Course Goal: To teach students how to respond and resolve incidents involving labor disputes.

Performance Objectives:

- Students will apply law and policy to resolve complaints of expressive activity/organized labor activity on private/public property.
- Students will determine response strategies for extremist (illegal) protesters.
- Student will develop briefing/roll call training

Day One

I. Expressive Activity-Private Property
   A. Instructor Introduction (Module 1a)
   B. Course material teaching methods
      1. Instructor lecture
      2. Group learning activities
      3. Hands on learning activities
      4. Facilitated Student discussion
      5. Critical thinking questions
   C. Case law (Module 1b)
      1. *Robins v. Pruneyard* (California Supreme Court) – 1979
         a. Background
            1) Privately-owned, 21-acre Shopping Center
            2) Contained walkways, plazas and buildings that housed 65 shops, 10 restaurants, and a movie theater
            3) High school students set up a card table in a corner of Pruneyard’s central courtyard to solicit support for their opposition to a United Nations resolution against “Zionism.”
            4) Their activity was peaceful well-received by Pruneyard patrons
            5) Conduct violated Pruneyard regulations
            6) Security guard had them leave
            7) Students immediately left the premises and later brought suit
         b. California Constitution speech protection
            1) Evolution of the suburban shopping mall and its particular suitability as a forum for expressive activity
            2) California Constitution protects speech and petitioning, reasonably exercised, in shopping centers even when the centers are privately owned.
            3) Court stated: “By no means do we imply that those who wish to disseminate ideas have free rein.”
         c. Speech and petition against private property rights
            1) The public interest in peaceful speech outweighs the desire of property owners for control over their property
            2) Property owner’s interests were not materially injured by the challenged activity in light of the fact that the owner had fully opened his property to the public
3) *Pruneyard* holding was premised upon California Supreme Court finding:
   a) Large retail shopping centers
   b) Functional equivalent to traditional town center business district
   c) Town centers where historically the public’s free speech activity is exercised

   a. California affords greater free speech protection than the First Amendment
   b. California Constitution protects speech and petitioning, reasonably exercised, in shopping centers even when the centers are privately owned
   c. *Pruneyard* may restrict expressive activity by adopting time, place, and manner regulations that will minimize any interference with its commercial functions.
   d. Affirmed the Calif. Supreme Court decision

   a. California Appellate Court decision
   b. Background
      1) Santa Rosa Trader Joe’s is a single structure, single-use store
      2) Progressive Campaigns were soliciting signatures for initiatives at store
      3) Management asked solicitors to leave
      4) Management obtained injunction against solicitors to be at store
   c. Free speech and petitioning rights at privately owned stand-alone grocery stores
      1) *Pruneyard* did not expressly or implicitly hold that California constitution protects free speech and petitioning rights at privately owned stand-alone grocery stores
      2) Trader Joe’s interest in maintaining exclusive control over its private property is stronger than the interest of a shopping mall owner
   d. Ruling that store was not a public forum
      1) Trader Joe’s is not a public meeting place and society has no special interest in using it as such
      2) Trader Joe’s invitation to the public to visit its Santa Rosa store is more limited than the invitation made by a shopping center like Pruneyard
      3) Citizens are not invited to “congregate” at the Santa Rosa Trader Joe’s

   a. California Appellate Court decision
   b. Background
      1) Solicitation of signatures for initiatives at store
      2) Costco time, manner and place restrictions
         a) Prohibits all expressive activity
            (1) on 34 days which historically experienced a high volume of customer traffic
            (2) by same person(s) on more than 5 days within any 30-day period
            (3) all expressive activity at “stand-alone” facilities
         b) Modifications made in 1998
         c) Must complete an application to engage in expressive activity
d) No more than three different entities may engage in expressive activity at the same time.

