAUL L. HOFFMAN, SBN 71244
BENJAMIN SCHONBRUN, SBN
11 118323
JAMES DeSIMONE, SBN 119668
12 E: hoffpaul@aol.com
SCHONBRUN, DE SIMONE, et al.
13 723 Ocean Front Walk
Venice, California 90291
14 T: (310) 396-0731; F: (310) 399-7040

15 On Behalf of all MIWON Counsel

16 Attorneys for Plaintiffs

17
18 UNITED STATES DISTRICT COURT

19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20
21 MULTI-ETHNIC IMMIGRANT
WORKERS ORGANIZING
22 NETWORK, et al.

23 Plaintiffs,

24 vs.

25 CITY OF LOS ANGELES, et al.,

26 Defendants.
27
28

Case No.: CV 07-3072 AHM (FMMx)

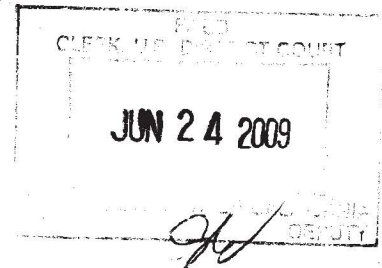
[Honorable A. Howard Matz]

STRUCTURAL RELIEF ORDER

DATE: June 22, 2009

TIME: 10:00 A.M.

COURTROOM: 14



1 The parties to the above-captioned action have submitted this joint Order for
2 the Court's review and approval, addressing the injunctive relief class certified by
3 the Court in its Order issued on January 8, 2008. The court has considered the
4 joint submission and now issues the following Order:

5 **1. Basic Principles:**

6 All persons have the right to march, demonstrate, protest, rally or perform
7 other activities protected by the First Amendment of the United States Constitution
8 and the California Constitution. The government may impose reasonable and
9 narrowly tailored restrictions on the time, place, and manner of conducting these
10 activities. However, any limitations or restrictions placed on demonstrations or
11 other First Amendment activities must be justified by the requirements of
12 maintaining public safety, public health, or safe access/egress from the area, and
13 should restrict no more speech than necessary to further these substantial
14 government interests. Officers must not be affected by the content of the opinions
15 being expressed nor by the race, gender, linguistics, national origin, sexual
16 orientation, physical disabilities, appearances, or affiliation of anyone exercising
17 lawful rights.

18 **2. Helicopters:**

19 Los Angeles Police Department (LAPD) helicopters assigned to monitor
20 permitted crowd control incidents shall operate the aircraft at reasonable altitudes
21 so as to avoid disruption of First Amendment protected activities. The Incident
22 Commander will coordinate with event organizers to help avoid over flights during
23 keynote speaker presentations. This action is not intended to prevent LAPD
24 helicopters from response to emergency situations requiring immediate police
25 presence during such crowd control events.
26
27
28

1 **3. Marches:**

2 Demonstrators, while participating in lawful assemblages, shall not be
3 prevented from using public sidewalks to join or exit a lawful march or from using
4 any public sidewalk adjacent to a lawful march route. However, while on the
5 sidewalk, marchers will not be allowed to obstruct or unreasonably interfere with
6 pedestrian movement and/or prevent lawfully open businesses from operating
7 when such conduct violates any applicable law. LAPD will consider the
8 practicality of facilitating demonstrations that may temporarily block traffic and
9 LAPD shall include the subject in its Crowd Management training.

10 **4. Motorcycles/Bicycles/Motor Vehicles:**

11 Police motorcycles, bicycles, and motor vehicles may be used for the
12 purpose of observation, visible deterrence, traffic control, transportation and area
13 control during a crowd event. When used at the back of a march, they should
14 maintain a reasonably safe distance behind the marchers. LAPD personnel will not
15 utilize motorcycles, bicycles, or motor vehicles to strike assembled
16 demonstrators/marchers as a method for crowd control or crowd dispersal.

17 **5. Crowd Management Training - Horses:**

18 In its crowd management training, the LAPD shall include a subject on the
19 impact of the use of horses on crowd behavior.

20 **6. Use of Less Lethal Weapons:**

21 Less-lethal munitions are categorized as projectiles launched or otherwise
22 deployed for the purpose of overcoming resistance, effecting arrest or addressing
23 the threat of serious injury to an officer or suspect with less risk of causing death
24 than the use of a firearm.

- 25 a. Less-lethal munitions may be deployed on aggressive and/or
26 combative suspects in a crowd control situation, on suspects who
27
28

- 1 are a potential physical threat to themselves or others, or suspects
2 displaying “aggressive” and/or “combative” actions.
- 3 b. For the purpose of deployment of less-lethal munitions,
4 “aggressive” and/or “combative” actions include ongoing
5 destruction of property that presents a threat to the personal safety
6 of officers or others.
- 7 c. Less lethal weapons should not be used on a lawfully dispersing
8 crowd or individual.
- 9 d. Less lethal weapons should not be used against a person or a crowd
10 that is retreating unless the person or crowd continues to engage in
11 unlawful activity that is aggressive and/or combative.
- 12 e. Where feasible, notice should be given to the crowd before less-
13 lethal weapons are deployed in a crowd control or dispersal
14 situation, and where feasible, it should be given in the language(s)
15 spoken by those assembled.
- 16 f. If the LAPD resumes the use of stinger rounds, the LAPD will
17 publish a notice that will require that less-lethal stinger weapons
18 can be used only with the approval of a staff officer (i.e.,
19 commander or above) and only in a riotous situation where the use
20 of lethal force would not be reasonable.

