



BALTIMORE POLICE DEPARTMENT

Public Order Forces

STANDARD OPERATING PROCEDURE

REVISED: 17 JANUARY 2022

Table of Contents

INTRODUCTION	3
DEFINITIONS	3
POLICY FRAMEWORK.....	7
PRINCIPLES	8
POLICIES.....	8
COMPOSITION AND TRAINING	13
RAPID FIELD FORMATIONS (RFF)	13
MOBILE FIELD FORCE (MFF).....	13
ROLES AND RESPONSIBILITIES.....	14
STRATEGIC LEVEL	14
<i>Incident Commander</i>	14
OPERATIONAL LEVEL.....	15
<i>Platoon Commander</i>	15
<i>Squad Leaders</i>	17
<i>Squad Members</i>	18
RESPONDING TO FIRST AMENDMENT ASSEMBLIES	19
DEPLOYMENT NEEDS ASSESSMENT	19
<i>Communication with Demonstration Leadership</i>	19
INCIDENT ACTION PLAN.....	21
MUTUAL AID.....	24
DEPLOYMENT	25
PRE-DEPLOYMENT BRIEFING	25
ORDER OF DEPLOYMENT.....	25
UNIVERSAL DEPLOYMENT DIRECTIVES	26
CONTINUOUS ASSESSMENT OF ESCALATION	28
SEPARATION OF PROTESTORS FROM COUNTER-PROTESTORS	29
CONTINGENCIES FOR UNPLANNED ASSEMBLIES	30
DECLARING AN UNLAWFUL ASSEMBLY.....	31
DISPERSAL ORDERS.....	32
<i>Announcing a Dispersal Order</i>	32
<i>Enforcing a Dispersal Order</i>	33
<i>Arrests for Failure to Disperse ("Mass Arrests")</i>	34
USE OF FORCE	36
DE-MOBILIZATION AND AFTER-ACTION REPORTING.....	38
APPENDICES.....	38

Introduction

“The Baltimore Police Department is dedicated to upholding the Constitution and enforcing laws in a fair, impartial, and ethical manner. We are committed to creating and maintaining a culture of service that builds trust and legitimacy in all communities, values the sanctity of human life, and provides for the safety and well-being of all. – Baltimore Police Department Mission Statement

The purpose of this standard operating procedure (SOP) is to provide the policy, organizational structure, and procedures of the Baltimore Police Department’s (BPD or Department) Public Order Forces. Effective [DATE], this SOP rescinds BPD Policy 413, *Mobile Field Force*. The BPD maintains Public Order Forces (POF) in order to effectively manage large crowds in a manner that protects individuals’ First Amendment rights and preserves life and property. Participation in the POF requires a high degree of specialized training and tactics in order to effectively manage crowds while working as a singular unit, all in the pursuit of upholding the public’s First Amendment rights and the mission of the Department.

As codified in BPD Policy 804, *First Amendment Protected Activity*, it is through the framework of upholding Constitutional rights, providing for the safety and well-being of all, facilitating a flexible response, and enforcing the laws in a fair, impartial, and ethical manner that the BPD’s Public Order Forces shall operate, regardless of the specific characteristics of the planned or spontaneous First Amendment Assembly/Demonstration. The preservation and protection of First Amendment rights fosters transparency and accountability in government functions, including police functions, which are vital to building and maintaining public trust in the rule of law. Simply put: by effectively, professionally, and impartially managing First Amendment assemblies and demonstrations, the BPD will build public trust and enhance its legitimacy in the community we serve.

Definitions

Civil Disobedience – Unlawful acts committed during a First Amendment Assembly/Demonstration that are typically non-violent and do not pose an imminent threat to persons or property.

Civil Disturbance/Unrest – A breach of the peace by a gathering of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.

Command Post – A geographic location selected by the Incident Commander for placement of the BPD Command Vehicle (i.e. – Winnebago), from which communications, tactical maneuvers, and other field operations are directed.

Command Vehicle – A special vehicle outfitted with cameras and television for the monitoring of public demonstrations. The Command Vehicle is the primary station for the Incident Commander during said events.

Counter-Protestor – A participant in a protest that opposes an existing protest.

Crowd Control – Techniques used to address Civil Disturbances, to include a show of force, crowd containment, dispersal equipment and tactics, and preparations for a Mass Arrest.

Crowd Management – Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining lawful status through event planning, pre-event contact with event organizers, issuance of permits when applicable, information gathering, personnel training, and other means.

First Amendment Assembly/Demonstration – An assembly of persons engaging in First Amendment protected activity. These may be scheduled events that allow for law enforcement planning, but also may include spontaneous gatherings. They include, but are not limited to, marches, protests, and other assemblies.

Incident Action Plan (IAP) – An oral or written plan containing general objectives reflecting the overall strategy for managing an incident.

Incident Commander – The person responsible for overseeing the response to First Amendment Assemblies or Demonstrations and Civil Disturbances, including the development of strategies and tactics and the ordering and release of resources. If no IC has been designated, the most senior ranked member on scene shall act as the IC until relieved.

Incident Command System – The combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents.

Inciting Imminent Unlawful Action – Urging other persons to engage in criminal activity that will occur immediately. Inciting Imminent Unlawful Action does not include urging others to engage in criminal activity that might occur at some point in the future; it only includes urging criminal activity that is about to happen.

Less-Lethal Force – Force that, when employed as designed and intended, is not likely to cause death or serious physical injury (e.g., DS-3027 bean bag, FN-303, Pepper Ball rounds, CEW, etc.). If misused (i.e., at close range or to vulnerable parts of the body), Less-Lethal Force devices could constitute a deadly use of force.

Less-Lethal Launchers/Munitions – A delivery tool that, when used as designed and intended, is less likely to cause death or serious physical injury than a conventional lethal weapon such as a firearm. Less-Lethal Launchers are only approved for use by those members certified by the Mobile Field Force Coordinator, SWAT, or the Range.

Mass Arrest(s) – Multiple arrests conducted at the same time for failing to leave an area during a Civil Disturbance after a dispersal order has been properly and audibly delivered the required number of times. Depending on their conduct, individuals arrested in a Mass Arrest may be charged under different laws, including but not limited to City Code Article 19, Section 25-1(b)(2), “Failure to Leave after a Dispersal Order.” Mass Arrests are authorized only upon the orders of the Incident Commander, and only after an assembly has been declared unlawful. Mass Arrests are a last resort for gaining compliance with the law from a crowd.

Mobile Field Force Commander – The Commander of the Special Operations Section. The MFF Commander has control of all tactical operations involving the MFF. In their absence, the ranking Special

Operations Section member on-scene will have control of Tactical Operations until the Commander of the Special Operations Section arrives on scene and assumes command.

Mobile Field Force Coordinator – Permanent-rank supervisor assigned to the Special Operations Section responsible for the training, equipment, and other logistical needs of the MFF.

Mutual Aid Request – A legal agreement with an outside law enforcement agency that establishes how assisting units will be requested by either party, their jurisdictions of command during a joint operation, and parameters for liability, reimbursement, and other elements of such operations.

Planned First Amendment Assembly – A First Amendment demonstration of which the Department becomes aware in advance, whether through the submission of a permit request, media coverage, social media intelligence, or other means, and which allows sufficient time for the Department to conduct a needs assessment, plan the deployment of resources, and coordinate operations with demonstration leadership.

Platoon Commander – Platoon Commanders hold the rank of Lieutenant. Platoon Commanders must have successfully completed all necessary training and certifications, and demonstrate proficiency and understanding of procedures, tactics, safety, constitutional law, and sound judgement in all aspects of training and certification deemed appropriate by the MFF Coordinator. Minimally, they will successfully complete Basic and Crowd Management – Level 2 or DHS Field Force Operations Course (30 hours), a Field Force Command and Planning Course, and a familiarization course for Less Lethal Launchers and Munitions.

Mobile Field Force (MFF) – A specialized volunteer unit with extensive training in public order operations whose members typically wear hard protective gear and are deployed when a demonstration has reached the level of Civil Disturbance. The Mobile Field Force acts in support of any already deployed Rapid Field Formations (RFFs), applying Crowd Control techniques in order to defuse situations and ensure the safety of all demonstration participants.

Rapid Field Formation (RFF) – An *ad hoc* formation of BPD personnel summoned as a first-line response to a First Amendment Assembly/Demonstration. All RFF members are qualified through the basic (16-hour) course on public order response offered through entry-level training. The strength of these formations may vary based upon staffing and operational needs. Their members do not typically wear hard protective gear.

Reasonable, Necessary, and Proportional – The review of every Use of Force shall be to determine whether it was Reasonable, Necessary, and Proportional in light of the totality of the circumstances that were known, or should have been known, to the member, and in light of the mandate of BPD policies.

- **Reasonable** – A member uses Reasonable Force when the member uses no more force than required to perform a lawful purpose.
- **Necessary** – Force is necessary only when no reasonably effective alternative exists. When force is Necessary, members shall use force in a manner that avoids unnecessary injury or risk of injury to members and civilians.
- **Proportional** – Proportionality measures whether the force used by the member is rationally related to the level of resistance or aggression confronting the member.

Totality of Circumstances – The Totality of Circumstances consists of all facts and circumstances surrounding any event. The facts and circumstances may include but are not limited to:

- Whether an offense has occurred.
- The nature of the offense.
- The seriousness of the offense.
- The size and strength of the person.
- The number of persons.
- The availability of weapons.
- Whether the person is exhibiting signs of mental illness or is experiencing a behavioral health crisis.
- Whether a person suffers from a medical or behavioral health disability, physical or hearing impairment, is impaired by alcohol or drug use, or may be non-compliant due to a language barrier.
- Other force options.
- Availability of non-force options, including tactical repositioning, going to cover, or other De-Escalation Techniques.
- Environmental factors.
- Availability of back up and specialized units.

True Threats – Statements that threaten or intimidate, when the speaker communicates a serious intent to commit an act of unlawful violence or harm to a particular person or group of persons and those persons are aware of or are present to observe the communication.

Use of Force – Any Use of Force or show of force that falls within Level 1, Level 2, or Level 3 force as defined. The Use of Force levels are:

Level 1 Use of Force – Includes:

- Using techniques that cause temporary pain or disorientation as a means of gaining compliance, hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip), and press point compliance techniques. Force under this category is not reasonably expected to cause injury,
- Pointing a firearm, Less-Lethal Launcher, or CEW at a person,
- “Displaying the arc” with a CEW as a form of warning, and
- Forcible takedowns that do not result in actual injury or complaint of injury.

NOTE: Escorting, touching, or handcuffing a person with minimal or no resistance does not constitute a Level 1 Use of Force.

NOTE: Crowd separation, movement and management do not constitute a Level 1 Use of Force.

EXCEPTION #1: SWAT team members and members assigned to work on a federal task force will not be required to report the pointing of a firearm at a person as a Use of Force during the execution of SWAT team or federal task force duties.

EXCEPTION #2: Pointing of a firearm at a person by any member, if done solely while entering and securing a building in connection with the execution of an arrest or search warrant, will not be a Use of Force. A permanent-rank supervisor must still complete a Form 93,

Weapons-Pointing Report detailing the incident (See Policy 725, *Use of Force Reporting, Review, and Assessment*).

Level 2 Use of Force – Includes:

- Force that causes or could reasonably be expected to cause an injury greater than temporary pain or the use of weapons or techniques listed below – provided they do not otherwise rise to a Level 3 Use of Force.
- Discharge of a CEW in drive-stun or probes deployment, in the direction of a person, including where a CEW is fired at a person but misses,
- Use of OC spray or other Chemical Agents,
- Weaponless defense techniques including, but not limited to, elbow or closed fist strikes, open hand strikes, and kicks.
- Discharge of a Less-Lethal Launcher/Munitions in the direction of a person,
- Canine-inflicted injuries that do not rise to a Level 3 Use of Force,
- Non-weapon strikes to the head, neck, sternum, spine, groin, or kidney area, and
- Striking of a person or a vehicle with a vehicle that does not rise to a Level 3 Use of Force.

Level 3 Use of Force – Includes:

- Strikes to the head, neck, sternum, spine, groin, or kidney area with an impact weapon,
- Firearm discharges by a BPD member,
- Applications of more than three (3) CEW cycles in a single encounter, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different members,
- CEW application for longer than 15 seconds whether the application is a single continuous application or from multiple applications,
- Uses of Force resulting in death, serious physical injury, loss of consciousness, or requiring hospitalization, and
- Uses of deadly force/lethal force.