c. Affirmed Costco’s right to restrict access to its property
   1) Costco presented evidence that expressive activity at its stores had imposed upon Costco:
      a) Considerable expenses
      b) Administrative burdens and
      c) Risks which directly impaired the commercial purposes of the stores
   2) Costco’s stand-alone stores are not essential or invaluable forums for the general exercise of free speech
   3) Costco stand-alone facility
      a) By design have only one entrance and one exit,
      b) Customers have no practical means of avoiding encounters with petition gatherers and other participants in expressive activities
   4) Balance required under Pruneyard falls decidedly in favor of Costco’s right to restrict access to its property

   a. California Appellate Court decision
   b. Background
      1) Solicitation of signatures for initiatives at store
      2) Walkway immediately outside of the entrances to Albertsons in Nevada County
      3) Store is located in Fowler Center - a shopping center
      4) Fowler Center is not a mall, and it does not contain any courtyards, plazas, picnic areas, gardens, educational facilities, health clubs, or gyms
      5) Albertsons privately owned parcel consists of –
         a) Three and one-half acres
         b) Includes the grocery store, the walkway in front which is the sole means of ingress and egress to the store,
         c) And a portion of a large parking lot directly in front of the store
         d) Albertsons has exclusive control over its store area
      6) No areas in the store for people to congregate or to sit and eat and converse
      7) No coffee bars and no public meeting areas
      8) Albertsons permitted other noncommercial expressive activity at the store
   c. Stand-alone store part of a large shopping center
   d. Does not have characteristics of traditional public forum
   e. Albertsons has content-neutral and nondiscriminatory rules and procedures by which expressive activity may be permitted on the premises of its store
   f. Pursuant to company policy, the store can permit noncommercial expressive activity on the walkway portion of its premises in accordance with corporate time, place, and manner rules
   g. Court ruled “defendants (solicitors) have no right to use the privately owned premises of the Albertsons store to solicit and gather signatures for initiative petitions or for other such expressive activity”
h. Court gave advice—“courts must be very careful before proclaiming private property to be a place for expressive activity”

   a. California Appellate Court decision
   b. Background
      1) Target Corporation
      2) Wal-Mart Stores, Inc.
      3) Home Depot U.S.A., Inc.
      4) Solicitors were gathering signatures
         a) Set up tables
         b) Off to side of entrance
      5) Management from stores would ask for solicitors to leave
      6) Target in 2005 implemented policy to prohibit solicitors from any organization
   c. Stores are not a public forum for persons to engage in expressive activities
   d. No particular societal interest is promoted by using the stores for expressive activity
   e. The *Pruneyard* holding does not apply—
      1) To area immediately surrounding the entrance of an individual retail store
      2) When store does not itself possess the characteristics of a public forum
      3) Even when that store is part of a larger shopping center
   f. Court found that circumstances were no different than those in *Albertsons*

   a. California Supreme Court decision
   b. Case dealt with Labor Unions
   c. Background
      1) Employees of the Fresno Foods Co store were not under a union contract
      2) October 2008, nonemployee representatives of United Food and Commercial Workers Union Local 8 began an informational picket line in front of the Foods Co store
      3) Activities generally occurred five days a week (Wednesday through Sunday) for eight hours a day
      4) Store regulations prohibited speech activities within 20 feet of the store’s entrance
      5) Store asked the Sacramento Police Department to remove the Union’s agents from the store, but the police declined to do so without a court order
      6) Store filed a complaint in February 2009 to keep picketers off of property
   d. Calif. State Supreme court agreed with appellate decisions of *Albertsons* and *Target*
      1) “silver lining” for property owners regarding expressive activity
      2) To be a public forum area within shopping center:
         a) Must induces shoppers to congregate for purposes of entertainment, relaxation, or conversation
b) Not merely to walk to or from a parking area, or to walk from one store to another

c) Or to view a store’s merchandise and advertising displays

e. Supermarket’s privately owned entrance area is not a public forum
   1) Expressive activities pose a significantly greater risk of interfering with normal business operations
   2) when activities are conducted in close proximity to the entrances and exits of individual stores

f. Union’s picketing activities do not have state constitutional protection

g. Picketing activities do have statutory protection
   1) Moscone Act
      a) California Legislature enacted the Moscone Act in 1975
      b) Patterned after the Norris-LaGuardia Act (1932)
   2) Labor Code section 1138.1

h. Possible “collision course” with Federal government

i. Litigation Center for National Chamber of Commerce
   1) Asked United States Supreme Court to grant a writ of certiorari
   2) Writ petition denied by United States Supreme Court

D. California Penal Codes

1. Trespass laws
   a. 602(k) PC
   b. 602.1(a) PC
      1) Has subdivision ‘c’
      2) Subdivision ‘c’ does not apply to “activities protected by California Constitution or United States Constitution.”
   c. Both statues require actual interference with business
   d. Mere unauthorized presence alone will not usually satisfy as interference

