



# ***PUBLIC ORDER AND ASSEMBLY MANAGEMENT***

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### **I. PURPOSE**

The purpose of this policy is to establish guidelines for managing crowds, preserving the peace, and protecting life and civil liberties during public assembly events.

### **II. POLICY**

The Anne Arundel County Police Department's objective during any public order event, demonstration, civil disobedience event, or civil disturbance is to prevent loss of life, prevent injuries, prevent property damage, protect civil rights, and minimize disruption to persons who are not involved in the demonstration. Department members encountering such incidents will adhere to this policy to protect life, property, and the exercise of First Amendment rights. The department adheres to constitutional principles that allow reasonable restrictions on the time, place, and manner in which persons engage in First Amendment activity. The department may place only those limitations and restrictions on demonstrations that are narrowly tailored to a legitimate government interest in order to maintain public safety to the degree possible, facilitate uninhibited commerce, and freedom of movement.

In circumstances involving emergencies or any widespread civil unrest with the potential for widespread violence, the incident commander may temporarily suspend any policy, provision, or guideline contained herein when such action is determined to be the only reasonable alternative for the prevention of loss of life or major property damage and the suspension is not in violation of Constitution or law.

### **III. DEFINITIONS**

**Public Assembly:** A group of persons collected together in one place for the same purpose, whether pre-planned or as a spontaneous occurrence. Public Assembly events which may require a police response can be classified as:

1. **Civil Disturbance:** A civil disturbance is characterized by the use of actual force or any threat of force, by a group of people, without the authority of law.
2. **Civil Disobedience:** The refusal by a group of people to obey laws in an effort to change governmental policy or legislation. This type of assembly is characterized by participants using passive resistance or other nonviolent means.
3. **Demonstration:** A lawful assembly of persons organized primarily to engage in First Amendment activity. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention.
4. **Public Order Event:** gathering of which necessitates a police response due to the gathering causing a disturbance to public peace or where the collective of participants are acting unlawfully.

## **IV. PROCEDURES**

### **A. General Procedures**

1. Public Assembly incidents require a police response when there is a possibility or actual occurrence of Civil Disturbance, Civil Disobedience, a Public Order Event, or a Demonstration that may require traffic control, protection of civil rights, or when other safety and security measures are required to ensure the event does not devolve into an unlawful assembly.
2. For any Public Assembly incident which requires a police response, a Lieutenant or above must assume control as an Incident Commander. The Incident Command System (ICS) should be implemented in accordance with the National Incident Management System (NIMS). For large-scale, spontaneous Public Assembly incidents, a Captain will be notified by the responding Lieutenant and that Captain will respond and take over as Incident Commander. For further information on NIMS/ICS: See IC 2304.
3. Any allied law enforcement agencies or officers providing assistance or support to Anne Arundel County Police during Public Assembly event will be informed and acknowledge that they are under the overall command of the Incident Commander for the duration of the incident.
4. For Public Assemblies that are pre-planned the Commander of the Bureau of Special Operations and Criminal Investigations will designate a Captain or above as the Incident Commander. The Incident Commander will establish an Incident Action Plan in accordance with section V. of this policy and publish this plan to the Police Department.
5. Response plans and operations should be designed and implemented in a way that balances the needs to limit crowd tension by avoiding aggressive appearance of officers and being prepared to respond to unlawful acts, ensure officer safety, and protect life and property.
6. Incident Commanders are generally responsible for authorizing donning and/or carrying of protective equipment but supervisors and officers may don and/or carry such equipment if a crowd is actively throwing objects or exhibiting other behaviors that may cause injury or property damage.

### **B. Response to Civil Disturbances, Civil Disobedience, Demonstrations, and Public Order Events**

Objectives of and procedures for police response to Civil Disturbance, Demonstrations, and Public Order Events:

1. Protect persons and life, regardless of their participation in the event, and protect property.
2. Take steps to reduce or eliminate risks of escalation of violence or other unlawful acts.
3. Isolate and disperse disorderly or threatening participants.
4. Arrest violators of criminal laws and remove or isolate persons inciting violence.
5. Incident Commanders or their designees are responsible for briefing officers that are or become assigned to the incident, including current law enforcement responses to the incident.
6. Mass arrests should only be conducted when necessary to effectively suppress unlawful behavior.
7. Officers must have individualized probable cause for each person arrested.
8. When feasible, Incident Commanders should arrange for audio and video recording of the event.
9. Officers should be deployed to monitor crowd activity. Sufficient police resources to handle the crowd should be staged and available to respond if required.
10. Sworn personnel assigned or responding to the incident should wear visible, placards or badges on their outer garments which identify the officer by name and ID number.
11. Officers should not engage in lengthy conversations with event participants. Officers must not act in response to comments from demonstrators when there is no imminent threat to safety.
12. People who reside, work, or have emergency business within the incident area, even if the area is marked off by a police line, may not be prevented from entering the area unless circumstances suggest that their safety would be jeopardized or their entry would interfere with law enforcement operations.
13. Supervisors designated by the Incident Commander should establish and maintain communication with the event leaders and relay information on crowd dynamics to the Incident Commander.
14. Supervisors should maintain close contact with their assigned officers to ensure compliance with orders, monitor behavior and disposition of officers, and ensure that they are aware of any changes in crowd behavior.