NOTE: Hospitalization refers to admission to the hospital, and does not include treatment and release in the emergency department, no matter how long the stay.

Policy Framework

The operations of Public Order Forces are governed by the framework of interconnected principles and policies described below. In order to ensure maximum unit interoperability, all POF members are expected to understand both their individual responsibilities under this framework and those of their superiors. Given that POF deployments may occur in rapidly evolving or even chaotic environments, it is essential that each POF member be prepared to advise and assist their peers and/or superiors in the completion of required tasks which may not have been performed due to exigent circumstances.

Compliance with the policies governing the POF requires active collaboration among members. Unlike other sections or units within the agency, where the effort of an individual member may be sufficient to address the demands of policy, the POF requires a higher degree of cooperation and collective responsibility. Its members must not only provide a higher level of service, but do so while exercising complex technical skills and monitoring their peers for lapses in the performance of policy. They must

also hold their peers accountable for the soundness of their tactical decisions, even if consistent with policy.

Principles

POF members shall respect and protect the First Amendment rights of all persons, which include:

1. **The Right to Free Speech and Expression**, including the right to criticize law enforcement or otherwise engage in protected expression in the presence of law enforcement officers without being subject to retaliation.
2. **The Right to Freely Organize and Participate in Lawful Assemblies and Protests** in parks, on sidewalks, in streets, and in other public forums near the object of the assembly or protest, so that those assembled may be seen and heard.
3. **The Right to Observe and Record the Actions of Law Enforcement Officers** in the public discharge of their duties in all public spaces (including sidewalks, parks, and other locations for lawful public protest), as well as all other areas in which persons have a legal right to be present (including a person's home or business and common areas of public and private facilities and buildings), without being subject to retaliation.

Policies

The list below provides summaries of each of the policies constituting the previously described policy framework. Under no circumstances should this list be construed as a guide for field practice. Prior to making any field decisions, all members are responsible for consulting these policies and fully understanding their intricacies and details. These policies are summarized here so that POF members may grasp the potential complexity of their interactions with individuals in public assemblies.

1. **Policy 804, First Amendment Protected Activity:** Describes the responsibilities of all BPD members involved in the management of First Amendment Assemblies. This includes the circumstances in which speakers may or may not be interrupted, procedures for cooperating with demonstrators, and requisite conditions for declaring an assembly unlawful and issuing dispersal orders. Only the Incident Commander may interrupt a speaker under specific circumstances.
 - a. **Protected Activity**
 - i. Profanity, insults, obscene gestures, criticism of or opposition to government officials, including law enforcement.
 - ii. Video recording of officers.
 - iii. Obstruction of traffic (subject to rerouting).
 - b. **Identifying Non-Protected Activity**
 - i. *Imminence:* Will the unlawful act occur *immediately*? Is someone calling for the act to occur immediately?
 - ii. *Presence:* Are recipients of a True Threat present to receive/observe the threat? Is the threatened property immediately accessible?
 - iii. *Individualized probable cause:* Arrests may be made based only on an individual's observed unlawful conduct. Arrests may not be based on an individual's association with others in a large group who violate the law. Members must positively identify and isolate individuals they seek to arrest for violating the law in a public assembly.

- c. **Incident Actions Plans (IAPs)**
 - i. Developed by Incident Commander: highest ranking member on the scene (unless relieved).
 - ii. Must answer these questions: What do we want to do? Who is responsible for doing it? How do we communicate? What is the procedure for injuries?
 - iii. Prioritize officer health and wellness, physical/mental safety, access to care.
 - iv. Seek cooperation with protestors if possible through Primary Police Liaison.
 - d. **Unlawful Assemblies/Dispersal Orders**
 - i. Declaration of unlawful assembly is rare, may be made only when the assembly imminently threatens collective violence and/or destruction of property, and may be made only by a commander ranked Major or above (or if not available, by a captain or lieutenant serving as Shift or District Commander).
 - a. *Example 1: A crowd of more than 30 individuals enters a drug store and begins indiscriminately looting and pillaging the premises. A fire erupts within. Then, a large number of people exit the premises with stolen goods in their hands, and the crowd proceeds to a nearby bank to repeat the process, yelling, "Burn down the bank" in unison.*
 - b. *Example 2: A crowd of more than 30 individuals advances toward a police line, and members behind the front ranks of the crowd begin hurling large numbers of rocks at both officers and nearby storefronts, as well as setting fire to vehicles in their path.*
 - ii. Attempt at communication with demonstration leaders required.
 - iii. Dispersal orders may be issued only by a lieutenant or above and only after declaration of an unlawful assembly, are non-continuous and unique to each site of assembly, and must be reissued if site of assembly changes.
 - iv. Safe egress must be provided and made known to demonstrators once dispersal orders are given.
 - e. **Additional Provisions Allowing Video Recording and Prohibiting Retaliation:** See Policy 1016, *Citizen Observation/Recording of Police Officers* and Policy 1729, *Anti-Retaliation*.
2. **Policy 1115, Use of Force:** Defines the three levels of force along with their pain/injury thresholds, and explains in high detail: circumstances in which force may be used; decision-making factors to be considered by members; primacy of de-escalation, duty to intervene, and rendering medical aid; and unique restrictions on the use of deadly force.
- a. **De-escalation Techniques**
 - i. Calm verbal persuasion and warnings.
 - ii. Allowing time to pass, "waiting out" a person.
 - iii. Creating tactical distance.
 - iv. Using barriers, cover.
 - v. Calling upon specialized units (CIT et al.).
 - b. **Reasonable, Necessary, and Proportional Use of Force**
 - i. Includes adjusting the level of force according to the evolution of the threat.
 - ii. Level of force depends on passive resistance, active resistance, active aggression or aggravated aggression.
 - c. **Level 1 Use of Force**

- i. Physical control techniques which induce temporary pain, not injury.
 - ii. Pointing a less-lethal weapon or firearm at a person.
 - d. **Level 2 Use of Force**
 - i. Physical strikes (without a weapon) to the head, neck, sternum, groin, or kidneys.
 - ii. Discharge of any less-lethal weapon or chemical agent in the direction of a person.
 - e. **Level 3 Use of Force**
 - i. Deadly/lethal force.
 - ii. Firearm discharges of any kind.
 - iii. More than 15 seconds of a single or repeated application(s) of a conducted electrical weapon (CEW).
 - iv. Physical strikes with a weapon to the head, neck, sternum, groin, or kidneys
 - v. Neckholds.
3. **Policy 725, Use of Force Reporting, Review, and Assessment:** Explains the responsibilities of members involved in a use of force incident, as well as those of their supervisors and personnel further up the chain of command. Describes the three levels of force and four basic steps of the use of force reporting and review process: document, investigate, review, and assess.
- a. **Document**
 - i. *Involved members* – Form 96, Force Report, by end of shift.
 - ii. *Observing members* – Form 95, Administrative Report, by end of shift.
 - iii. *Permanent rank supervisors (excludes “Officers-in-Charge”)* – Form 99, Use of Force Review, and BlueTeam entry within 72 hours of the incident.
 - b. **Investigate (Uninvolved Sergeants)**
 - i. For Level 2 uses of force, respond to the scene.
 - ii. For Level 1 and 2 uses of force, record all investigative activity: review incident and use of force reports, witness interviews, neighborhood canvass, officer interviews, BWC and local camera footage, photographs of individuals and/or injuries.
 - iii. For Level 1 and 2 uses of force, write report and enter into Blue Team.
 - c. **Review**
 - i. To determine compliance with Policy 1115, *Use of Force*.
 - ii. To determine whether force was reasonable, necessary, and proportional.
 - iii. To determine whether de-escalation techniques were properly used.
 - iv. To determine whether the officer continuously assessed the situation and modified their approach accordingly.
 - v. To determine whether the required documentation was properly and timely completed.
 - d. **Assess**
 - i. Lieutenants and above: critically examine all Level 1 and 2 use of force reviews (Form 96) according to above criteria (see also page 5 of policy).
 - ii. Lieutenants and above: document any counseling, training, or discipline of involved member(s) in BlueTeam.
 - iii. Use of Force Assessment Unit (UFAU) examines Level 2 use of force reviews for:
 - Thoroughness and completeness.
 - Tactical, equipment, policy considerations.
 - Preponderance of the evidence.
 - Possible referral to PIB.

Policy 710, Level 3 Use of Force/Special Investigation Response Team (SIRT): Establishes SIRT, in conjunction with the State Attorney General's Office per any existing Memorandum of Understanding, as the primary investigative entity with jurisdiction over the areas below. Describes SIRT investigation procedure and explains the roles of each member in the chain of command during an investigation.

a. SIRT Areas of Jurisdiction

- i. All BPD instances of Level 3 use of force.
- ii. Any fatal motor vehicle crash in which the actions of a BPD member were involved.
- iii. All in-custody deaths.
- iv. Any incidents at the direction of the Police Commissioner or their designee.

b. SIRT Supervisor

- i. Secure the scene and evidence such as closed circuit camera footage (CCTV), body-worn camera (BWC) footage, cell phone recordings, etc. Photograph areas of injury/complaint of injury.
- ii. Conduct and record all interviews with involved members, witnessing members, and civilian witnesses. Serve as witness for the unloading of discharged firearms.
- iii. Ensure that Force Reports (Form 96) and Administrative Reports (Form 95) are submitted by involved and witnessing members, respectively, by the end of their shifts.
- iv. Obtain, review, and properly label all BWC footage of the incident, and make a BlueTeam entry by the end of their shift.
- v. Supervise the activities of the Crime Lab Technician (CLT) and ensure proper transport of involved members to the crime lab.

4. **Policy 414, Less-Lethal Munitions and Chemical Agents:** Establishes the requisite conditions and procedures for employing less-lethal (LL) munitions and chemical agents in a public demonstration environment. The use of less lethal munitions or chemical agents, including gas, is a Level 2 use of force subject to the reporting requirements of Policy 725, *Use of Force Reporting, Review, and Assessment*.

a. Incident Commander

- i. Must approve all decisions to employ LL munitions.
- ii. Must have declared an assembly to be unlawful and/or have risen to the level of a Civil Disturbance prior to use.
- iii. Must ensure that safe egress routes are provided for and communicated to the public.

b. Procedure for Employment

- i. Prior to use, members must:
 - Be certified to use the appropriate LL/chemical munitions.
 - Provide a verbal warning to the public.
 - Designate and communicate to the public all safe egress routes, and allow time for the public to egress.
 - Refrain from using munitions on individuals who are no longer a threat or who are only exhibiting passive resistance.
- ii. Use on crowds is limited to situations where a crowd is posing an imminent threat to a member, to public safety, or when a crowd refuses to obey a lawful order to disperse.

- c. **Medical Aid**
 - i. For both types of munitions: render aid when safe to do so, document any refusal to receive aid.
 - ii. Hospital transport must be arranged when:
 - An individual complains of side effects after having washed the affected area(s).
 - An individual discloses that they have a pre-existing medical condition.
- 5. **Policy 1118, *Oleoresin Capsicum (OC) Spray***: Describes the circumstances in which members may consider the use of OC spray to gain compliance from individuals and explains the techniques and medical exigencies associated with the use of OC spray.
 - a. **Requirements for Use**
 - i. De-escalation must have been attempted, when feasible.
 - ii. Individual must exhibit “Active Resistance” or above, and must have declined requests made in dialogue.
 - iii. Verbal warning and ample time must be provided to allow an individual to comply.
 - iv. Supervisor must be notified immediately after application.
 - v. Use of OC spray constitutes a level 2 use of force.
 - b. **Medical Aid**
 - i. Positional considerations: if restrained, place individual in an upright, seated position, or on their side.
 - ii. Hospital transport must be arranged according to the same provisions as those in Policy 414, *Less-Lethal Munitions and Chemical Agents*, with two notable additions where it is mandatory for members to provide transportation:
 - If an individual specifically requests transportation to a hospital.
 - Individuals who suffer unexpected side effects not normally associated with contact with OC spray (e.g. – loss of consciousness, difficulty breathing, etc.).
- 2. **Policy 319, *Duty to Intervene***: Explains the requirement for BPD members to intervene on behalf of a colleague who may commit or is committing an act of misconduct. This includes preventative measures taken when a member notices signs of mental or physical distress which could impair a peer’s performance, or when a member perceives that a particular situation heightens the risk of misconduct.
- 3. **Policy 1107, *De-escalation***: Outlines the various de-escalation techniques available to members to defuse a situation or encounter.
 - a. **Verbal**
 - i. Regulating vocal tone/pitch, speaking softly.
 - ii. Using calming gestures.
 - iii. Asking for the person’s name and sharing your own.
 - iv. Procedural justice: explaining actions and responding to questions.
 - v. Verbal advisements and warnings.
 - b. **Tactical**
 - i. Creating distance between you and the subject.
 - ii. Seeking cover/repositioning.
 - c. **Delaying**

- i. Avoiding physical confrontation, allowing time to pass.
- ii. Calling for additional and/or specialized resources.