2. Unlawful activity
   a. 415 PC
   b. 647c PC

E. Local/County Ordinances

1. International Society For Krishna Consciousness of California, Inc. v. City of Los Angeles (2010)
   a. California Supreme Court Case
   b. Involving “repetitive” solicitation for funds
   c. Ruling in favor of LAX

   a. California Supreme Court Case
   b. Involving “aggressive” solicitation for funds (Los Angeles Municipal Code § 41.59) Ruling in favor of City of Los Angeles

3. Comite De Jornaleros De Redondo Beach v. City of Redondo Beach (2011)
   a. United States Federal Court of Appeals – Ninth Circuit Case
   b. Involving day laborers soliciting work from sidewalk
   c. Ruling against City of Redondo Beach municipal code
d. US Supreme Court rejected hearing case

F. Department policy
   1. Lexipol recommendations
   2. Conflict between case law, state law

II. Responses to expressive activity complaints (Module 1c)
   A. Strategies to mediating (resolving) expressive activity complaints
      1. Civil Injunctions
         a. Educating property owners
            1) Need for own legal counsel
            2) Case law
            3) Availability (or lack thereof) of police enforcement options
         b. Court decides outcome
            1) Order to police department to enforce court restrictions
            2) Liability coverage for arrests/enforcement
      2. Arrest
         a. Officer initiated
            1) Penal code violation(s)
            2) Municipal (County) code violation(s)
         b. Citizen arrest
            1) 837 PC
            2) 142(c)PC
         c. Consequences
            1) Intentional
               a) “Swift” resolution to “problem”
               b) Tolerance level of police agency in regards to “problem”
               c) Have “problem” adjudicated
            2) Unintended
               a) Exacerbate “problem”
                  (1) 5 protesters grows into 500 protesters following arrest
                  (2) Make store focal point
               b) Legal liability
                  (1) For agency
                  (2) For individual officer
               c) Negative public relations
                  (1) For Agency
                  (2) For officer
      3. Way of Complaint
         a. Non-violent “problem”
         b. Ruling by City Prosecutor (County District Attorney)
         c. May be concurrent with civil injunction
      4. Mutual agreement of resolution
         a. Both sides “win”
         b. Police maintain their “peace” making role
         c. Avoids costly legal matters for all three parties involved
B. Personnel responding to expressive activity

1. On duty personnel
   a. Line level officers
      1) Immediately contact “complaining” party
         a) Might work against future mutual agreement
         b) Perception of unfairness
      2) Proactive response
         a) Meeting with groups before problems occur
            (1) Property management
            (2) Expressive activity groups (individuals)
         b) “Guidelines” sheet
            (1) For Property management
            (2) For groups
      3) Must recognize type of “labor dispute”
         a) Adequate resources
         b) Legal v. illegal behavior
   b. First line supervisors
      1) Might not have knowledge base to resolve problem. (situation)
         a) Expectation to have resolution immediately by line level officers
         b) Might feel pressure to make (wrong or right) resolution immediately
      2) Often times responding several minutes after “problem” has grown
      3) Might undermine “authority” of handling officer

2. Labor relations unit
   a. Full time
      1) Proactive response
         a) Know concerns of groups
            (1) Availability to concerned parties
            (2) Avoid “favoritism”
         b) Meeting with groups before problems occur
            (1) Property management
            (2) Expressive activity groups (individuals)
         c) “Guidelines” sheet
            (1) For Property management
            (2) For groups
      2) Professional appearance
         a) Business attire
         b) Police uniform
      3) Mitigation of future problems
   b. Ancillary assignment (Part Time)

