

**CALRO Southern California Seminar
POST Certification -Hourly Distribution**

- I. CALRO – Labor Disputes
 - A. Instructor Introduction / Welcome and Orientation
- II. Expressive Activity-Private Property
 - A. Case law
 - 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
 - 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.
 - 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
 - 2. *PruneYard v. Robins* (1980) U.S. Supreme Court
 - 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. *Trader Joe’s Co. v. Progressive Campaigns, Inc.* (1999)
 - a. California Appellate Court decision
 - b. Ruling that store was not a public forum
 - c. *PruneYard v. Robins* (1980) U.S. Supreme Court (Review)
 - 4. *Costco Companies v. Gallant* (2002)
 - a. California Appellate Court decision
 - b. Affirmed Costco’s right to restrict access to its property
 - c. *PruneYard v. Robins* (1980) U.S. Supreme Court (Review)
 - 5. *Albertsons, Inc. v. Young* (2003)
 - a. California Appellate Court decision
 - b. Stand-alone store part of a large shopping center
 - c. Does not have characteristics of traditional public forum
 - d. *PruneYard v. Robins* (1980) U.S. Supreme Court (Review)
 - 6. *Van v. Target Corp.* (2007)
 - a. California Appellate Court decision
 - b. Stores are not a public forum for persons to engage in expressive activities

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- c. Review of previous cases
 - 7. California Penal Codes
 - a. 555.2 PC
 - b. 17510 PC
 - c. 602(k) PC
 - d. 602.1(a) PC
 - e. 602.1(b) PC
 - f. 415 PC
 - 8. Local/County Ordinances
 - 9. Department policy
- III. Responses to expressive activity complaints
 - A. Strategies to mediating (resolving) expressive activity complaints
 - 1. Civil Injunctions
 - a. Educating property owners
 - b. Court decides outcome
 - 2. Arrest
 - a. Officer initiated
 - b. Private Persons arrest
 - c. Consequences
 - 3. Criminal 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
 - B. Personnel responding to expressive activity
 - 1. On duty personnel
 - a. Line level officers
 - b. First line supervisors
 - 2. Labor relations unit
 - a. Full time
 - 1) Proactive response
 - 2) Professional appearance
 - 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
- IV. Panel Discussion
 - A. Labor relations
 - 1. Labor Activity
 - 2. Enforcement strategies review

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3. Role of labor relations officer
4. Planning large scale events
5. First and Fourth Amendment conflicts