Composition and Training

Rapid Field Formations (RFF)

The initial response to public demonstrations which remain in a lawful state is usually carried out by an ad-hoc assembly of personnel known as a Rapid Field Formation (RFF). These consist of regular uniformed officers who have completed the basic course (16 hours) offered during entry-level training. A RFF is typically composed of members from the District Action Teams (DATs), District Detective Units (DDUs), and Patrol, who are drafted to provide security and oversight during a public demonstration.

The number of members that can be deployed as part of a RFF is theoretically unlimited, since every member of the department has passed the entry-level training on response. Drafting of members for a RFF is done on an ad-hoc basis according to the particular time at which an event occurs, who is available at that time, and how many members the Incident Commander believes will be required for an appropriate response. This is why these groups are considered *formations* instead of standing units with permanent memberships like the Mobile Field Force.

Rapid Field Formations fall under the command of the Incident Commander unless the MFF has been deployed in tandem, at which point the Mobile Field Force Commander would assume direction. The RFFs, for their part, follow the same organizational model as the Mobile Field Force, and are organized into platoons with the same number of personnel and distribution of roles/ranks as described below. The main differences between a RFF and the MFF lie in the level of specialization of its members and the severity of the incidents to which they respond. In general, if a demonstration has escalated to the level of Civil Disturbance, the MFF will be deployed alongside any RFFs already in the field. Members of RFFs do not don hard protective gear unless a threat of imminent harm to individual safety or property arises.

Mobile Field Force (MFF)

The Mobile Field Force is a specialized volunteer unit consisting of 120 members from various sections and units in the department. This unit differs from RFFs in that it maintains a relatively stable, permanent membership (i.e. – it is not *ad-hoc*). When there is a likelihood, based on the Incident Commander's Needs Assessment or Continuous Assessment, that a public demonstration could devolve into a Civil Disturbance, the Mobile Field Force is called upon to assist uniformed officers who have already been deployed as part of a RFF.

Members of the MFF receive more robust training from the BPD Education and Training Academy, BPD Range, and Center for Domestic Preparedness of the Federal Emergency Management Agency (FEMA). All MFF members receive the same training regardless of rank or role:

1. **BPD Education and Training Academy**
 - a. Advanced and Crowd Management (40 hours)
 - b. Quarterly refresher training (8 hours)
 - c. Less-Lethal Munitions Training: Pepper Ball and FN-303 40mm Launcher System (8 hours, with annual 4-hour recertification)
2. **FEMA Center for Domestic Preparedness**

- a. Course 21N-213-FFO, Field Force Operations (24 hours)
- b. Course 21N-02092, Field Force Extrication (24 hours)
- c. Course IS-100.C., Introduction to the Incident Command System (2 hours, online)
- d. Course IS-200.C., Basic Incident Command System for Initial Response (4 hours, online)

Roles and Responsibilities

Strategic Level

Incident Commander

1. Mobilize sufficient members to provide a safe environment for the demonstration and ensure that disruptions to the area are minimized.
2. Establish a command post, ensure that the appropriate ICS roles are assigned, and update ICS Form 209, *Incident Status Summary* (See Appendix A, by the end of the operational period).
3. Ensure that all personnel required to complete reports do so by the end of their tours of duty.
4. Ensure that scribes are assigned for the operational period and keep a running log of all events, significant radio communications, and available closed circuit camera (CCTV) footage on ICS Form 214, *Activity Log*.
5. Delegate the redirection of vehicular and pedestrian traffic to the Mobile Field Force Commander and, by extension, to Platoon Commanders.
6. Establish staging areas for all Rapid Field Formations (RFF) and the Mobile Field Force (MFF), as well as the BPD Command Vehicle. The staging area shall be located a safe distance from the demonstration. All reporting personnel shall assemble at the staging area, and an emergency medical services (EMS) vehicle should be located in the staging area.
7. Designate a use of force response team to respond to level 2 and 3 uses of force and conduct investigations according to BPD policy. This team shall be composed of sergeants, lieutenants, and at least one member of the Special Investigation Response Team (SIRT).
8. If necessary, and if the demonstration meets the criteria for a Civil Disturbance (see "Continuous Assessment of Escalation," pg. 28), declare an assembly unlawful.
9. When attempting to restore order during a Civil Disturbance, and provided that all applicable criteria are met for each measure, delegate to the appropriate rank(s):
 - a. Issuance of dispersal orders using a "bull-horn," loudspeaker, or similar communication device to ensure that all participants are properly notified. If foreign language support is available, repeat the message in any relevant foreign language(s).
 - b. If tactically possible, the placement of officers near the rear of the demonstration to further relay and make audible dispersal orders to the crowd.
 - c. Relay of dispersal orders on social media platforms via the BPD Public Affairs/Media Relations section.
 - d. Use of de-escalation techniques, tactical maneuvers or other Crowd Control techniques to promote the dispersal of those acting in violation of the law.
 - e. Arrest of those participating in violations of the law based on individualized probable cause.
 - f. Deployment of Less-Lethal Force when Reasonable, Necessary, and Proportional (following attempts at de-escalation, the issuance of dispersal orders, and other less aggressive Crowd Control techniques).

10. Before issuing an order for Mass Arrest, identify prisoner staging areas for assembly prior to their transportation to Central Booking. These staging areas must be documented on Form 201, Incident Briefing, and must be:
 - a. If possible, in a public building or space: a police district, fire station, police headquarters, parking lots belonging to public spaces and cordoned with physical barriers, etc.
 - b. Physically able to accommodate a security detachment.
 - c. Near restrooms.
 - d. Large enough to allow for a maximum officer-to-prisoner ratio of seven to one.
 - e. Able to accommodate or near charging stations for BWCs, so as to allow BPD members to continuously film activities in the area.
11. After issuing an order for Mass Arrest:
 - a. Stage a sufficient number of prisoner transportation vehicles and ensure that vehicles are adequately equipped in light of the number of arrestees, environmental conditions, and any other relevant considerations.
 - b. Notify Central Booking to prepare to receive arrestees.
 - c. Based on the operational plans described in Form 201, Incident Briefing, designate an alternate facility to accept additional arrestees beyond the capacity of Central Booking. Such a facility must be:

Operational Level

At the operational level, both RFFs and the MFF are divided into Platoon Commanders, Squad Leaders, and Squad Members. All members serving in these capacities receive the same uniform training previously described, and are deployed alongside each other in the field. Their responsibilities are as follows:

Platoon Commander

1. Minimum rank: Lieutenant.
2. Supervise and direct four sergeants, 28 officers, and any additional launcher and/or arrest teams assigned to their platoon.
3. Determine or carry out the Incident Commander's de-escalation strategy.
4. Determine the least intrusive and most effective tactics to be used given environmental and operational conditions, and communicate said tactics to all Squad Leaders before deployment and on an ongoing basis during deployment.
5. Arrange for the medical treatment of all injured officers and civilians who consent to treatment, and direct emergency vehicles to safe locations for the extraction of individuals.
6. Refer members to Officer Safety and Wellness upon recommendation from their Squad Leaders.
7. Arrange for the relief of personnel according to the parameters of the Incident Action Plan, or upon recommendation from their Squad Leaders.
8. Maintain close communication with their Squad Leaders to ensure that water, snacks, and other nutritional products are supplied when needed.
9. If time allows before deployment, conduct formation and gas mask drills.
10. Prior to deployment, conduct squad briefings to discuss the requirements of Policy 804, *First Amendment Protected Activities*, including all acceptable and prohibited actions, and explain the

mission, current situation, and operational concerns related to the event. These briefings must address:

- a. Limits and extent of the mission according to city, state, and federal prerogatives.
 - b. Officer morale, fatigue, and signs of distress meriting an intervention by Officer Safety and Wellness (OSW), as well as how to contact the peer support team.
 - c. Plans for the relief of personnel throughout the operation and upon recognition of distress.
 - d. Main options for cover in the event of assaults or other violent actions, including options for moving civilians to cover if a lethal fire or other life-threatening situation develops.
 - e. Emergency evacuation routes.
 - f. Intelligence on the potential presence of counter-protestors or volatile individuals who may compromise First Amendment expression or the lawfulness of the assembly.
 - g. Methods for communicating any tactical changes to demonstrators and how/why such changes may be necessary to preserve the lawfulness of the assembly or prevent the interruption of First Amendment expression.
 - h. Procedure for relaying feedback from demonstrators regarding safety concerns, their perceptions of the police response, or other information pertaining to the exercise of First Amendment rights and a proportional police response.
 - i. Order and discipline of each squad under their command, including the importance of peer intervention to prevent officer misconduct, and the prevention of any retaliatory actions of any kind against an individual who is lawfully exercising their First Amendment rights.
 - j. Availability of replacement equipment in the event of loss or damage.
 - k. General pattern of crowd behavior and types of aggression (Active/Aggravated) expected or observed during the operation.
11. Identify zones for the safe positioning of agency vehicles deployed during the operation, and actively direct or instruct Squad Leaders to direct vehicles to said zones.
 12. Relay operational information to the Incident Commander as it is observed or received from Squad Leaders, especially information about any uses of force, effective or ineffective means of de-escalation, encountered forms of aggression (active/aggravated), safety concerns expressed by the crowd, and crowd perceptions of the police response.
 13. Immediately contact and ensure, via the Incident Commander, that uninvolved supervisors of the appropriate rank from the use of force response team (see Incident Commander responsibilities, pg. 14, item 7) conduct investigations and reviews of any level 2 or 3 uses of force which occur during the operation.
 14. Upon notice from a command member that an assembly has been declared unlawful, issue dispersal orders to the public using appropriate technology (loudspeaker, "bull horn," etc.). Prior to issuing the order, instruct Squad Leaders to serve standardized warnings (Form 15/15) to the public.
 15. Upon approval of the Incident Commander, communicate orders to Squad Leaders to discharge less-lethal munitions and/or chemical agents.

16. Following the dispersal of an unlawful assembly, reassess the situation and notify the Incident Commander of any changes in the crowd's location, and whether the crowd has returned to a lawful state.

Squad Leaders

1. Minimum rank: Sergeant.
2. Supervise and direct seven officers and any additional launcher and/or arrest teams assigned to their squad.
3. Conduct inspections of all Squad Members for compliance with personal appearance and equipment standards, and ensure that appropriate protective gear is worn or readily accessible.
4. Ensure that Squad Members employ the least intrusive and most effective tactics as instructed by the Platoon Commander, and reiterate said tactics to all Squad Members over the course of their deployment.
5. Continuously monitor Squad Members' temperaments and techniques to prevent unnecessary and/or unreasonable uses of force. In particular, highlight to members any individual who is displaying Active or Aggravated Aggression, and ensure members de-escalate as soon as feasible.
6. When it is apparent that a Squad Member may need to use force, summon assistance to the member. The presence of an assisting officer may itself de-escalate the conflict or reduce the level of force necessary to address the conflict.
7. When practicable, advise the member(s) on proper use of force techniques and remind them that if circumstances permit, the reason, type and general intent to use force should be announced in advance to the individual.
8. Maintain order and discipline in their squad, and continuously monitor squad members for signs of distress, trauma, or fatigue. Notify the Platoon Commander of any officers who may need to be relieved and/or referred to Officer Safety and Wellness.
9. If the Platoon Commander is unavailable due to exigent circumstances, contact Officer Safety and Wellness on behalf of Squad Members who show signs of excessive distress, trauma, or fatigue.
10. Distribute water, snacks, and other nutritional products to members as needed.
11. Arrange for the medical treatment of all injured officers and civilians who consent to treatment, and, if the platoon commander is unavailable due to exigent circumstances, direct emergency vehicles to safe locations for the extraction of individuals.
12. Actively intervene and/or direct officers to intervene on behalf of a member about to commit an act of misconduct. See Policy 319 Duty to Intervene for additional guidance.
13. Upon direction from the platoon commander, or if the platoon commander is unavailable or due to exigent circumstances, identify zones for the safe positioning of agency vehicles deployed during the operation, and direct vehicles to said zones.
14. Relay operational information to the platoon commander as it is observed or received from squad members, especially information about any uses of force, encountered forms of aggression (Active/Aggravated), safety concerns expressed by the crowd, or crowd perceptions of the police response.