15. A tiered response to Public Assembly events may be used. Officers in regular police uniforms should primarily be used during Public Assembly events to limit crowd tension. Officers assigned to Public Assembly events should avoid aggressive appearance or immediately deploying with protective gear (riot helmets, shields, or protective suits) worn unless the crowd is demonstrating riotous behavior or throwing projectiles which could cause injury, or authorized by the Incident Commander. The tiered levels of response to Civil Disturbances, Civil Disobedience, Demonstrations, and Public Order Events are:

- a. **Crowd Management:** The lowest level of police response to public assembly events. Crowd Management includes strategies and tactics employed before, during, and after a gathering to maintain and protect the event's lawful activities. Strategies may include but are not limited to: establishing traffic plans, sterilizing routes, community engagement, removing potential weapons of opportunity in the incident area, and monitoring the event for any unlawful activity.
- b. **Crowd Intervention:** A middle level of police response to public assembly events. Crowd Intervention uses strategies and tactics to isolate unlawful behavior that impacts public safety while allowing the public assembly event, activity, or occurrence to continue. Strategies may include but are not limited to: targeted police enforcement actions against violators of law, video capture of events, and communication with crowds.
- c. **Crowd Control:** The highest level of police response to public assembly events. Crowd Control uses strategies and tactics to respond to events that are unlawful and which require dispersal of the crowd and/or arrest of participants. Progressions for Crowd Control may include, but are not limited to:
  - i. First Progression
    - (1) Prioritizing tasks
    - (2) Communication with the crowd
    - (3) Utilizing community engagement
    - (4) Initiating a traffic plan
    - (5) Isolating problem areas
  - ii. Second Progression
    - (1) Communication with the crowd
    - (2) Area Denial
    - (3) Crowd Dispersal
    - (4) Stop unrest and preserve life

### C. Response to Spontaneous Civil Disturbances

For all spontaneous Public Order events that require a police response, a supervisor and Platoon Commander will respond to the scene. Upon arrival, the Platoon Commander will assume incident command.

The following procedures provide a guide to strategies and tactics for spontaneous Public Order events that require a police response:

1. Tasks for the first officer on scene:
  - a. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent;
  - b. Notify communications of the nature and seriousness of the disturbance, request a supervisor to respond, advise the location and estimated number of participants, current activities (e.g. blocking traffic, acts of violence, or property crimes occurring), direction of movement, and the safe ingress and egress routes for emergency vehicles;
  - c. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse; and
  - d. Attempt to identify crowd leaders and agitators engaged in criminal acts.
2. Tasks for the first supervisor on scene:
  - a. Deploy officers at vantage points to report on crowd actions;
  - b. Establish a perimeter sufficient to contain the disturbance and prohibit entrance into the affected area;
  - c. Ensure that, to the degree possible, uninvolved civilians are evacuated from the immediate area of the disturbance;
  - d. Establish a temporary command post; and
  - e. Provide ongoing assessment to communications.

3. Tasks for the Incident Commander:

- a. Ensure pedestrian and vehicular traffic is moved or rerouted around the incident.
- b. Ensure unauthorized ingress and egress of participants is controlled by officers.
- c. Ensure measures are taken to prevent attempts to assist or reinforce the incident participants from outside the area.
- d. Initiate Department Phase Alerts (IC 2306) as appropriate.
- e. Ensure security is provided for fire and EMS personnel in the performance of emergency tasks.
- f. Designate a secure staging area for emergency responders and equipment
- g. Establish liaison and staging points for media representatives and coordinate with department public information officers.
- h. Assign and continuously staff a scribe to maintain an event log to document activities and actions taken during the course of the incident.
- i. As required, notify a Captain or Night Commander to respond and assume incident command.

