

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: JULY 18, 2014

NUMBER: 8.20 – CRITICAL INCIDENTS

SUBJECT: EVACUATIONS

RELATED POLICY: N/A

ORIGINATING DIVISION: OPERATIONAL SUPPORT

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: DP 8.20 – 11/17/11

I. PURPOSE

This Department procedure establishes guidelines for conducting evacuations during a disaster or critical incident.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

- A. When a critical incident occurs, it may become necessary to evacuate persons from the area. The decision to initiate an evacuation is to be made by the Incident Commander. The Incident Commander will determine if evacuations will be mandatory or voluntary. If the incident involves several agencies or various City disciplines, the Emergency Operations Center (EOC) may be activated. If the EOC is activated, the Director of the EOC will have overall authority of the EOC.

- B. California Penal Code section 409.5(a) authorizes the Police Department to close an area during a disaster or other emergency. It is a misdemeanor for persons to willfully remain in the “closed” area after being told to evacuate or leave, per Section 409.5(c).

C. Legal Considerations

1. Evacuation orders should be issued when there is a clear and immediate threat to the health and safety of the population and it is determined that evacuation is the best option for protection.
2. Evacuation orders should be described as mandatory to promote public cooperation.
3. Once a local jurisdiction orders a mandatory evacuation, it is critical that public information dissemination, transportation, sheltering resources, security, and the protection of private property are provided to a level where the public feels evacuation is more desirable than staying behind.
4. Law enforcement will not use force to remove any person who remains within the affected area when directed to evacuate.
 - a. Annex C of the Operational Area Emergency Plan describes that in 2005, the Chief Legal Counsel for the Sheriff maintained an opinion, based on case law, that 409.5 PC does not authorize forcible or mandatory evacuations.
 - b. The Chief Legal Counsel stated “without a specific legislative amendment to Penal Code Section 409.5, it would be improper to infer statutory authority to forcibly evacuate people who do not wish to be evacuated, unless their presence in the closed area, resulted from an entry made after the area was closed pursuant to 409.5(a) or 409.5(b).”
5. Emergency responders should clearly inform people that failure to evacuate may result in serious physical injury or death, and that future opportunities to evacuate may not exist.
6. Law enforcement will document the location of people who refuse to evacuate and have these people sign waivers.

IV. **DEFINITIONS**

- A. Evacuation Shelter - a location designated by the American Red Cross (ARC) for the short or long-term care of evacuees. This location will typically be at a school.
- B. Temporary Evacuation Point - a safe location to which evacuees are sent until the American Red Cross (ARC) can designate an Evacuation Shelter location. This location may be a parking lot, park, or building.

V. PROCEDURES FOR COMMUNICATIONS DIVISION

Whenever an evacuation is ordered, the Communications Division will immediately notify the American Red Cross Disaster Services Division at (858) 309-1400 or (800) 951-5600 and the Critical Incident Management Unit (CIMU) through the Watch Commander's Office. Communications will advise the American Red Cross and CIMU of the following information:

- A. Location of the incident/type of area (business/residential);
- B. Estimated number of evacuees or homes affected;
- C. Where evacuees are currently being directed;
- D. Any areas to avoid; and,
- E. Location of the Incident Command Post.

VI. FIELD PROCEDURES

- A. Incident Commander (IC) Responsibilities
 - 1. The IC will determine if an evacuation is required. If an evacuation is required, and the IC is not a law enforcement official, he/she will advise the SDPD agency representative that an evacuation is required and provide the boundaries of the area to be cleared.
 - 2. The IC should also advise whether the evacuation is "mandatory" or "voluntary." In making the determination, the IC should consider the following factors:
 - a. Will persons failing to leave interfere with or delay public safety personnel in performing their duties?
 - b. Does the situation present such an overwhelming safety risk to:
 - (1) The affected persons that failing to evacuate would certainly result in injury or death to these persons; and/or,
 - (2) Public safety personnel who may have to conduct rescues at a later time.

B. Evacuation Checklist

1. Attached to this Department procedure is a checklist that provides guidance for all members in the following evacuation situations:
 - a. “Pending” evacuation - the potential for an evacuation is present, but has not yet been ordered; and,
 - b. “In Progress” evacuation - the evacuation has been ordered.
2. The Incident Commander Brief section of the Evacuation Checklist could also be used to develop “Warning Message” information.