15. Immediately notify the Platoon Commander of any level 2 or 3 uses of force that occur in the field so that—as staffing and field conditions permit—a supervisor from the use of force response team may conduct their investigation and review of the incident(s).
16. Upon orders of the Platoon Commander, instruct Squad Members to serve standardized warnings (Form 15/15) to the public prior to the issuance of an order to disperse.
17. Upon orders of the Platoon Commander, instruct launcher teams to discharge less-lethal munitions and/or chemical agents.
18. Following the dispersal of an unlawful assembly, reassess the situation and notify the platoon commander of any changes in the crowd's location, and whether the crowd has returned to a lawful state.

Squad Members

1. Continuously monitor the general disposition and temperament of the crowd and report any decline in these features to the Squad Leader.
2. Identify and relay information to the squad on any individuals in the crowd who make True Threats of imminent violence against a person or property, taking into account:
 - a. The primacy of de-escalation, which must be communicated to all squad mates upon recognition of such an individual.
 - b. Whether the object of the threat is physically present or immediately accessible to receive the indicated harm.
 - c. The degree of resistance (Active/Passive) or aggression (Active/Aggravated) exhibited by the individual.
 - d. Proper techniques for gaining compliance from the individual, should de-escalation fail.
3. Monitor other squad mates' temperament, behavior, and actions to ensure that they are within the scope of policy and not at risk of misconduct. If there is risk of misconduct or a potential use of force which could be unreasonable, unnecessary, and/or disproportionate, assist and/or intervene on behalf of the squad mate to prevent such an act from occurring. See Policy 319, *Duty to Intervene*, for additional guidance.
4. Ensure they and their squad mates are using de-escalation whenever practicable (see Policies 804 and 1107). Mutually support squad mates in the exercise of proper de-escalation techniques, including:
 - a. Physical distancing and cover options.
 - b. Delaying actions: allowing the individual to express themselves, make statements, and ask questions.
 - c. Calm verbal persuasion, even in the face of insult, obscenity, or other forms of critique.
 - d. Sharing the member's name and asking the person their name if feasible.
 - e. Acknowledging concerns and relaying them to the Squad Leader if they pertain to the individual's safety or a perceived over-response by police personnel.
5. If de-escalation fails during an interaction and the member is left with no other option than to use force, ensure that any force employed is:
 - a. Reasonable.
 - b. Necessary.
 - c. Proportional.

- d. Continuously adjusted based on the changing level of the threat, aggression, or resistance.
6. When legally justified, make arrests based on individualized probable cause.
7. Immediately report any observed level 2 or 3 use of force to the Squad Leader or, if it is more expedient, directly to the Platoon Commander.
8. Upon orders of a Squad Leader or Platoon Commander, and only if certified in the proper devices, discharge less-lethal munitions and/or chemical agents.
9. Serve standardized warnings (Form 15/15) to the public and announce said warnings using appropriate technology (loudspeaker, “bull horn,” etc.).

Responding to First Amendment Assemblies

Deployment Needs Assessment

Communication with Demonstration Leadership

The other major feature of modern units is the approach known as “dialogue policing,” which requires close communication between an agency and demonstrators to establish the parameters for enabling groups to voice concerns in the safest and most effective manner possible. BPD subscribes to both the liaison and dialogue policing models in its policy (see Policy 804, *First Amendment Protected Activities*, pg. 8). Prior to making the decision to deploy the POF, the Incident Commander or their designee must perform a critical assessment of both the demonstration group(s) and geographic area(s) of demonstration.

Incident Commander

The Incident Commander (or their designee) is tasked with establishing contact with demonstration leadership prior to the demonstration (if feasible) to *discuss and assess* the following:

1. The means by which they intend to convey their message.
2. Availability of educational materials regarding the movement to identify potential factions and differing viewpoints.
3. Proposed geographic route of the demonstration, especially any problem areas or bottlenecks that could pose a threat to public safety or property.
4. If Counter-Protestors are anticipated, proposed “safe areas” to protect the demonstration from interruptions or violence. The factors to be considered when selecting such an area include:
 - a. Proximity of the area to the demonstration’s intended audience (e.g., City Hall, a particular business district, a town square, etc.).
 - b. Availability of ingress/egress routes for demonstrators, BPD personnel, and emergency vehicles to enter or leave the area as needed.
 - c. Options for cover from physical threats (e.g., projectiles, blunt weapons, etc.), should Counter-Protestors enter the area and employ them.
 - d. Aerial visibility for proper helicopter monitoring and the coordination of escape, if necessary (for instance, an area underneath a bridge may not be an ideal safe area).
 - e. Potential for collateral damage to local housing, businesses, or other infrastructure in the event of a disruption by Counter-Protestors.
5. Disposition of demonstration leadership to commit to:
 - a. Procedures for identifying individuals who could compromise the safety and/or effectiveness of the demonstration (i.e. – proactive “self-policing” procedures).

- b. Procedures for altering the route of the demonstration according to environmental conditions and risk, and for communicating such alterations in real-time to demonstrators.
6. Demonstrator concerns regarding the proposed police presence, namely:
 - a. How it will be perceived by the crowd as a whole, especially if officers appear in protective gear, i.e. helmets and body armor.
 - b. How police can safely and courteously explain their presence and any changes in their tactics according to field conditions (i.e. – uniform messaging by members).
 - c. When and why arrests may be made, and how to avoid situations which could lead to an arrest.
7. Proper communication liaisons/channels for demonstrators to communicate their real-time concerns to Platoon Commanders and/or Squad Leaders in the field.
8. How warnings of use of force will be announced between members and individuals, and between larger member detachments and the crowd, generally (i.e. – loudspeaker announcements, etc.).
9. How demonstration leadership will explain the definition of an unlawful assembly to their contingents, so as to prevent the incitement of an unlawful assembly.
10. Interlocutors: Office of the Public Defender, ACLU Attorneys (if demonstration leadership declines engagement).

Upon conclusion of these talks with demonstration leadership, the IC/designee shall forward their findings in an Administrative Report, Form 95, to:

1. District Commander(s) affected by the demonstration.
2. MFF Commander.
3. Chief of Patrol.

The Report shall also include copies of all correspondence with demonstration leadership (e.g. e-mail or text messages).

District Commander

As a complement to the strategic-level talks held by the Incident Commander with demonstration leadership, the District Commander(s) to be affected by such an event will collect the following information through their Neighborhood Coordination Officers and assess it to determine the appropriate scope of the response:

1. Event date and location.
2. Duration/timeline of the event.
3. Anticipated number of participants.
4. Mobility of the demonstration: stationary, march on foot, vehicle parade, etc.
5. Any plans to incorporate Civil Disobedience or Civil Disturbance.
6. Any anticipated Counter-Protestors.
7. Mission and goals of the event organizer.
8. Other information gleaned from any permits received in advance of the event.

District Commanders assume primary responsibility for the management of any demonstration consisting of fewer than 50 participants, unless such a demonstration would compromise their ability to maintain a sufficient police presence (i.e. – respect the shift constants) in their communities.

If, after assessing the above information, the District Commander determines that a demonstration will surpass their ability to provide effective police coverage in their communities, they shall forward their determination in an Administrative Report, Form 95, to the Chief of Patrol.

If intelligence indicates that a demonstration could include counter-protest groups, proposed Civil Disobedience (e.g., obstruction of traffic or passage on streets, sidewalks, major thoroughfares, trespassing on private property, and/or protestors chained or secured to each other or fixed objects) or Civil Disturbance (e.g., vandalism, fire, violence, or threat of violence), the District Commander shall inform the following individuals to coordinate an appropriate response:

1. Chief of Patrol
2. Commander, Special Operations Section

Incident Action Plan

BPD subscribes to the nationally standardized FEMA model for responding to demonstrations known as the Incident Command System (ICS). In accordance with this model, the Incident Commander is responsible for ensuring that an Incident Action Plan (IAP) is prepared for demonstrations with more than 50 participants.

To this end, the IC assigns the Commander, Special Operations Section, or their designee to complete the various forms constituting an IAP (see appendix). There are eleven essential forms in an IAP, each detailing an aspect of the police response. The Commander, SOS, or their designee is responsible for supplying the following information on these forms:

BPD Cover Page

1. Length of the operational period (usually 12 hours).
2. Appropriate radio channels for each part of the response (operations, supervision, logistics, etc.).
3. Summary of the incident.
4. Distribution and length of shifts to be worked by each unit during the operational period.
5. Number of Rapid Field Formations and Mobile Field Force platoons mobilized or on standby.
6. Map of the area of operations.
7. Names/ranks of members of the predefined command structure prescribed by FEMA.

Form 201, Incident Briefing

1. More detailed outline of the social context and circumstances underpinning the demonstration(s).
2. Health and safety briefing, including:
 - a. Responsibilities of the peer support team, time/length of their deployment(s), and contact information.
 - b. Psychologists on call via BHS counseling services.
 - c. Procedure for debriefing members and/or their families at the conclusion of their shifts.
 - d. Assignments for the After-Action Report (AAR), completed for each day/operational period by peer support team members.
 - e. Start times of major demonstration events and unit assignments for each event.

- f. Organizational chart reiterating the names/ranks of members of the command staff per FEMA requirements.

Form 202, Incident Command Form

1. List of strategic objectives, including the protection of life, property, and the safety of all individuals involved in or affected by the demonstration.
2. List of tactical objectives, such as:
 - a. Management of ingress/egress routes for uninvolved pedestrians or bystanders, as well as BPD and first responder vehicles.
 - b. Control of reinforcement routes whereby the police presence may be increased, decreased, or relieved as needed, especially in the interest of officer wellness.
 - c. Staging of standby Mobile Field Force platoon(s).
3. List of managerial objectives such as the enforcement of a maximum 12-hour shift for BPD personnel and the provision of food, water, and personal protective equipment (PPE).
4. Checklist of ICS forms included in the IAP.

Form 203, Organizational Assignment List

1. Table representing the names, ranks, and assignments of BPD personnel according to FEMA standards for command staff, including the names of the following:
 - a. Incident Commander
 - b. Mobile Field Force Commander
 - c. Safety Officer
 - d. Public Information Officer (normally the director of Media Relations)
 - e. Chiefs of:
 - i. General Operations
 - ii. Special Operations
 - iii. Planning
 - iv. Logistics
 - f. Arrest Team Coordinator

Form 204, Assignment List

1. List of the number of rapid field formations mobilized for the event, their strength, and any special work assignments or instructions.
2. List of supporting units (including the Mobile Field Force, but also extending to SWAT, motor units, etc.) mobilized for the event, including their strength and any special work assignments or instructions.
3. List of any units from other agencies deployed during the operation in support of BPD, as well as their assigned geographic zones.

Form 205, Incident Radio Communications Plan

1. Table showing the various radio channels and frequencies to be used during the event, including their designated uses.
2. When applicable, a list of any special radio frequencies to be used for communication with the parent command(s) of assisting agencies.

Form 206, Medical Plan

1. List of the designated hospital(s) to be used during the event, including their treatment capabilities (trauma center, burn center, etc.), addresses, and phone numbers.
2. List of any medical aid stations to be set up in the field, including their addresses and designated phone numbers.
3. List of air assets assigned to the operation for emergency medical transportation.

Form 208, Safety Message/Plan

1. A description of any environmental or logistical hazards to be considered during the event.
2. Completed and attached Addendum, Form 208, Health and Wellness Plan, which specifies:
 - a. Shifts of peer support members assigned to the operational period.
 - b. Times and locations of pre-deployment briefings on health and safety.
 - c. Schedule of wellness checks to be performed by peer team members.
3. Completed and attached Wellness Monitoring Log, which specifies:
 - a. Psychologists and/or counselors on call during the operational period.
 - b. Areas/operational zones where wellness checks were conducted, and the time intervals at which they were conducted.
 - c. Findings of peer support members who performed wellness checks in the field.
4. Together, the attached Health and Wellness Plan and Wellness Monitoring Log satisfy the requirement in Policy 804, *First Amendment Protected Activity*, of a protocol for the Safety Officer, which must include:
 - a. Health and safety guidance during pre-deployment briefings.
 - b. Ensuring the availability of mental health and medical professional(s) to provide health care to members.
 - c. Ensuring the close monitoring and periodic affirmative checks of members' well-being by supervisors.
 - d. Close monitoring of member fatigue and indications of stressors.
 - e. During prolonged periods of demonstrations or unrest, the deployment of police counselors or psychologists to provide individual counseling to members and their family members.
 - f. To the extent possible, a plan for sharing information with the public before, during, and after significant public assemblies.