3. Ongoing training for personnel
   a. Briefing/roll call training
I. Organized Labor Activity
   A. Instructor Introduction
   B. Course material teaching methods
      1. Instructor lecture
      2. Group learning activities
      3. Hands on learning activities
      4. Facilitated Student discussion
      5. Critical thinking questions
   C. Case law (Module 2a)
      1. Robins v. Pruneyard (California Supreme Court) – 1979
         a. Background
            1) Privately-owned, 21-acre Shopping Center
            2) Contained walkways, plazas and buildings that housed 65 shops, 10 restaurants, and a movie theater
            3) High school students set up a card table in a corner of Pruneyard’s central courtyard to solicit support for their opposition to a United Nations resolution against “Zionism.”
            4) Their activity was peaceful well-received by Pruneyard patrons
            5) Conduct violated Pruneyard regulations
            6) Security guard had them leave
            7) Students immediately left the premises and later brought suit
         b. California Constitution speech protection
            1) Evolution of the suburban shopping mall and its particular suitability as a forum for expressive activity
            2) California Constitution protects speech and petitioning, reasonably exercised, in shopping centers even when the centers are privately owned.
            3) Court stated: “By no means do we imply that those who wish to disseminate ideas have free rein.”
         c. Speech and petition against private property rights
            1) The public interest in peaceful speech outweighs the desire of property owners for control over their property
            2) Property owner’s interests were not materially injured by the challenged activity in light of the fact that the owner had fully opened his property to the public
            3) Pruneyard holding was premised upon California Supreme Court finding:
               a) Large retail shopping centers
               b) Functional equivalent to traditional town center business district
               c) Town centers where historically the public’s free speech activity is exercised
   a. California affords greater free speech protection than the First Amendment
   b. California Constitution protects speech and petitioning, reasonably exercised, in shopping centers even when the centers are privately owned
   c. *Pruneyard* may restrict expressive activity by adopting time, place, and manner regulations that will minimize any interference with its commercial functions
   d. Affirmed the Calif. Supreme Court decision

3. *In re Catalano* – 1981
   a. California Supreme Court Case
   b. Union steward arrested following job site inspection (citizen arrest)
   c. Are trespass statutes applicable to lawful union activity?
   d. Lawful union activity is exempt from prosecution for trespass
   e. Court ruled that “General trespass statutes may not be used to frustrate legitimate union activities on private premises, in instances in which no significant property interest is threatened.”

   a. California Supreme Court decision
   b. Sears was granted an injunction keeping union from picketing on its property (1973)
   c. State of California, by statute or by judicial decision, may permit union activity on private premises
   d. Union picketing on private sidewalks outside a store as a matter of state labor law
   e. Sidewalk outside a retail store has become the traditional and accepted place where unions may, by peaceful picketing, present to the public their views respecting a labor dispute with that store

   a. California Supreme Court decision
      1) Court followed previous decisions
      2) Peaceful picketing by a labor union “involves an exercise of the constitutionally protected right of freedom of speech.”
      3) Union had a right to distribute handbills on a privately owned sidewalk outside a business
      4) Court noted and referenced differences between the First Amendment to the federal Constitution and article I, section 2 of the California Constitution
   b. Union members did not obtain permission to distribute leaflets
      1) Mall had time, place and manner restrictions
      2) Restriction on advocating boycott of merchants of Fashion Valley Mall
   c. Involved a “secondary boycott”
   d. Content Based versus Content Neutral
      1) Content Based is subject to the more stringent strict scrutiny standard
      2) Content Neutral
         a) Narrowly tailored
         b) Serves a significant government interest
         c) Leaves open ample alternative avenues of communication
3) Prohibiting speech that advocates a boycott is not a proper time, place, or manner restriction because it is not content neutral
   a) Prohibits speech that urges a boycott
   b) Permits speech that does not

   e. California Constitution includes the right to urge customers in a shopping mall to boycott one of the stores in the mall
   f. Peacefully urging a boycott in a mall does not by its nature cause congestion, nor does it promote fraud or duress