**D. Use of Force for Civil Disturbances and Public Order Events**

1. All uses of force must be in compliance with IC 0401.
2. As soon as practical, all officers assigned to a Public Assembly event will be briefed on the Rules of Engagement regarding use of force. For planned events, these Rules of Engagement will be clearly documented.
3. During Civil Disturbances, Demonstrations, and Public Order events, officers will not independently make arrests or employ force without command authorization unless such actions are justified by the immediate need to protect life.
4. CDU personal protective equipment (shields, helmets, etc.), less-lethal impact projectile launchers, and specialty weapons will only be deployed by officers who have been properly trained in the use of such equipment, launchers, or weapons. Deployment of Police Canine resources must be consistent with IC 1661.
5. Use of Less-Lethal Impact Projectiles will be consistent with IC 407 and these directives:
6. Except as necessary to protect life, Less-Lethal Impact Projectiles may only be deployed by trained members of the Special Operations Section or the Civil Disturbance Unit upon approval of the Incident Commander
7. Less-Lethal Impact Projectiles may not be fired indiscriminately into crowds.
8. When feasible, verbal warning(s) should be given prior to the use of any Less-Lethal Impact Projectiles.
9. Non-Direct Fire: It is only permissible to use Less-Lethal Impact Projectiles launched using a non-direct/skip-fire method where life safety is at risk or violent criminal activity is taking place and the need to use the projectiles in this manner outweighs the potential risks involved.
10. Direct Fire: Direct-fired Less-Lethal Impact Projectiles (including OC Pepperballs) may generally be used during Civil Disturbances and Public Order Events against specific individuals who are engaged in conduct that poses an immediate threat of death or serious injury. Any user of these projectiles must consider the potential risk of hitting an unintended target due to officer-subject range and crowd density.
11. Conducted Energy Weapons may only be used during civil disturbances when alternative means of control are not available or are unsuitable. CEW's will only be used when a suspect can be accurately targeted. CEW may not be fired indiscriminately into crowds. CEW usage will be consistent with IC 0406.
12. Except as provided below, OC munitions (sprays, foggers, and Pepperballs) may be used against specific individuals who are engaged in unlawful conduct or actively resisting arrest. OC munitions may be used as a defensive tool by officers to repel imminent attacks. Whenever feasible, a verbal warning must be issued prior to the use of OC munitions.
13. OC munitions may not be used indiscriminately against groups of people.
14. OC munitions may not be used when bystanders would be unreasonably affected. or
15. OC munitions may not be used against passively resistant individuals.

16. Upon approval of the Incident Commander, high-volume OC munitions may be used against groups of people engaged in unlawful acts or endangering public safety, EXCEPT OC munitions may not be used against passively resistant individuals.
17. Riot Control Agents and area dispersal agents may only be employed by trained members of the Special Operations Section or the Civil Disturbance Unit after approval of the Incident Commander. Chemical agents may be deployed to prevent injury when lesser force options are either not available or would likely be ineffective. These agents will only be employed when avenues of escape are available to the crowd. Absent exigent circumstances, the impending use of these agents must be announced to the crowd before such agents are employed. Prior to use of such agents, consideration should be given to the proximity of sensitive locations, such as hospitals, convalescent facilities, schools, and uninvolved bystanders.
18. Considerations for the use of such agents include but are not limited to: proximity to sensitive locations such as hospitals, convalescent facilities, schools, and uninvolved members of the community.
19. Defensive impact weapons may be used in accordance with established training and departmental use of force policies (IC 402.2 and IC 401).

## **V. PREPARATION AND PLANNING FOR PUBLIC ASSEMBLY EVENTS**

For Public Assembly Events which require a police response, the following preparation and planning strategies should be implemented:

1. The Incident Commander will ensure a written incident action plan is created.
2. The incident commander may enlist the Homeland Security & Intelligence Unit detectives to assist with threat assessments and intelligence gathering. Intelligence gathering and investigations related to First Amendment protected events must have a criminal nexus. Homeland Security & Intelligence Unit should NOT act as the liaison between the police department and leaders of the event.
3. To ensure accurate assignment of personnel and resources, efforts should be made to gather information about the event and establish advance contact with the leaders of the event. Information to be gathered should include, but is not limited to:
  - a. What type of event is involved?
  - b. When is it planned?
  - c. What is the location?
  - d. What is the time and purpose of the event?
  - e. Is there a designated organizer or person in charge of the event?
  - f. Will the event coincide with other routine, large scale events (e.g. sporting events)?
  - g. Is opposition to the event expected?
  - h. How many participants are expected?
  - i. What are the assembly areas and movement routes?
  - j. What actions, activities, or tactics are anticipated, to include use of protester devices designed to thwart arrest (e.g., sleeping dragons, bicycle locks, etc.)?
  - k. Is there any critical infrastructure in proximity of the event?
  - l. Have permits been issued (if required)?
  - m. Have other agencies such as fire and EMS been notified?
  - n. Is there a need to request mutual aid?
  - o. Will off-duty personnel be required?
  - p. What is the past history of conduct at such events and whether group leaders are cooperative?
4. The incident action plan should address provisions for the following and be distributed to all affected command and supervisory officers:
  - a. Situation, Mission, Legal Authority, Commander's Intent, Contingencies, Assignments, Chain of Command, Medical Plan, Mutual Aid Procedures, and Equipment Inventory Processes
  - b. Command assignments and responsibilities
  - c. Personnel, unit structure, and deployment
  - d. Liaison with demonstration leaders
  - e. Liaison with outside agencies
  - f. Release of information to the news media (assigned PIO)
  - g. Transportation, support, and relief of personnel
  - h. Staging points for additional resources and equipment

- i. Traffic management
- j. Protester device extrication teams, and equipment
- k. First aid stations established in coordination with emergency medical service providers
- l. Transportation of prisoners
- m. Prisoner detention areas
- n. Video recording capabilities
- o. Lawful Dispersal Order and procedures
- p. Relief procedures and contingencies for extended operational periods

## **VI. CROWD DISPERSAL PROCEDURES**

Before ordering the forced dispersal of a demonstration or civil disturbance, the Incident Commander will determine if lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:

1. Establish contact with crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalation and dispersal.
2. Communicate to the participants that their assembly is in violation of the law and that the department wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively.
3. Negotiate with crowd leaders for voluntary dispersal, or target specific violent or disruptive individuals for arrest.

Prior to issuing lawful dispersal orders, the Incident Commander will ensure that all potentially necessary law enforcement personnel are on hand to successfully carry out crowd dispersal operations.

The Incident Commander will ensure that all logistical needs for making mass arrests are in place.

When the Incident Commander has made a determination that an unlawful assembly is occurring and that crowd dispersal is required, the Incident Commander will designate a Police Lieutenant or higher rank to issue the approved, lawful dispersal order prior to taking enforcement action to disperse the crowd.

The dispersal order will cite the offenses or violations being committed, an order to disperse, and designated dispersal routes. Absent exigent circumstances, two additional dispersal orders must be given at reasonable time intervals before designated actions are taken to disperse the crowd. The warnings must be audio or video recorded and the time and the names of the issuing officers should be recorded in the Incident Commander's event log or incident/offense report. Police vehicle or helicopter public address equipment or another appropriate sound amplification system should be used to provide dispersal orders.

### **Dispersal Order:**

"I AM [rank, name agency]. YOU ARE [blocking a public road/blocking the public sidewalk/other violation of law]. IF YOU [remain on the road/continue to block the sidewalk/continue to violate the law], REGARDLESS OF YOUR PURPOSE, YOU WILL BE IN VIOLATION OF STATE AND COUNTY LAWS. YOU MAY BE ARRESTED OR SUBJECT TO OTHER POLICE ACTION. PLEASE BE ADVISED THAT FORCE MAY BE USED TO [clear the road for vehicle traffic to use/open the sidewalk for pedestrian use/remove you from private property]. THE FOLLOWING ROUTES ARE AVAILABLE FOR YOU TO LEAVE THE AREA [give routes to leave on foot]. YOU HAVE [give reasonable time] TO DISPERSE OR BE SUBJECT TO ARREST.

If the crowd does not comply with the lawful dispersal orders, crowd dispersal tactics may be utilized as required. Tactics may include:

1. Display of officer presence to include police lines, combined with motorcycles, law enforcement vehicles, mounted units, bicycle units, and Civil Disturbance Units.
2. Multiple simultaneous arrests
3. Use of crowd control chemical agents (See above and Index Code 404)
4. Deployment and use of Civil Disturbance Units.

## **VII. INCIDENT DEMOBILIZATION**

When the civil disturbance has been brought under control, the Incident Commander must ensure that the following measures are taken:

1. All personnel engaged in the incident will be accounted for.
2. Documentation will be completed for any injuries sustained by officers.
3. Witnesses, suspects, and others will be interviewed or questioned.
4. All necessary personnel will be debriefed as required.
5. All written reports will be completed as soon as possible after the incident.

**VIII. PROPONENT UNIT:**      *Special Operations Division*

**IX. CANCELLATION:**      This directive cancels Index Code 2303 dated ***10-14-20***.