C. Public Notification Methods

Notifications can be made using one or more of the following methods:

1. Door-to-Door - this method involves officers and other public safety personnel going door-to-door notifying occupants to evacuate. This is among the slowest methods of notification, but is also the most effective in determining the exact area covered and the response of the persons notified.
2. Public Address (PA) Systems – officers can utilize the PA systems in their vehicles to notify occupants. This method can reach wide areas with minimal personnel. However, the degree of compliance by occupants may not be readily apparent. In areas of high-rise buildings, the PA system may not reach all occupants and the message may become distorted due to “bouncing off” buildings.
3. Telephones - this method is useful for reaching high-density population institutions (e.g., Zoo, schools, major businesses). However, determining which numbers to call and having sufficient staff to make calls will impact how quickly contacts are made.
4. Mass Notification System – to improve public safety and increase coordination throughout the region, the City of San Diego adopted the county-wide Alert San Diego notification system. Alert San Diego allows the City to send telephone notifications to residents and businesses within an area impacted or threatened by an emergency. The system utilizes 9-1-1 telephone databases, and is, therefore, able to contact listed and unlisted land-line telephones. If a call is picked up by an answering machine, the system will leave a voice message. If the telephone called is busy or does not answer, the system will redial that number up to three times in an attempt to deliver the message. Alert San Diego is TTY/TDD capable.

The IC can request the use of this system by contacting Police Communications personnel or the County Office of Emergency Services.

5. Emergency Alert System (EAS) - this system was formerly called the “Emergency Broadcast System” (EBS). This system utilizes voluntary broadcasts of your evacuation message/information by the media. The County coordinates the EAS. To access the EAS, contact the County Office of Emergency Services at (858) 565-3490 or via the Sheriff’s Dispatch Center if phones are not operational.
6. SigAlerts - SigAlerts can also be utilized to inform citizens and the media of evacuation needs.

D. Security at Evacuation Shelters

1. SDPD will not normally provide continuous on-site security at Evacuation Shelters. In most cases, police assistance will be on a “called-for” basis.
2. If, however, it is determined, by the Incident Commander or the ranking SDPD official at the incident, that continuous on-site security by police officers at an Evacuation Shelter is necessary, the appropriate level of officers will be provided.

E. Security of Evacuated Areas

1. When an area is ordered to be evacuated by the Incident Commander, the Department will attempt, where practicable, to provide a reasonable level of security in evacuated areas to minimize criminal acts (i.e., theft or vandalism).
2. Penal Code section 463 says a person is guilty of looting during an emergency if he or she also engages in any of the following criminal activities:
 - a. PC 463(a) says “Every person who violates Section 459 during and within an affected county in a “state of emergency” or a “local emergency” shall be guilty of the crime of looting. Officers should charge both crimes.
 - b. PC 463(b) says “Every person who commits the crime of grand theft (PC 487) during and within an affected county in a “state of emergency” or a “local emergency” shall be guilty of the crime of looting. Officers should charge both crimes.

- c. PC 463(c) says “Every person who commits the crime of petty theft (PC 488) during and within an affected county in a “state of emergency” or a “local emergency” shall be guilty of a misdemeanor. Officers should charge both crimes.

Note: PC 463 does not require that persons be arrested within an evacuated area; the only requirement is that the aforementioned criminal conduct occurred during and within an affected area.

F. Media Access to Disaster Areas

1. California Penal Code section 409.5 authorizes the Police Department to prevent the public from entering closed disaster areas.
2. Section 409.5(d) says that duly authorized members of the media are not prevented from entering closed disaster areas.
3. Media members may be guilty of 148 PC if they interfere with, or delay, emergency services, or if the area is considered an active crime scene.
4. As it relates to private property, the media may enter only those areas where the public would generally have free access (e.g., driveway, walkway to front door, etc.). The media may not enter areas of private property that would not generally be open to the public, such as enclosed yards or areas posted as “No Trespassing”, etc.