   a. California Supreme Court decision
   b. Case dealt with Labor Unions
   c. Background
      1) Employees of the Fresno Foods Co store were not under a union contract
      2) October 2008, nonemployee representatives of United Food and Commercial Workers Union Local 8 began an informational picket line in front of the Foods Co store
      3) Activities generally occurred five days a week (Wednesday through Sunday) for eight hours a day
      4) Store regulations prohibited speech activities within 20 feet of the store’s entrance
      5) Store asked the Sacramento Police Department to remove the Union’s agents from the store, but the police declined to do so without a court order
      6) Store filed a complaint in February 2009 to keep picketers off of property
   d. Union’s picketing activities (in present case) do not have state constitutional protection
   e. Picketing activities do have statutory protection
      1) Moscone Act
         a) California Legislature enacted the Moscone Act in 1975
         b) Patterned after the Norris-LaGuardia Act (1932)
         c) Act was passed to “promote the rights of workers to engage in concerted activities for the purpose of collective bargaining, picketing or other mutual aid or protection.”
         d) Provides that certain activities undertaken during a labor dispute are legal
            (1) Peaceful picketing or patrolling involving any labor dispute
            (2) Communicating information regarding the existence of, or the facts involved in, any labor dispute,
            (3) Any public street or any place where any person or persons may lawfully be
         e) Excluded from the legislation are acts
            (1) Conduct that is unlawful
            (2) Unlawful blocking of access or egress to premises where a labor dispute exists
      2) Labor Code section 1138.1
a) Enacted by legislature in 1999
b) Prohibits a court from issuing an injunction during a labor dispute unless
   (1) Unlawful acts have been threatened and will be committed unless restrained
   (2) Substantial and irreparable injury to complainant’s property will follow
   (3) Unless injunction is granted greater injury will be inflicted upon property owner (complainant) by the denial of relief
   (4) Property owner (complainant) has no adequate remedy at law
   (5) Public officers charged with the duty to protect complainant’s property are unable or unwilling to furnish adequate protection
f) Possible “collision course” with Federal government
   1) Federal Court of Appeal ruled that Moscone Act and Labor Code section 1138.1 violate federal Constitution
   2) Litigation Center for National Chamber of Commerce
      a) Asked United States Supreme Court to grant a writ of certiorari regarding Ralphs decision
      b) Writ petition denied by United States Supreme Court
7. California Penal Codes
   a. Trespass laws
      1) 602(k) PC
         a) Subdivision ‘o’
         b) Exempts lawful labor union activities
         c) See In re Catalano – 1981
      2) 552.1 PC
      3) 555.2 PC
      4) Mere unauthorized presence alone will not usually satisfy as interference
   b. Unlawful activity
      1) 415 PC
      2) 166.4 PC (violation of court order)
      3) 21701 CVC – Interference with driver
D. Local/County Ordinances
E. Department policy
   1. Lexipol recommendations
   2. Conflict between case law, state law
F. National Labor Relations Act
   1. Enforcement:
      a. National Labor Relations Board
      b. Federal Courts
      c. Police are not responsible for enforcing labor laws
   2. Enacted by Congress
   3. Applies to all industries affecting interstate commerce
   4. Defines legal and illegal labor practices
      a. For Management
II. Responses to organized labor activity complaints (Module 2b)

A. Strategies to mediating (resolving) organized labor activity complaints

1. Civil Injunctions
   a. Educating property owners
      1) Need for own legal counsel
      2) Case law
      3) Availability (or lack thereof) of police enforcement options
   b. Court decides outcome
      1) Order to police department to enforce court restrictions
      2) Liability coverage for arrests/enforcement

2. Arrest
   a. Officer initiated
      1) Penal code violation(s)
      2) Municipal (County) code violation(s)
   b. Citizen arrest
      1) 837 PC
      2) 142 (c) PC
   c. Consequences
      1) Intentional
         a) “Swift” resolution to “problem”
         b) Tolerance level of police agency in regards to “problem”
         c) Have “problem” adjudicated
      2) Unintended
         a) Exacerbate “problem”
            (1) 5 picketers grows into 500 protesters following arrest
            (2) Make store focal point
         b) Legal liability
            (1) For agency
            (2) For individual officer
         c) Negative public relations
            (1) For Agency
            (2) For officer

3. Way of Complaint
   a. Non-violent “problem”
   b. Ruling by City Prosecutor (County District Attorney)
   c. May be concurrent with civil injunction

