



**Las Cruces Police Department**  
**GENERAL ORDERS**  
**FIELD OPERATIONS VOLUME 2**  
**GO-223 UNRULY GATHERINGS**  
**Revised 5/13/2005**

**223 UNRULY GATHERINGS**

**DISCUSSION**

At times there is a need for police to deal with large crowds at parties and other gatherings which are disturbing others. An ordinance was enacted by the City Council which allows Department personnel to resolve these issues. The intent of the ordinance is to provide police and codes officers the authority to lawfully disperse these parties and gatherings.

**POLICY**

The Las Cruces Police Department understands that residents have a right to safely enjoy peace and quiet within their home or business. When this peace and quiet is threatened by an unruly gathering, officers shall take appropriate action to quiet the noise and / or disperse the unruly gathering notwithstanding the legal rights afforded to violators.

**223.01 PROCEDURE**

- A. Officer safety will always be taken into consideration when notification is conducted.
- B. **The Unruly Gathering:** When officers determine that a gathering of people meets the elements of the Loud or Unruly Gathering ordinance, the responsible party as well as all attendees will be notified of the violation. Notifications can be made by any of the following methods:
  - 1. Public address system.
  - 2. Circulating throughout the crowd.
  - 3. Other appropriate means.
- C. **Enforcement:** The criminal citation is the preferred method of enforcement. However, if the officer is faced with an uncooperative person and a physical arrest results, there should be probable cause to support a charge of Resisting or Obstructing, Disorderly Conduct, etc. These charges shall be filed in conjunction with the Unruly Gathering charge.
  - 1. Enforcement of the unruly gathering ordinance requires probable cause to enforce other ordinances before action can be taken on the unruly gathering. Examples of other ordinance violations include, but are not limited to, serving alcohol to minors, criminal damage to property and public affray.



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- D. When officers respond to a location that has already been posted, this will be considered a second or subsequent offense. It then becomes the responsibility of Codes Enforcement to determine if charges should be filed. A supplemental report the original offense report shall be prepared by the Codes Officer, documenting his or her findings and actions.
- E. **Convictions:** When a conviction is obtained, the City Attorney's Office will notify the Department. Codes Enforcement will notify the listed landlord or owner of the property and will advise of the legal obligation that he / she must take to correct the problem.

**223.02 CODES ENFORCEMENT DUTIES**

Codes Enforcement shall post a notice at the property where the unruly gathering occurred. Codes Enforcement and district officers should monitor the location to ensure the notice remains in place. However, if the notice is removed or altered, a separate violation of the ordinance has occurred. A supplemental report shall be made, and additional enforcement action taken.

**223.03 OFFENSE CODES**

The offense code for an unruly gathering is 34AA and must be used. If a higher offense crime is reported as a result of the call, the 34AA shall be included as a secondary offense. If no enforcement action is taken, and the call is cleared as a no report, the primary unit shall ensure that the 34AA code is used to clear the call. Removal of Unruly Gathering Notices is offense code 34 AB.