Form 209, Incident Status Summary

1. Location, size, and movement of the demonstration, if applicable.
2. Types of hazards present (e.g., chemical, infectious, environmental, etc.).
3. Damage assessment specifying the number and types of properties or infrastructure at risk, damaged, or destroyed.
4. Summary of casualties, including the number of people injured, missing, in need of rescue, or sheltering in place.
5. Threat projections and resource needs from 12 to 72 hours into the future.
6. Discussion of overall progress on strategy, any management problems, and social, political, economic, or environmental concerns.
7. Planned actions for the next operational period.
8. List of committed resources and their provenances.

Form 213, General Message

1. Reiteration of the tactical and managerial objectives noted in Form 202, along with further considerations for the operational period such as:
 - a. Procedure for assessing the number of agency vehicles required to guarantee the success of the operation.
 - b. Instructions for supervisors to inspect their personnel, ensure that they are wearing the proper uniform and equipment, and that they are adequately supplied with food and water at regular intervals.
2. Names, representative organizations, and contact information of those acting as primary police liaisons on behalf of demonstrating groups.
3. If primary police liaisons are unavailable due to a group's refusal to engage in dialogue, the names, representative organizations, and contact information of appropriate interlocutors from the ACLU and/or Office of the Public Defender.
4. Instructions for platoon commanders to identify, communicate with, and relay information from ad-hoc police liaisons in the field.

Form 214, Activity Log

1. List of the date and time of any notable activities during the operation, such as:
 - a. Relief of personnel.
 - b. Medical aid rendered.
 - c. Wellness interventions or consultations by the peer support team.
 - d. Arrests.
 - e. Authorizations of force, including less-lethal force and/or munitions.
 - f. Dispersal orders.
 - g. Communications from demonstration leadership regarding field conditions or concerns.
 - h. Deployment and/or relocation of agency vehicles.
 - i. Changes in the tactical situation, including access to major thoroughfares, ingress/egress routes, staging areas, general disposition and behavior of the crowd(s), damages to property, environmental concerns, officer safety and/or cover issues, etc.
 - j. Changes in supervision due to exigent circumstances or reassignment.

Mutual Aid

In order to bolster capacity during challenging demonstrations, BPD maintains a number of mutual aid agreements with neighboring law enforcement agencies. These agreements describe the procedure for requesting units from these agencies and establish the jurisdiction of assisting commands. They also address issues such as liability, reimbursement, transportation to/from the host agency, and the policy standards to which assisting units will adhere during a joint operation.

A request for aid begins with a letter from the Police Commissioner (or their designee) petitioning a partner agency for a specific set of units (see Appendix A, no. 1). If the request is approved, BPD receives the units and incorporates them into its existing IAP. Accordingly, the Incident Commander must then:

1. Consult the Commander(s) of the assisting units to determine their ideal assignments for the operational period.
2. Once said assignments have been agreed, notate each assisting unit on Form 201, Incident Briefing, along with their mission(s) and designated area(s) of operation.

3. Specify the tactical objectives for said unit(s) on Form 202, Incident Objectives.
4. If applicable, list any radio channels/frequencies specifically assigned to assisting units on Form 205, Incident Radio Communications Plan.
5. Ensure that a command liaison from the assisting agency is stationed at the BPD Command Post.
6. Delegate to BPD Platoon Commanders the task of deploying assisting unit(s) to their respective staging areas.

As a general rule, assisting units will fall under the *strategic command* of the BPD Incident Commander, while tactical maneuvers and decisions are incumbent upon the parent commanders of assisting units. The latter may include decisions to use force or other tactics or devices in ways that are not congruent with BPD policy.

It is therefore the responsibility of the Incident Commander, in conjunction with BPD's Legal Affairs Team, to understand the terms of any relevant mutual aid agreements so that appropriate assignments minimizing the potential for force may be given to assisting units.

Deployment

Pre-Deployment Briefing

The Incident Commander is responsible for delivering a pre-deployment briefing to all members who will participate in an operation. This briefing is given at the roll call immediately prior to the commencement of the event with the aid of the ICS Briefing Checklist (appendix B). It must cover the following:

1. BPD mission, core principles, and policy on First Amendment Protected Activities
2. Event mission and objectives
3. Current situation
4. Concept of operation
5. Deployments and work assignments
6. Contingencies
7. Rules of engagement and BPD's use of force policy
8. Safety considerations
9. Communications
10. Logistics
11. Command format for the event
12. Demobilization plan
13. Command debriefing plan
14. After-action reports

Order of Deployment

Rapid Field Formations (RFFs) are deployed first in response to public demonstrations, with Mobile Field Force platoons on standby in case a demonstration reaches the threshold of a Civil Disturbance. Once that threshold is crossed, Mobile Field Force platoons are dispatched according to the instructions in the operation's IAP, unless field conditions warrant a different response. Rapid Field Formations similarly observe IAP instructions prior to their own deployments.

The Incident and Mobile Field Force Commanders must maintain constant, mutual communication to ensure that any deviations from the IAP are properly coordinated. Changing field conditions may, for instance, require that personnel be shifted from one geographic zone to another, or the number of reinforcing platoons may need to change due to a crowd that is larger than anticipated.

However, in all cases, the IAP is the standard for deployment. It specifies the numbers and types of platoons (rapid field or mobile field) to be used during the operation, while respecting the fact that BPD always seeks to de-escalate whenever possible and to use the least intrusive yet most effective tactics to provide a safe environment for First Amendment activity.

Universal Deployment Directives

All members responding to a public demonstration must observe universal directives codified in Policy 804, *First Amendment Protected Activity*. These directives apply irrespective of whether a member is part of a Rapid Field Formation, the Mobile Field Force, or some other unit. There are *positive* or enabling directives which members must carry out in order to protect and promote First Amendment expression, and there are *prohibitive* directives serving the same purpose.

The positive directives are as follows. BPD members *shall*:

1. Allow persons to speak and express themselves freely, including by using criticism, insults, profanity, name calling or obscene gestures directed at law enforcement or by expressing disagreement.
2. Allow all persons to gather at or near the object of the assembly or protest and shall allow persons to assemble on sidewalks and streets and in parks and other public spaces, so that they may be seen and heard.
3. Make all reasonable efforts to protect protestors and preserve their right to protest.
4. Enforce restrictions on the time, place, and manner of an assembly or protest only for the purpose of maintaining public safety and shall restrict no more speech than is necessary to further this purpose.
5. Make every effort to separate protestors and Counter-Protestors to maintain order (see page 17 above regarding “safe areas”) and avoid any potential confrontation (see section on separating crowds, pg. 29 below).
6. Adhere to the IAP, including enforcing reasonable time, place, and manner restrictions in the IAP, unless otherwise directed by supervisors.
7. Adhere to all applicable BPD policies when addressing First Amendment Assemblies that have become Civil Disturbances.¹
8. Endeavor to accommodate assemblies and protests that may temporarily block traffic or otherwise obstruct public streets by regulating or rerouting traffic as much as practical.

The prohibitive directives are as follows. BPD members *shall not*:

1. Restrict the rights of any person to criticize law enforcement through speech, unless the person is endangering a BPD member or another person, or is physically interfering with law enforcement action.

¹ Summaries of these policies can be found in the “Policy Framework” section, pg. 8.

2. Take any action in retaliation against any person who exercises their First Amendment rights to comment on or protest any police activity. This includes retaliation by ordering persons or groups to disperse, or by stopping, detaining, searching, arresting, issuing a citation to, or threatening to stop, detain, search, arrest or issue a citation to any person or group.
3. Conduct activity beyond the IAP without supervisory approval unless criminal activity is identified.
4. Use force in response to a person engaging in legally protected speech or a lawful assembly, unless the person poses an imminent threat to the safety of a BPD member or others.
5. Engage in intimidation or harassment toward persons participating in assemblies or protests. Such prohibited intimidation and harassment include, but are not limited to, verbal threats and profanity, use of video recorders to harass, and displaying a weapon for the purpose of intimidation.
6. Arrest a person engaged in First Amendment activity unless there is *individualized* probable cause to believe that the person has committed a crime.
 - a. This means that a BPD member may not arrest any person unless the member has sufficient objective facts based on the member's own knowledge, or reliable and trustworthy information provided by other members or third parties, to establish probable cause that the person committed a crime.
 - b. BPD members may not arrest any person engaged in First Amendment activity based on the fact that other persons engaged in the same First Amendment activity also engage in violent or otherwise unlawful conduct.
7. Interrupt a speaker, except in the following limited circumstances:
 - a. **Speech incites imminent unlawful action:** BPD members may interrupt speech when the speech Incites Imminent Unlawful Action. Members may only take action when a statement:
 - i. Threatens or encourages imminent unlawful violent action or destruction of property; and
 - ii. Has a substantial likelihood of producing imminent unlawful violent action or destruction of property; and
 - iii. Is intentionally stated by the speaker to clearly and objectively direct at least one other person to engage in imminent unlawful violent action.
 - b. **There is a risk that the speech will provoke an audience into using illegal force against the speaker:** BPD members may interrupt speech when it provokes violence or threats of imminent violence against the speaker after BPD has attempted to control the crowd and made a reasonable effort to protect the speaker.
 - c. **True Threats:** BPD members may interrupt a speaker who makes True Threats of imminent violence that would result in harm to a person or substantial harm to the property of another person.

NOTE: *Only the highest ranking member on the scene may interrupt or restrict speech for the aforementioned reasons. If the highest-ranking member does interrupt or restrict speech, they shall do so using the least restrictive means possible, and only after all other alternatives to interruption or restriction are exhausted.*

8. Terminate or disperse any protest or assembly unless the protest or assembly has turned into a Civil Disturbance or threatens to turn imminently into a Civil Disturbance, and a dispersal order has been given in accordance with this policy.
9. Substantially surround or enclose persons participating in or observing an assembly or protest and prevent them from leaving the area unless warnings to disperse have been given and the persons have been provided an opportunity to disperse.
10. Treat protesters differently based on the content or viewpoint of their legally protected speech, nor based on the race, national origin, gender identity, gender expression, disability or illness (physical or mental), sexual orientation, religion, political ideology or affiliation, social status, veteran status, economic status, familial status, HIV status, immigration status, homelessness, language ability, age, or any other protected class under state, federal, and local laws. See Policy 317, *Fair and Impartial Policing*.
11. Target the leaders or organizers of an assembly or protest by singling out such persons for harsher treatment. BPD members shall not single out persons for video recording solely because the persons appear to be the leaders or organizers of an assembly or protest. This does not prevent a member from taking enforcement actions in the event that the member has probable cause to believe that a person, whether a leader/organizer or not, is inciting violence or has committed a crime.
12. Allow personal beliefs and opinions to interfere with their duties as a law enforcement officer.
13. Express personal, political, or religious views during a public assembly while on duty.

Continuous Assessment of Escalation

Every demonstration possesses its own unique character and set of goals, which can lead to varied crowd behaviors. In addition to observing the IAP drafted for an event, the Incident Commander and affected District Commander(s) must continuously assess the demonstrators' propensity for illegal conduct. The factors to consider during an event are found below.

1. **The Incidence of:**
 - a. **Observed or reported True Threats**, which are statements that:
 - i. Threaten or intimidate.
 - ii. Communicate a serious intent to commit an act of unlawful violence or harm.
 - iii. Target or refer to a specific individual or group of individuals.
 - iv. Are made in the presence of said person(s) or observed by the person(s) in some other way.
 - b. **Imminent Unlawful Action**, or urging a person or persons to engage in criminal activity that will occur immediately, not at some point in the future.
 - c. **Human injuries and/or damage to property**, with particular attention paid to whether said injuries/damages:
 - i. Occur in a localized area and are an imminent threat to general public safety.
 - ii. Are caused by a specific individual or group of individuals, who may therefore be apprehended based on individualized probable cause.
 - iii. Are the result of generalized collective violence.
2. **Available BWC footage** supporting the fact that an event has reached the threshold of a Civil Disturbance, which is characterized by:

- a. Collective violence.
 - b. Destruction of property.
 - c. Other unlawful acts.
3. **Personnel available to prevent or mitigate further injuries/damage** while preserving sufficient district coverage (i.e. – shift constants) in the district(s) affected by the event.
4. **Whether communication with previously identified demonstration leadership has broken down**, and whether it is feasible to engage in dialogue policing with other participants who have assumed a *de facto* leadership role.
5. **Whether options for de-escalating the situation with previously identified or *de facto* leadership have been exhausted**, and whether not taking further action could lead to collective violence and/or destruction of property.
6. **Field communications from platoon commanders** regarding the severity and preponderance of criminal activity, as well as the general disposition and actions of the crowd.