VII. RE-ENTRY PROTOCOL

- A. This protocol is established to provide uniform guidance and procedures to ensure a coordinated safe and orderly re-entry into impacted communities. Communication between emergency personnel and the community is essential to ensure public health and safety when determining whether an area is safe to re-enter.

B. Re-entry Coordination

The Incident Commander in the field will be in charge of conducting the evacuation re-entry procedure.

1. The Incident Commander has the overall management responsibility for the coordination between all agencies with a responsibility for re-entry and ensures that communication is accomplished effectively.
2. Requirements Prior to Re-entry

- a. Prior to a re-entry announcement, the Incident Commander, in consultation with the Fire-Rescue Department if appropriate, will re-evaluate the area by conducting ground or aerial surveys.
- b. The Incident Commander will prioritize the most seriously damaged areas of the City/County with respect to major routes, neighborhoods, businesses, and public facilities. Law enforcement will be responsible for the following:
 - (1) Establishment of outer and inner perimeters;
 - (2) Identification of necessary road closures and detours; and,
 - (3) Identification requirements for necessary personnel and possible issuance of permits to civilians.

3. Re-entry Initiation

- a. The Re-entry phase commences after a disaster has passed and officials deem it safe for residents to return to their impacted communities.
- b. Initial re-entry will be limited to residents and business operators, and critical support groups such as healthcare, mental health personnel, contractors, and insurance adjustors.

4. Re-entry Phase

Law enforcement will continue to provide the following services during the re-entry phase, where practicable:

- a. Continue ground and/or aerial surveys;
- b. Maintain roadblocks to prevent mass entry and looting;
- c. Establish and monitor checkpoints designated by the Incident Commander;
- d. Verify residents' identification who request entry;
- e. Provide overall security against theft and unauthorized entry;
- f. Provide escorts, if necessary; and,
- g. Enforce curfews.

EVACUATION CHECKLIST

PENDING EVACUATION OR EVACUATION ALREADY IN PROGRESS

During a critical incident requiring evacuations, the Incident Commander (IC) will advise the Planning & Intelligence Officer in Charge (P&I OIC) to develop an evacuation plan. The Planning and Intelligence Officer in Charge (P&I OIC) will give the completed evacuation plan to the Operations Officer in Charge (Ops OIC) to carry out the mission.

Prior to the commencement of the evacuation plan, the Incident Commander will approve the plan and brief the Command and general staff regarding the following information:

Incident Commander brief to include:

- Incident update and reason for evacuation.
- Time frame to initiate and complete the evacuation.
- Specific areas to be evacuated.
- Location to send evacuees.
- Approximate number of persons to be evacuated.
- Possible evacuations of persons with disabilities may be assisted by Fire-Rescue Department and Emergency Medical Responders.
- Special hazards/considerations (e.g., down power lines, chemical fumes, etc.).
- Who will make decisions and how they will be transmitted.
- Whether the evacuation is “Mandatory” or “Voluntary.”
- Any other information pertinent to incident.

Operations Officer in Charge (OPS OIC) responsibilities:

- Notify the Critical Incident Management Unit.
- Ensure the American Red Cross has been notified and has a representative responding to the Incident Command Post.
- Designate a Temporary Evacuation Point to direct evacuees (Coordinate with Planning and Intelligence Officer), unless already facilitated by the American Red Cross.

- Facilitate the Evacuation Plan.
- Initiate the notification process to appropriate units/agencies.
- Have all outside agencies reporting to the Incident Command Post check in with the SDPD Liaison Officer.
- Contact SD Transit if buses are needed to assist with evacuees. (Coordinate with Logistics Officer)
- Notify Animal Control/Rescue, if needed.
- If evacuations become unnecessary, make appropriate follow-up notifications (e.g., “Sigalert,” “door-to-door” notification or PA system).
- Carry out appropriate tasks listed in “Potential Evacuation” and the Evacuation Plan, if developed.
- Be prepared to provide traffic control and security along evacuation route, at the Evacuation Shelter, and/or the Temporary Evacuation Point.
- Brief the Incident Commander of the progress of the plan.

POST EVACUATIONS ACTIONS

- Do not allow evacuees to return until authorized by the Incident Commander.
- Ensure that all traffic posts are notified that evacuees are allowed to return.
- Assist in facilitating traffic/crowd control from the Evacuation Center.