4. Mutual agreement of resolution
   a. Both sides “win”
   b. Police maintain their “peace” making role
   c. Avoids costly legal matters for all three parties involved
      1) Property management
      2) Organized labor activity group (individual)
      3) Police agency
B. Personnel responding to organized labor activity
1. On duty personnel
   a. Line level officers
      1) Immediately contact “complaining” party
         a) Might work against future mutual agreement
         b) Perception of unfairness
      2) Proactive response
         a) Meeting with groups before problems occur
            (1) Property management
            (2) Organized labor activity groups (individuals)
         b) “Guidelines” sheet
            (1) For Property management
            (2) For groups
      3) Must recognize type of “labor dispute”
         a) Adequate resources
         b) Legal v. illegal behavior
   b. First line supervisors
      1) Might not have knowledge base to resolve problem (situation)
         a) Expectation to have resolution immediately by line level officers
         b) Might feel pressure to make (wrong or right) resolution immediately
      2) Often times responding several minutes after “problem” has grown
      3) Might undermine “authority” of handling officer
2. Labor relations unit
   a. Full time
      1) Proactive response
         a) Know concerns of groups
            (1) Availability to concerned parties
            (2) Avoid “favoritism”
         b) Meeting with groups before problems occur
            (1) Property management
            (2) Organized labor activity groups (individuals)
         c) “Guidelines” sheet
            (1) For Property management
            (2) For groups
      2) Professional appearance
         a) Business attire
         b) Police uniform
      3) Mitigation of future problems
   b. Ancillary assignment (Part Time)
3. Ongoing training for personnel
   a. Briefing/roll call training
   b. CALRO training
      1) Membership
      2) Networking
III. Illegal (Extremist) Protesters (Module 3)
   A. Instructor introduction
   B. Course material teaching methods
      1. Instructor lecture
      2. Group learning activities
      3. Hands on learning activities
      4. Facilitated Student discussion
      5. Critical thinking questions
   C. Recognizing illegal protesters
   D. Above ground
      1. Will not openly engage in criminal behavior
      2. Topics for protesting usually polarizing issues
         a. Environmental
         b. Animal rights
         c. Capitalist market place issues
      3. Do not publicly state intention to engage in criminal behavior
      4. Possible same goal as underground groups (e.g. PETA & A.L.F.)
      5. Fringe support
         a. No open condemnation
         b. Indirect assistance to those engaging in underground (criminal) behavior
            1) Shielding from police
            2) Funding
      6. Secondary Boycotts
         a. Target consumers
         b. Target suppliers
   E. Underground
      1. Advocate use of violence to meet their needs
      2. Might be a faction of an aboveground protest
      3. Escalation of violence
      4. Target selection
      5. Communication forms
      6. Loosely organized

IV. Illegal (Extremist) Protesters Behavior
   A. Case law – revisit
      1. Robins v. Pruneyard (California Supreme Court) - 1979
      4. California Penal Codes
         a. 602(k) PC
         b. 602.1(a) PC
            1) Has subdivision ‘c’
            2) Subdivision ‘c’ does not apply to “activities protected by California Constitution or United States Constitution.”
c. Both statues require actual interference with business
d. Mere unauthorized presence alone will not usually satisfy as interference
e. Unlawful activity
   1) 415 PC
   2) 451 PC
   3) 594 PC
   4) 422 PC

B. Local/County Ordinances
   1. Los Angeles City ordinance
      a. Section 56.45
      b. Prohibition Against Targeted Demonstrations Focused Upon and At or About a Private Residence
   2. Los Angeles County ordinance
      a. 13.43.010
      b. Picketing of private residences prohibited

C. Department policy
   1. Lexipol recommendations
   2. Conflict between case law, state law

V. Responses to illegal protesters
A. Uniformed police presence
   1. Line level officers
      a. Must recognize type of “labor dispute”
         1) Legal v. illegal behavior
         2) Adequate resources
            a) Mutual aid
            b) Previous encounters with adjoining jurisdictions
            c) Escalation to riotous behavior
            d) Video tape response
      b. First line supervisors
         1) Might not have knowledge base to resolve problem (situation)
            a) Expectation to have resolution immediately by line level officers
            b) Might feel pressure to make (wrong or right) resolution immediately
         2) Often times responding several minutes after “problem” has grown
     3) Ability to contact TLO
        a) Situation might have JRIC (Federal) implications
        b) Intelligence source on extremist group(s)
     4) Adequate resources
        a) Mutual aid
        b) Previous encounters with adjoining jurisdictions
        c) Escalation to riotous behavior
        d) Video tape response

B. Labor relations unit
   1. Situation might not be able to be resolved by direct communication
a. No “leader”
b. Unwillingness to cooperate with law enforcement

2. Provide advice to front line officers/supervisors
   a. Provide clear distinctions between expressive activity & illegal protesters
   b. Gather intelligence from adjoining jurisdictions

C. Strategies
   1. Check for past claims of responsibility
      a. Internet sites
      b. Precursor to crimes committed by group

   2. Identification of potential targets
      a. Actual protester(s) identified by law enforcement
      b. Potential target(s) sought by protester(s)