21 **7. Use of Batons:**

22 Batons should not be used against members of the crowd attempting to
23 disperse, persons unable to move because of the press of the crowd, or persons
24 otherwise posing no imminent threat to the officers or other persons. Batons may
25 be displayed or used in a pushing motion when used as a justified and authorized
26 crowd management technique. The baton may be used to push individuals who
27 intentionally delay dispersal subsequent to a lawful order to disperse. When an
28

1 individual's behavior is threatening or violent in nature, the baton may be used as
2 an impact device in accordance with Department policy.

3 **8. Public Assemblies:**

4 The Incident Commander and supervisors shall make every effort to ensure
5 that the police mission is accomplished as efficiently as possible, with the highest
6 regard for human dignity and liberty of all persons, with consideration of the
7 cultural and linguistic diversity of the neighborhoods and communities of Los
8 Angeles, and with minimum reliance on the use of physical force. Incident
9 Commanders, prior to declaring an assembly unlawful, will follow the procedures
10 as directed in the LAPD Guidelines for Crowd Management and Crowd Control,
11 Volume 5 of the LAPD Emergency Operations Guide. Before any public assembly
12 is declared to be unlawful, the Incident Commander should evaluate the feasibility
13 of isolating and arresting those responsible for the unlawful conduct, and if it is
14 determined to be feasible, shall take such action.

15 **9. Declaration of Unlawful Assembly:**

16 Crowd dispersal techniques shall not be initiated until after a declaration has
17 been announced as required by California Penal Code Section 409. LAPD
18 personnel will follow the procedures as directed in the LAPD Guidelines for
19 Crowd Management and Crowd Control, Volume 5 of the LAPD Emergency
20 Operations Guide. The following factors shall be considered when issuing a
21 dispersal order:

- 22 a. Use of an amplified loudspeaker system to issue the order.
23 b. If feasible, send an officer to the far side of the crowd to tape record
24 the order.
25 c. If circumstances permit (absence of serious violence), the order
26 shall be made repeatedly over a period of time and, if necessary,
27 from a variety of locations.
28

- 1 d. The order must include an objectively reasonable period of time to
2 disperse and a clear and safe route to disperse based on the facts
3 and circumstances known at the time.
- 4 e. An order to disperse shall be given in a manner reasonably
5 calculated to be heard by the entire crowd under the circumstances.
6 When it is known that members of the crowd do not understand
7 English, an effort should be made, when feasible, to give the order
8 to disperse in both English and the other language(s).
- 9 f. The order to disperse shall include a warning that police action may
10 include the use of less lethal munitions, which could cause
11 significant risk of serious injury to those who remain.

12 **10. Crowd Management Training - Shows of Force**

13 In its crowd management training, the LAPD shall include a subject on the
14 impact of shows of force on crowd behavior.

15 **11. LAPD's Policy Regarding Crowd Control:**

16 LAPD's policy regarding crowd control can be found in the Emergency
17 Operations Guide, Volume 5, Chapter 7. All LAPD directives and orders directly
18 related to crowd control and the relevant portions of this agreement shall be
19 included in the Emergency Operations Guide by July 1, 2009. The plaintiffs shall
20 be given an opportunity to provide input and comment on the revisions prior to
21 final approval by the LAPD.

22 **12. Training on Crowd Control Policies:**

23 The LAPD shall require Metropolitan Division to undergo training annually,
24 and every officer at the level of Sergeant I and above to undergo training at
25 minimum intervals of two years, on the Crowd Control and Use of Force policies
26 to be developed pursuant to Paragraph 11 of this document. The Department's
27 existing training, designed and implemented after May 1, 2007, will be reviewed
28

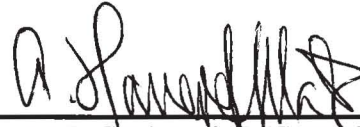
1 and modified, as necessary, to conform to the policies developed as part of this
2 agreement. The training may be live or by e-module, or both, at the Department's
3 discretion.

4 **13. Retention of Jurisdiction:**

5 The Court retains jurisdiction to enforce the terms of this judgment and to
6 issue all orders necessary to do so. The Court's jurisdiction shall continue for a
7 period of four years and may be extended—in whole or in part—for an additional
8 period of two years upon proof by a preponderance of the evidence that the
9 activities complained of are due to the Department's failure to substantially comply
10 with the provisions of this order.

11 Before bringing a motion to enforce this order, plaintiffs shall give
12 defendants notice of an alleged violation and a reasonable opportunity to remedy it.
13 If necessary to permit defendants adequate time to remedy the alleged failure to
14 comply, the parties will submit a joint request to extend the Court's initial period
15 of jurisdiction.

16
17 DATED: June 24, 2009


UNITED STATES DISTRICT JUDGE

18
19 Submitted by:

20 LITT, ESTUAR, HARRISON & KITSON, LLP
21 LAW OFFICES OF CAROL SOBEL
22

23
24 By : /s/ Barrett S. Litt
25 BARRETT S. LITT
26 Attorneys for Plaintiff Class
27
28