If the Incident Commander determines, based on the totality of the above factors, that a demonstration has reached the threshold of a Civil Disturbance, they may deploy the Mobile Field Force in support of any Rapid Field Formations that have already been dispatched, and/or initiate the steps to declare an assembly unlawful (see section on unlawful assemblies below).

Separation of Protestors from Counter-Protestors

Preserving the integrity of all instances of First Amendment expression is a critical part of BPD's mission in operations. To this end, Platoon Commanders are responsible for utilizing proper field tactics to ensure that protestors and counter-protestors remain separated and safe. This requires the following:

1. If there is prior knowledge of potential counter-protests, protecting designated "safe areas" so that the two groups may exercise their rights at a distance which prevents confrontation.
2. Securing escape routes so that each respective group is able to leave an area while avoiding contact with the other.
3. At the point of contact, identify any known or *de facto* group leaders and use de-escalation techniques to persuade them to create space between their group and the opposing group.
4. When opposing sides are in contact and violence is ongoing or appears reasonably imminent, using the wedge or diamond formations to safely enter the contact point and then—without unnecessary uses or threats of force—shift laterally into parallel column formations.

Note: Under no circumstances shall any BPD member give the order to surround or enclose persons participating in or observing an assembly or protest to prevent them from leaving the area, unless warnings to disperse have been given and the persons have been provided an opportunity to disperse.

Contingencies for Unplanned Assemblies

BPD maintains a uniform response to all First Amendment assemblies, whether they are planned or unplanned.² However, there are certain contingencies for responding to unplanned assemblies. The responsibilities for these contingencies are distributed as follows:

Officers Initially Responding to the Scene

1. Activate BWCs to begin filming the demonstrators, their activities, and general demeanor. This footage will be critical for determining whether the unplanned assembly is lawful or unlawful. *Members shall not single out persons for video recording solely because the persons appear to be the leaders or organizers of an assembly or protest.*
2. Inform the Shift Supervisor of the event's location and size, and ask them to either respond to the scene directly, or delegate other supervisors to respond as dictated by staffing.
3. Attempt to identify and initiate contact with demonstration leadership to determine:
 - a. Nature and/or purpose of the demonstration.
 - b. Major thoroughfares which may be affected.
 - c. Estimated duration.
 - d. Number of any additional participants who may join the demonstration later.
4. Report all findings from contact with demonstration leadership to the responding supervisor(s).

Shift Supervisor

1. While on scene, attempt to obtain more detailed information from demonstrators about the nature of their assembly according to the criteria of the Deployment Needs Assessment (see page 17).
2. Forward said information, where available, to the Shift Commander for Review.
3. Identify any local businesses which may be affected by the demonstration and delegate officers to inform them of the event and any precautions they may wish to take. Businesses are not required to close during a demonstration, but must be advised of the situation for safety reasons.
4. If the event is taking place during evening or night hours, notify the Shift Commander of any safety lighting which may be needed at the scene.
5. Instruct officers to position themselves in a manner which minimizes contact with demonstrators, while also allowing for the safe ingress and egress of vehicles and passers-by.
6. If necessary, delegate officers to redirect traffic.

Shift Commander

² As discussed in the "Order of Deployment" section (pg. 25), Rapid Field Formations are always deployed first if the event is of a peaceful nature and remains within the bounds of lawfulness. Certain Mobile Field Force platoons are held in reserve, on standby, in case the event devolves into a Civil Disturbance. If it does, these platoons are then deployed.

The Shift Commander shall relay all information received from responding supervisors to the District Commander for assessment. From this point forward, ranks above the Shift Commander shall observe the procedure outlined for the Deployment Needs Assessment on page 17.

Declaring an Unlawful Assembly

An assembly must be declared unlawful by a BPD command member (ranked Major or above) before any order to disperse can be issued. The decision to declare an assembly unlawful will be rare, and requires clear justification and extensive documentation. Under non-exigent circumstances, the Incident Commander is normally available to consider all of the factors bearing upon a finding of unlawfulness. However, if the Incident Commander or other qualified BPD command member is unavailable and time is of the essence (see note below), a District or Shift Commander (e.g. – Captain or Lieutenant) may issue a declaration of unlawfulness.

Note: If time is an available resource as explained in the factors below, a District/Shift Commander should refrain from making a determination of unlawfulness until relieved by a member ranked Major or above.

The following factors must be carefully weighed when making a determination about the lawfulness of an assembly:

1. Availability of video evidence from helicopter (Foxtrot) footage, local closed circuit television (CCTV) cameras, and BWC footage from members on the front line of a field formation that is directly facing the public.
2. Presence of an imminent threat to life or property damage which could create such a threat. The latter includes but is not limited to:
 - a. Arson.
 - b. Damage to the structural components of a building such as walls, framing, floors, columns, roof joists, etc.
 - c. Damage to electrical wiring, gas lines, water lines, or other infrastructure that creates a risk of fire, explosion, or water damage.
3. Imminent threat(s) of violence or property damage which would occur as a result of a crowd entering any police facility or city government building.
4. Extent to which crimes qualifying for arrest have become generalized within a crowd and extend beyond the agency of a few individuals or bands.
5. Presence of generalized looting, pillaging, or destruction of buildings, vehicles, or other infrastructure.
6. Degree of potential violence or force which could be provoked as a result of the declaration.
7. Traffic obstructions caused by the crowd which have or could create life-threatening conditions for drivers/passers-by (e.g. – redirecting drivers to a dead-end full of violent protestors, or to a collapsed piece of roadway, etc.).
8. Extent to which time is an option for de-escalating a crowd through means including but not limited to:
 - a. Communication with demonstration leadership, as defined in the Deployment Needs Assessment.
 - b. Making targeted arrests based on individualized probable cause.

- c. Utilizing field tactics to separate volatile individuals from a peaceful portion of the crowd.
- d. Rescheduling or reconvening meetings which may have been interrupted as a result of a crowd entering a building.

NOTE: *If a demonstration has persisted for longer than one operational period (12 hours), much of the above information may be gleaned from Form 209, Incident Status Summary. However, the Incident Commander should not consider Form 209 to be the sole authoritative source for making their decision. The size and geographic dynamics of a demonstration may, for instance, require a dispersal order for one area but not another.*

If, after consideration of the above factors, a qualified BPD member determines that an assembly is unlawful, they shall record their determination on ICS Form 214, Activity Log, and:

1. Attempt to communicate with demonstration leadership to inform them of the determination and consider possible alternatives to dispersal (see “Communication with Demonstration Leadership,” pg. 18).
2. If attempts at communication fail:
 - a. Inform the helicopter unit (Foxtrot) that a standardized warning to the crowd is forthcoming and will need to be transmitted via loudspeaker.
 - b. If tactically possible, delegate a cohort of officers to stand near the rear of the demonstration so as to better communicate the standardized warning.
 - c. Disseminate a radio message to all platoon commanders informing them that they will also need to communicate a standardized warning.

Dispersal Orders

Announcing a Dispersal Order

Only Lieutenants or above (e.g., platoon commanders) may announce and formally issue an order to disperse, and they may do so only after receiving a declaration that an assembly is unlawful. When issuing a dispersal order, the Lieutenant or above shall observe the following procedure:

1. Designate a Squad Leader or Squad Member to record their announcement on audio/video.
2. Notify Squad Leaders to remind their subordinates of the following requirements when interacting with credentialed members of the media:
 - a. Despite the context of a dispersal order, no member of the media shall be intimidated, harassed, discouraged from filming, targeted for arrest, or hurried to leave the area.
 - b. If their personal safety could be compromised during the physical dispersal of the crowd, members of the media should be asked to move to a safe location (e.g. – sidewalk, alley facing the street being cleared, etc.) so that they may continue observing or filming.
 - c. Unless a member of the media is committing a crime *other than* that of refusing to disperse, they shall be given every opportunity to observe or film the entire process of dispersal and any associated mass arrests until the last possible moment at which they, too, must exit the area pursuant to City Code article 19, section 25-1(b)(2).
 - d. If there is any doubt as to whether a member of the public is truly a credentialed member of the media, Squad Members will ask the person to produce their

employment badge or other press credentials. Such badge or credentials must show that the person either (1) works for an established media enterprise, such as a television network or online or print publication or (2) is a freelance reporter, photographer, or videographer associated with a recognized journalistic association, such as the US Press Agency, the National Writers Union, the Professional Publishers Association, or the National Press Photographers Association.

3. Complete Form 15/15, Standardized Warning, and read it from a loudspeaker, “bull horn,” or similar communication device. If foreign language support is available, repeat the message in any relevant foreign language(s).
4. Repeat the standardized warning as necessary, and ensure that the designated Squad Leader/Member records each instance.
5. Record the exact date(s), time(s), and location(s) of every standardized warning on Form 15/15.

NOTE: *Orders to disperse may be issued by a helicopter crew via its public address system, provided a Lieutenant or above directs the crew to do so and documents the action on Form 15/15. When instructing the crew to issue a dispersal order, the member ranked Lieutenant or above shall verify their rank and authority via radio (e.g., “[unit number] to Foxtrot, I am a [rank Lieutenant or above] and under my authority, I authorize you to start issuing a dispersal order.”). Any additional dispersal orders to be made through a helicopter address system shall be authorized via radio in a similar manner.*

Enforcing a Dispersal Order

In addition to the Universal Deployment Directives previously described, all BPD members participating in the enforcement of a dispersal order must observe the policy described below.

1. When approaching credentialed members of the media, avoid all forms of harassment or intimidation, and reiterate that they are allowed to film the egress of the crowd and any coinciding activities, including mass arrests.
2. Before issuing a citation or making an arrest for refusing to disperse:
 - a. Call upon a supervisor (typically, a Squad Leader or Platoon Commander) to approve the citation/arrest, unless the perpetrator is participating in activities which pose a threat of imminent harm to persons or property and are in violation of state or local law (other than failing to disperse).
 - b. A supervisor must also be present to approve such an arrest prior to the arrestee’s transport to a holding facility, absent exigent circumstances.
 - c. Allow a reasonable amount of time (i.e. – three successive warnings) for individuals to comply and exit the area. However, if an individual commits a crime while dispersing, BPD members may carry out an arrest per policy and state/local law.
3. Upon an order from the Incident Commander to discharge less-lethal munitions and/or chemical agents pursuant to Policies 414 and 1118:
 - a. Whenever possible, issue a verbal warning prior to using less-lethal munitions and/or chemical agents on a subject or a crowd, and give clear directions regarding the location(s) for safe egress.
 - b. Allow a reasonable amount of time for individuals to comply with the warning.
 - c. Ensure that each separate discharge against a subject or crowd is Reasonable, Necessary, and Proportional to effectively and safely resolve an imminent threat.

- d. Re-evaluate the Totality of Circumstances following each discharge to adjust one's response accordingly.
- e. Members shall not:
 - i. Use less-lethal munitions and/or chemical agents on individuals who are compliant or who are only exhibiting Passive Resistance.
 - ii. Use tactics or discharge said munitions in a way that escalates the level of force.
 - iii. Continue discharging munitions after an individual is no longer a threat, the crowd has dispersed, or the assembly has returned to a lawful state.
 - iv. Use said munitions for retaliation against individuals.
- 4. Continuously render medical aid during and after the discharge of less lethal munitions and/or chemical agents:
 - a. When safe to do so, provide medical attention to any individual or member who has been injured or complains of injury from the deployment of less-lethal munitions or chemical agents.
 - b. If an individual has been subjected to a chemical agent, render aid consistent with training and experience, and arrange for immediate transport to a hospital under the following circumstances:
 - i. When an individual complains or exhibits continued side effects after having flushed the affected area(s).
 - ii. When an individual indicates that they have a pre-existing medical condition (e.g. – asthma, emphysema, bronchitis, heart ailment etc.) which may be aggravated by chemical agents.