   3. Pre-event surveillance
      a. Being committed by protester(s)
      b. Intelligence gathering by law enforcement
         1) Identification of vehicles, residences, etc.
         2) Removal/placement of barriers
         3) Hazardous situations (e.g. IED’s)

   4. Physical Arrest with booking
      a. Removal of protester(s) from situation
         1) Individual arrests
            a) Gauge reaction from protesters (crowd)
            b) Uses limited amount of resources
            c) Might lead to escalation of violence (crimes) being committed
         2) Mass arrests
            a) Might be end goal of protesters
            b) Uses larger amount of resources
      b. Removal of instigator(s)
      c. Identification of subject
      d. Intelligence gathering for future benefit
      e. Severity of crime(s) being committed

5. Citations
   a. Identification of subject(s)
   b. Temporary removal of protester(s) from situation
   c. Group/Property owner might not recognize as an arrest
   d. Intelligence gathering for future benefit
   e. Severity of crime(s) being committed

6. Identification of group spokesperson
   a. Ascertain intentions of group
   b. Education on laws affecting protesters/property owners
      1) Expressive activity case law decisions
      2) Applicable municipal codes
   c. Identification of subject
   d. Intelligence gathering for future benefit
7. Mutual agreement
   a. Keeps police out of making arrests (limits liability)
   b. Opportunity to educate protester/property owner for future situations
   c. May not be appropriate strategy with illegal protesting

VI. Development of Job Aid (Module 3c)
   A. Course material teaching methods
      1. Instructor lecture
      2. Group learning activities
      3. Hands on learning activities
      4. Facilitated Student discussion
      5. Critical thinking questions
   B. Creation of a job aid to assist students
      1. Determine practical response strategies
         a. Expressive activity
         b. Organized labor activity
         c. Illegal protest activity
      2. Job aid template
         a. Electronic Copy
         b. Hard Copy
      3. Job aid should have at least three columns
      4. Key concepts for each column
         a. Case law related to
            1) expressive activity
            2) organized labor
            3) illegal protesters
         b. Resolutions to
            1) expressive activity
            2) organized labor
            3) illegal protesters

Day Three

I. Panel Discussion (Module 2d)
   II. Develop briefing/roll call training & Presentation of briefing/roll call training (Module 4)
      A. Instructor Introduction
      B. Course material teaching methods
         1. Instructor lecture
         2. Group learning activities
            a. Hands on learning activities
            b. Facilitated Student discussion
            c. Critical thinking questions
            d. Critique of learning activities (e.g. PowerPoint)
C. Key course concepts – revisit

1. Expressive Activity – Case Law
   a. Robins v. Pruneyard (California Supreme Court) - 1979
   f. Van v. Target Corp. (2007)
   g. Ralphs Grocery Co. v. United Food and Comm. Workers Union Local 8 (2012)

2. Organized labor activity – Case Law
   a. In re Catalano - 1981

3. Enforcement –
   a. 602(k) PC
   b. 602.1(a) PC
      1) Has subdivision ‘c’
      2) Subdivision ‘c’ does not apply to “activities protected by California Constitution or United States Constitution.”
         a) Both statutes require actual interference with business
         b) Mere unauthorized presence alone will not usually satisfy as interference
   c. Unlawful activity
      1) 415 PC
      2) 647c PC
      3) 166.4 PC (violation of court order)
   4) Organized labor
      a) National Labor Relations Act
      b) 602(k) PC
         (1) Subdivision ‘o’
         (2) Exempts lawful labor union activities
         (3) See In re Catalano - 1981
      c) 552.1 PC
      d) 555.2 PC
      e) 166.4 PC (violation of court order)
      f) 21701 CVC – Interference with driver
   d. Local/County Ordinances

4. Illegal (extremist) protesters
   a. Above ground
   b. Underground
   c. Strategies

5. Job aid

6. Responses/Strategies
   a. Line level officer
b. Line level supervisor

c. Labor relations unit

7. Resolutions
   a. Mutual agreement
   b. Civil injunctions
   c. Prosecution by way of complaint
   d. Citizen arrest
   e. Officer initiated arrests
   f. Citations

D. Briefing/Roll call training strategies

1. Adult Learning Concepts
   a. Adults must believe they will benefit from training
   b. Adults relate learning to past experiences
   c. Encourage participation and interaction
      1) Learner centered
      2) Meet the needs of the student
   d. Adults can be resources
      1) For each other
      2) For the trainer
      3) 85% rule

2. Different styles of learning
   a. Auditory
      1) Lectures
      2) Least effective
   b. Visual
      1) Photographs
      2) Better than auditory alone
      3) More effective when combined with auditory
         a) Videos
         b) Lectures with slides
   c. Tactile (kinesthetic)
      1) Hands on
      2) Effective when combined with auditory and visual styles of learning

3. Different Learning Domains
   a. Affective (attitude)
   b. Cognitive (knowledge)
   c. Psychomotor (skills)

4. PowerPoint
   a. Interactive rather than just accompaniment to lecture
   b. Less is more
   c. Prezi presentations

5. Video examples
   a. Told what to expect
   b. Used for “aha” moment
6. Flip charts
7. Handouts
8. Overhead questions (critical thinking questions)
   a. Draw upon students’ knowledge
   b. Helps draw out content
9. Maximize time allotted
   a. Briefings are short durations
   b. Must make training straight to the point
   c. Core behaviors (tasks)
   d. May use several briefings to learn material
      1) Opportunity to bring up new concerns/questions
      2) Opportunity to reinforce/revisit material learned
E. Student presentations
   1. Presentation of one component of the key concepts in briefing/roll call training
   2. Expose the students to the different concepts in the briefing/roll call training
   3. Five minute snapshot of their total fifteen minute presentation
   4. Presentation debriefing

III. Evaluated Activity – Role Playing Scenarios (Module 5)
A. Course material teaching methods
   1. Instructor lecture
   2. Group learning activities
   3. Hands on learning activities
   4. Facilitated Student discussion
   5. Critical thinking questions
B. Instructor Introduction
   1. Explanation of role playing activity
      a. Test students’ knowledge
      b. Reinforce material learned
      c. Use of job aid for scenarios
   2. Expectations of students
C. Role playing scenarios
   1. Expressive activity – Private property
      a. Activity premised upon Ralphs decision
      b. Activity presented does not violate statue requirements of California trespassing
         Penal Code sections
      c. Uses elements from Pruneyard decision to Ralphs decision
      d. Rubric grading categories
         1) Use of Job Aid
         2) Knowledge of Pruneyard decision
         3) Knowledge of court cases following Pruneyard decision
         4) Knowledge of Ralphs decision
         5) Articulate law
         6) Resolutions
2. Expressive activity - Public property
   a. Uses elements from Ralphs decision
   b. Activity presented does not violate requirements of “aggressive solicitation”
   c. Premised upon Pruneyard decision
   d. Rubric grading categories
      1) Use of Job Aid
      2) Knowledge of Pruneyard decision
      3) Knowledge of court cases following Pruneyard decision
      4) Knowledge of Ralphs decision
      5) Articulate law
      6) Resolutions

3. Organized labor activity
   a. Premised upon Ralphs decision
   b. Involves a minor violation of most municipal codes (use of bullhorn)
   c. Uses elements from Pruneyard decision to Ralphs decision
   d. Rubric grading categories
      1) Use of Job Aid
      2) Knowledge of Pruneyard decision
      3) Knowledge of court cases following Pruneyard decision
      4) Knowledge of Ralphs decision
      5) Articulate law
      6) Resolutions

4. Organized labor activity
   a. Uses elements from Pruneyard decision to Ralphs decision
   b. Uses NLRA elements
   c. Resolution using labor relations unit
   d. Rubric grading categories
      1) Use of Job Aid
      2) Knowledge of Pruneyard decision
      3) Knowledge of court cases following Pruneyard decision
      4) Knowledge of Ralphs decision
      5) Articulate law
      6) Resolutions

5. Illegal protesters activity
   a. Activity has elements from Pruneyard decision to Ralphs decision
   b. Activity presented is arrestable and at least citable
   c. Rubric grading categories
      1) Use of Job Aid
      2) Knowledge of Pruneyard decision
      3) Knowledge of court cases following Pruneyard decision
      4) Knowledge of Ralphs decision
      5) Articulate law
      6) Resolutions

II. Debriefing of role playing scenarios
A. Role playing rubrics
   1. Scoring of student
   2. Comments

B. Table groups
   1. Comments for students
   2. Comments for role players