Arrests for Failure to Disperse (“Mass Arrests”)

Multiple arrests conducted at the same time for failing to disperse after a dispersal order has been issued during a Civil Disturbance, also known as a “Mass Arrest,” are a last resort for gaining compliance with the law from a crowd. Depending on their conduct, individuals arrested in a Mass Arrest may be charged under different laws, including but not limited to City Code Article 19, Section 25-1(b)(2), “Failure to Leave after a Dispersal Order,” or Common Law PS 7-402(a) for obstructing and/or hindering law enforcement or emergency/fire personnel.

The proclamation of a dispersal order establishes that, as of that moment, a clear, imminent threat to collective safety has been recognized and communicated to the public. Anyone persisting within the zone where the order was issued is in violation of the aforementioned City Code provision and subject to arrest. However, no such arrest can be made without the express order of the Incident Commander, and all members must continue to use de-escalation techniques in the interim to persuade demonstrators to exit the area.

NOTE: BPD policy provides specific guidance for the transportation of arrestees who are non-binary, transgender, or who have disabilities. Any officer making an arrest within the context of a mass arrest order must consult Policy 1114, Persons in Police Custody, to ensure that proper transportation is afforded to such individuals.

Incident Commander

The Incident Commander is the only person who may issue an order for Mass Arrest. An order for a Mass Arrest will be exceedingly rare and is authorized only when dispersal orders and other Crowd

Control tactics, including the deployment of less-lethal munitions, have not succeeded in quelling the Civil Disturbance and the threat of imminent harm to members of the crowd, officers, or property persists.

The decision to order a Mass Arrest must also be based on the Incident Commander's Continuous Assessment (see pg. 28) of an event, and must be made in consultation with BPD's Legal Affairs Team in the Command Center. The Incident Commander must also ensure that proper prisoner staging areas are selected according to the operational plans described in Form 201, Incident Briefing. These areas must be:

1. If possible, in a public building or space: a police district, fire station, police headquarters, parking lots belonging to public spaces and cordoned with physical barriers, etc.
2. Physically able to accommodate a security detachment.
3. Near restrooms.
4. Large enough to allow for a maximum officer-to-prisoner ratio of seven to one.
5. Able to accommodate or near charging stations for BWCs, so as to allow BPD members to continuously film activities in the area.

NOTE: *All BPD members managing a prisoner staging area must activate and continuously run their BWCs to ensure that all activities in said area are documented.*

Finally, the decision must take into consideration the following factors:

1. Number of attempts made, based on individualized probable cause, to isolate and/or arrest specific agitators who are:
 - a. Inciting the crowd to imminently commit a violent crime or crime which would result in the destruction of property in the immediate vicinity of demonstrators.
 - b. In the process of committing a crime or violating state/local law.
 - c. Communicating viable True Threats against officers and/or other members of the crowd. For a True Threat to be viable, the following must be true:
 - i. The person issuing the threat is physically able to carry it out using the means, tools, and/or devices they reference in their threat.
 - a. *Example I:* A demonstrator holding a handgun says, "I'm going to kill you, Officer!" in front of a line of police.
 - b. *Example II:* A demonstrator carrying a large stone yells at another demonstrator, "Shut up, man, or I'll bust your brains in!"
 - ii. The person who receives the threat must be present and able to immediately receive the harm indicated.
2. Patterns of injuries sustained over the course of the event which, if left unchecked, would further compromise the safety of officers and/or demonstrators.
3. Presence of fire which has propagated to the extent that it threatens to engulf the demonstration and/or officer corps, or which exceeds the capacity of the fire department to safely contain it.
4. Number of discharges of less-lethal munitions and/or chemical agents, and whether said discharges have successfully de-escalated the crowd's unlawful activity.

5. Degree to which access to critical services (e.g. – hospitals, transportation hubs, energy stations, etc.) is being impaired by the crowd.

If the Incident Commander, based on the above factors and their Continuous Assessment of the event, decides to issue an order for Mass Arrest, Platoon Commanders and Squad Leaders shall direct their subordinates to carry out the arrests. Responsibilities for this are distributed as follows:

Platoon Commanders

1. Orient their platoon toward the crowd using the proper tactical formation (line, wedge, diamond, etc.).
2. Ensure that any counter-protestors are separated from the main crowd (see pg. 27).
3. At the direction of the Incident Commander, ensure that a sufficient number of transportation vehicles are staged and adequately equipped in light of the number of arrestees, environmental conditions, and any other relevant factors.

Squad Leaders

1. Ensure that all of their arrest personnel are properly equipped with:
 - a. Central Booking (CBIF) wrist bands
 - b. Charge Information Form (Form 12)
 - c. Flex cuffs
 - d. First aid equipment
2. Assist in the identification of individuals violating the dispersal order and/or state or local law.
3. Direct Squad Members to effectuate the arrests.
4. While an arrest is being made, replenish the line with another officer to avoid breaking formation.
5. Once an arrest has been made, photograph the arresting officer and suspect, and text said photograph to the Central Booking Officer for recordkeeping.
6. Ensure that each arresting officer enters all necessary charge information into BPD's records management system (RMS) for each individual arrest, including a statement of probable cause.

Squad Member

1. Prior to carrying out the arrest, ensure that a back-up officer is ready to fill their position in formation.
2. Carry out the arrest in accordance with training, BPD policy, and state/local law.
3. After the arrest, move to the rear of the formation to fill out all documentation and be photographed by the Squad Leader.
4. For each arrest, enter all necessary charge information into RMS, including a statement of probable cause.
5. After completing the relevant documentation, return to formation.

Use of Force

BPD Policy 1115, *Use of Force*, does not change during periods of Civil Disturbance/Unrest and members must adhere to the Department's standard of Reasonable, Necessary, and Proportional force, and to the guidelines of Policy 725, *Use of Force Reporting, Review, and Assessment* when reporting force at all times.

1. Each POF deployment shall have a designated supervisor responsible for reviewing members' use of force reports. This supervisor shall be identified in the IAP, and physically located apart from the area of operation to ensure that they remain uninvolved in the planning or application of force.
2. Members are hereby advised that the definition of a level 1 use of force does not change under the circumstances of a dispersal order. When employing the tactic of an advancing line/shield formation, members shall:
 - a. Position their shields vertically, with the flat surface facing the crowd, and avoid any form of aggression against individuals who may refuse to exit the area following a dispersal order.
 - b. If presented with an individual who refuses to leave, execute an envelopment maneuver to allow the individual to pass through the police line into the rear of the formation, where they may be processed according to state and local law.
 - c. Adhere to the procedures described in Policy 725, *Use of Force Reporting, Review, and Assessment*, in the event that a level 1 use of force is used in order to gain compliance.

NOTE: *The employment of an advancing line/shield formation after the issuance of a dispersal order does not exempt members from observing the principles of de-escalation and continuous assessment as defined in Policy 725. Members must make every effort to avoid creating a level 1 use of force in the context of an advancing police line.*

3. The deployment of Less Lethal Launchers/Munitions, OC Spray, Batons, etc. shall be investigated as a Use of Force. See Policies 725, *Use of Force Reporting, Review, and Assessment* and 414, *Less-Lethal Munitions and Chemical Agents* for reporting requirements.
4. Members authorized and approved to deploy Less-Lethal Launchers/Munitions shall obey all BPD policy and training governing the deployment of these tools.
5. The Incident Commander shall approve/disapprove the decision to deploy Chemical Agents intended for dispersing groups of individuals. Before deploying such Chemical Agents/Force, the Incident Commander shall ensure:
 - a. Clear warnings are issued to individuals that Chemical Agents will be utilized.
 - b. Individuals are provided sufficient opportunity to heed the warnings and exit the area.
 - c. The effect of such Chemical Agents will be minimized on those individuals who are complying with lawful commands.
 - d. There is a means of safe egress from the area available to the individuals and it is communicated to those individuals.
 - e. At no time shall Chemical Agents or Force be used to frighten or punish individuals for exercising their constitutional rights.
6. For purposes of dispersing crowds, OC Spray or Chemical Agents may only be used when individuals within the crowds are committing acts that endanger:
 - a. Member or public safety and security or property, **and**
 - b. Participants refuse to obey lawful orders to disperse.
7. Where OC Spray is used on an individual in a crowd, members shall make all reasonable efforts to ensure that the spray is directed at the individual(s) who present(s) a threat.
8. If an individual has been subjected to impact by a Less-Lethal impact projectile, they shall be provided with medical treatment. If the individual refuses medical treatment or leaves the location, members shall document the actions taken to identify and render aid to the individual in the Use of Force report. Any individual who complains of injury from Less-Lethal deployments (e.g., OC Spray) or injury from any other means shall receive medical treatment upon request, when safe and feasible to do so. BPD members' duty to provide medical aid extends to

decontamination from OC/Chemical Agent deployment, which can be addressed by providing available water to the affected individuals in advance of the arrival of medical personnel.

De-Mobilization and After-Action Reporting

1. When an event returns to a peaceful, pre-Demonstration status, the Incident Commander shall survey the affected areas and determine whether additional police personnel are still necessary. If it is determined by the Incident Commander that conditions no longer warrant a POF deployment, the POF operation shall be terminated and normal patrol operations may resume.
2. The Incident Commander shall designate a member to supervise the de-mobilization process.
3. Prior to relieving members of their duties, Squad Leaders shall ensure items of equipment that were issued by the Special Operations Section are accounted for and returned.
4. Platoon Commanders, Section Chiefs, and District Commander(s) shall prepare an After-Action Report for the Commander, Special Operations Section within five (5) days of the operation.
5. Each After-Action Report shall include, at a minimum, a list of all events that occurred:
 - a. The date and time of each event within an operational period,
 - b. A brief description of the event,
 - c. The actions taken by the Unit, to include:
 - i. Copies of any Use of Force reports,
 - ii. Dispersal orders given and the justification, and
 - iii. Any medical aid rendered to demonstrators by BPD members.
 - d. The outcomes, such as number of people arrested (if applicable), and
 - e. A complete and detailed list of recommendations for future mobilizations.
6. Upon receipt of all required After-Action Reports, the Commander, Special Operations Section shall schedule an in-person debriefing meeting with all Platoon Commanders, Section Chiefs, District Commander(s), and the Deputy Commissioner of Operations to discuss the After-Action Reports, lessons-learned, and recommendations.

Appendices

- A. Sample letter of request for mutual aid; links to FEMA ICS Forms 201, 202, 203, 204, 205, 206, 208, 209, 213, 214.
- B. Form 15, Standardized Warning.
- C. Pre-Event ICS Briefing Checklist.
- D. Common Criminal Charges for Mass Arrest Situations.
- E. Quick Reference Guide for Demonstrators.

APPENDIX A – Links to FEMA Incident Command System Forms

1. [Sample Letter of Request for Mutual Aid](#)
2. [Form 201, Incident Briefing](#)
3. [Form 202, Incident Objectives](#)
4. [Form 203, Organization Assignment List](#)
5. [Form 204, Assignment List](#)
6. [Form 205, Incident Radio Communications Plan](#)
7. [Form 206, Medical Plan](#)
8. [Form 208, Safety Message](#)
9. [Form 209, Incident Status Summary](#)
10. [Form 213, General Message](#)
11. [Form 214, Activity Log](#)

DRAFT

Appendix B – Form 15, Standardized Warning

STANDARDIZED WARNING

POLICE DEPARTMENT BALTIMORE, MD

This warning is to be used when preparing to make arrests in civil disturbances. Any warnings that are given in civil disturbance incidents must be documented and retained for reporting requirements and notifications.

WARNING

I am _____ of the Baltimore Police Department.
(Official's name & rank)

You are in violation of

(State criminal offense)

If you do not cease your unlawful behavior at _____ and
(Exact Location)

disperse peacefully, you will be arrested. The following routes of dispersal are available

(Provide exact routes to disperse)

You have 5 minutes to disperse.

Date: _____ Time: _____

***Record the time that all warnings have been voiced to the violators.

1st Warning _____ (Wait 5 minutes before reading 2nd warning)

2nd Warning _____ (Wait 2 minutes before reading 3rd warning)

3rd Warning _____ (Commence making arrests)

Warnings should be given with either a bullhorn or a public address system, and must be given in a loud and clear manner. All warnings must be documented by members with BPD issued video recorders.

Appendix C – Pre-Event ICS Briefing Checklist



Baltimore Police Department Pre-Event ICS Briefing Checklist

___ Introduction and Greeting

Incident Commander or Planning Chief

___ Present Briefing Agenda

Incident Commander or Planning Chief

___ Roll Call

Incident Commander or Planning Chief

- All Sgts. accounted for, verify staffing number reporting for duty
- All absences accounted for, deployment numbers adjusted

___ Incident Commander's Briefing

Incident Commander

- BPD's Operational Philosophy for First Amendment Assemblies/Demonstrations
- Operational Objectives

___ Situation Update

Operations Chief

___ Concept of Operation

Operations Chief

- Command structure
- Mutual aid (if any)
- Timeline, including anticipated Operational Period

___ Deployment and Work Assignment

Operations Chief

___ Contingencies

Incident Commander and/or Operations Chief

___ Rules of Engagement

Operations Chief

- BPD's Use of Force and Less-Lethal Policies

___ Safety

Incident Commander and/or Planning Chief

- Officer Personal Protective Equipment (PPE)
- Weather considerations
- Personal care
- Medical procedures

___ Communications

Planning Chief

- ICS Form 205 (if applicable)

___ Logistics

Planning Chief

- Overtime slips

___ Command Format for Event

Planning Chief

- Command Post location
- Availability of BPD Public Information Office

___ Demobilization

Planning Chief

- No members released until approved by the Incident Commander and Operations Chief
- Paperwork to be completed prior to Demobilization:
 - o Arrest documentation
 - o Use of force reports
 - o Injury documentation
 - o Sgt's squad debrief

___ Command Debrief

Incident Commander

- IC debriefs with Chiefs prior to release from event

___ After Action Reports

Operations Chief

___ Closing

Incident Commander

Appendix D – Guide to Common Criminal Charges for Mass Arrest Situations (Page 1 of 4)

BALTIMORE POLICE DEPARTMENT

FIRST AMENDMENT ASSEMBLIES AND MASS DEMONSTRATIONS ENUMERATED LEGAL CHARGES

Below are the criminal charges most likely to give rise to arrests resulting from expected protests, assemblies and demonstrations in the City of Baltimore. Members are encouraged to contact the State's Attorney's Office or the Legal Affairs Section should questions arise concerning the statute most applicable to a given situation.

OBSTRUCTING & HINDERING:

... did intentionally and knowingly obstruct and hinder Police Officer, _____ (victim), in the performance of [his/her] lawful duties, in violation of the common law.

CODE: *Common Law Misdemeanor*

RIOT:

... on or about (date) _____ at (location) in _____ Baltimore City, Maryland, did, together with at least two other persons, whose identities are unknown, unlawfully assemble to carryout a common purpose in such violent or turbulent manner as to terrify others, in violation of the common law of the State of Maryland, and against the peace, government, and dignity of the State.

CODE: *Common Law Misdemeanor*

DISTURBING THE PEACE/HINDERING PASSAGE:

... did willfully and without lawful purpose [obstruct/hinder] the free passage of another and others in a public place or on a public conveyance.

CODE: *CR 10-201(c)(1) Misdemeanor \$500 fine and/or 60 Days – Citation Eligible*

REFUSE TO LEAVE PUBLIC BUILDING OR GROUNDS UPON REQUEST:

... did [refuse/fail to leave] _____, a property of the _____, a public agency, during regular closing hours, having no lawful business therein and having been requested to leave by _____ (name) an authorized employee.

NOTE: It must show that the acts took place after regular hours and while the property was closed. The facts must clearly demonstrate a lack of lawful business, but lawful business could cover a wide range of business or interests. There must have been an actual notice given. The unlawful activity must be clearly and specifically described.

CODE: *CR 6-409(a)(2) Misdemeanor \$1,000.00 fine and/or 6 Months*

MALICIOUS DESTRUCTION PROPERTY VALUE \$1000:

... did willfully and maliciously [destroy/injure/deface] _____ (describe), the [real/personal] property of _____ (owner/lessee, etc.), the amount of damage having a value of less than \$1,000.

CODE: *CR 6-301 Misdemeanor \$500 fine and/or 60 Days – Citation Eligible*

Appendix D – Guide to Common Criminal Charges for Mass Arrest Situations (Page 2 of 4)

MALICIOUS DESTRUCTION PROPERTY VALUE +\$1000:

... did willfully and maliciously [destroy/injure/deface] _____ (describe), the [real/personal] property of _____ (owner/lessee, etc.), the amount of damage having a value of \$1,000 or more.

CODE: CR 6-301 Misdemeanor \$2,500 fine and/or 3 Years

THROWING MISSILES – OCCUPIED VEHICLE OF INSTRUMENTALITY OF PUBLIC TRANSPORTATION:

... did unlawfully and willfully [throw/shoot/propel] a _____ (describe object, see note) at or into a vehicle to wit: _____ (describe) occupied by _____ (see note).

NOTE: Item thrown or propelled may be a rock, stone, brick, a piece of iron steel, or other like metal; or any dangerous or deadly missile. The Acts of 1997 strike the term "fire bomb" from this section. A fire bombing as previously proscribed under this section is punishable Under CR 4-501(b). To qualify under this section, the vehicle can be any vehicle or instrumentality of transportation. To qualify under this section, the vehicle must be occupied by one or more persons. If one, state name. If more than one, state all names if known, or the name of driver, owner, or complainant followed by the words "....and _____ other persons."

CODE: CR 6-302 Misdemeanor \$500.00 fine and/or - 1 Year

ARSON – TRASH CONTAINER:

... did willfully and maliciously [set fire to/burn] the contents of a [dumpster/trash container/trash receptacle] belonging to another person in violation of CR 6-108 of the Annotated Code of Maryland.

NOTE: This applies to the contents only, and the trash container must belong to someone other than the defendant. It is not necessary to allege who it did belong to, merely that it did not belong to the defendant.

CODE: CR 6-108 Misdemeanor \$500.00 fine and/or - 30 Days – Citation Eligible

MALICIOUS BURNING – 1ST DEGREE:

... did willfully and maliciously [set fire to/burn] the personal property of _____ (name), to wit: _____ (brief description of property), the damage to the property being \$1,000.00 or more, in violation of CR 6-104(b) of the Annotated Code of Maryland.

CODE: CR 6-104(b) Felony \$5,000.00 - 5 Years

MALICIOUS BURNING – 2ND DEGREE:

... did willfully and maliciously [set fire to/burn] the property of _____ (name), to wit: _____ (briefly describe property), the damage to the property being less than \$1,000.00, in violation of CR 6-105(b) of the Annotated Code of Maryland.

CODE: CR 6-105(b) Misdemeanor \$500.00 fine and/or - 18 Months

Appendix D – Guide to Common Criminal Charges for Mass Arrest Situations (Page 3 of 4)

ARSON – 1ST DEGREE:

... did willfully and maliciously [set fire/burn] a [dwelling/occupied structure], to wit: _____, (give address or describe structure as in "the dwelling house of _____(name)," or "the occupied barn of _____ (name)," or "the occupied garage of (name)."), in violation of CR 6-102(a) of the Annotated Code of Maryland.

NOTE: The dwelling or occupied structure may belong to the accused or another. Any structure that is attached to a dwelling house, such as an attached garage or shed, is a part of the dwelling house. Any structure not attached to a dwelling house must be an "Occupied Structure" (see definition, previous page) to qualify for this section. Any burning or charring of any portion of the dwelling or occupied structure will satisfy the statute.

CODE: CR 6-102(a) Felony \$50,000.00 fine and/or - 30 Years

ARSON 2ND DEGREE:

... did willfully and maliciously [set fire to/burn] a structure, to wit: _____(give address or otherwise describe structure, as in above section), in violation of CR 6-103 of the Annotated Code of Maryland.

NOTE: The property may belong to the accused, or another.

CODE: CR 6-103 Felony \$30,000.00 fine and/or - 20 Years

DANGEROUS WEAPON – CONCEALED:

... did [wear and carry] _____ (state weapon), a dangerous weapon, concealed [on/about] [his/her] person.

CODE: CR 4-101(c)(1) Misdemeanor \$1,000.00 fine and/or - 3 Years

DANGEROUS WEAPON – INTENT TO INJURE:

... did openly wear and carry _____ (state weapon), a dangerous weapon, with the intent and purpose of causing injury to [_____(name/others)] in an unlawful manner.

CODE: CR 4-101(c)(2) Misdemeanor \$1,000.00 fine and/or - 3 Years

ASSAULT – FIRST DEGREE:

... did [assault/attempt to assault] _____ (name) in the first degree in violation of CR 3-202, contrary to the form of the act of the assembly in such case made and provided and against the peace, government and dignity of the state.

CODE: CR 3-202 Felony 25 Years

ASSAULT – SECOND DEGREE:

... did assault _____ (name) in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the state

CODE: CR 3-203 Misdemeanor \$2,500.00 fine and/or - 10 Years

ASSAULT SECOND DEGREE – LAW ENFORCEMENT:

Appendix D – Guide to Common Criminal Charges for Mass Arrest Situations (Page 4 of 4)

... did intentionally cause physical injury in the second degree to _____ (name), a [law enforcement officer/parole agent/probation agent] engaged in the performance of [his/her] official duties, in violation of CR 3-203.

NOTE: Law Enforcement Officer includes a correctional officer at a correctional facility, an officer employed by WMATA - Metro-transit police, subject to jurisdictional limitations.

CODE: CR 3-203(c)(2) Felony \$5,000.00 fine and/or - 10 Years

HARM OR CAUSE DEATH TO LAW ENFORCEMENT ANIMAL:

... did intentionally inflict [bodily harm/permanent disability/death] on an animal used by a law enforcement unit, to wit: _____.

NOTE: The intention of the General Assembly is that this section applies to all animals: Privately owned; strays; domesticated; feral; farm animals; corporately or institutionally owner; in privately, locally, state, or federally funded scientific or medical activities; or otherwise located in the state.

CODE: CR 10-606(a)(3) Felony \$5,000 fine and/or - 3 Years

DISORDERLY CONDUCT – FAILURE TO OBEY:

... did willfully fail to obey a reasonable and lawful order of a law enforcement officer, to wit: _____, made to prevent a disturbance of the public peace.

CODE: CR 10-201 Misdemeanor \$500.00 fine and/or 60 days

THEFT LESS THAN \$100.00:

... did steal _____ (property or service of _____ (owner) having a value of _____, less than \$100.00.

CODE: CR 7-104 (g)(3) \$500.00 fine and/or 90 days – Citation Eligible

THEFT LESS THAN \$1000.00:

... did steal _____ (property or service of _____ (owner) having a value of _____, less than \$1000.00.

CODE: CR 7-104 (g)(2) \$500.00 fine and/or 18 months

TRESPASSING – POSTED PROPERTY:

... did trespass and enter upon the property of _____ (owner), said property being posted against trespassers in a conspicuous manner.

CODE: CR 6-402 \$500.00 fine and/or 90 days

TRESSPASSING – PRIVATE PROPERTY:

... did (enter upon/cross over) the land, private property, and premises of _____ (owner) after being duly notified not to do so by _____, (owner/agent of the owner).

CODE: CR 6-403 \$500.00 fine and/or 90 days

Appendix E – Quick Reference Guide for Demonstrators



A GUIDE TO PUBLIC DEMONSTRATIONS

A quick reference for understanding your right to assemble and protest and your responsibility to preserve others' safety during public demonstrations

What Can I Do During a Demonstration?

CAN

- GATHER in parks, streets and other public places to be heard
- SPEAK YOUR MIND, including criticizing police
- RECORD police actions using audiovisual devices
- PEACEFULLY RELOCATE the demonstration following a dispersal order

CANNOT

- DESTROY PROPERTY
- PHYSICALLY INTERFERE with valid law enforcement actions (lawful arrests, treating the injured, etc.)
- MAKE AN ACHIEVABLE OR "TRUE" THREAT to immediately harm someone else
- INCITE OTHERS to immediately engage in violence or destroy property

Could I Ever Be Arrested?

Yes, but the circumstances are rare: only when there is probable cause—objective, reliable facts—to believe you have personally committed a crime, which could include:

- Destroying property
- Hindering or obstructing valid law enforcement action
- Threatening or inciting others to immediate violence
- Failing to leave an area after receiving a dispersal order

i You cannot be arrested merely because *others* who are demonstrating with you engage in violence or destroy property

Consult the full BPD policy on First Amendment Assemblies:
<https://tinyurl.com/1apolicy>