



CIVIL DISTURBANCE

Directive: 13 – 103

Date of Issue: July 2013 Amends/Cancel: G.O. 12-07

I. PURPOSE

The purpose of this Directive is to establish policy and procedure in the event of civil disorder in and around Department of General Services owned, managed, or leased property.

II. POLICY

All members of DGS-MCP will strictly adhere to the procedures set forth in this Directive.

III. INTRODUCTION

During civil disorder, the mission of DGS-MCP will be the protection of life and property and the restoration of law and order. This mission may be accomplished by dispersing unauthorized assemblies and by increased patrolling within the disturbance area. To prevent commission of lawless acts, DGS-MCP may deploy an increased presence, establish road or area blockades, disperse crowds and start such actions necessary to apprehend offenders. The Chief of Police or his/her designee shall coordinate the DGS-MCP response to civil disorder.

Impartiality of DGS-MCP in Civil Disorders -Care must be exercised to refrain from taking, or giving an appearance of taking sides in any civil disturbance.

Enforcement of Laws at Civil Disorders -Officers may be required to arrest violators and to impose restrictions which are mandated.

Deployment at Civil Disorders -The most appropriate course of action to restore law and order will be pursued within DGS-MCP guidelines. The measures used shall be only those measures reasonably necessary to achieve the objective.

Personnel will be briefed on the existing situation, mission, course of action, and control measures to be employed.

DGS-MCP will coordinate efforts with all applicable allied agencies. All industry standard incident command protocol will be followed.

IV. DEFINITION

CIVIL DISTURBANCE: An unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property or other unlawful acts.

V. PROCEDURES

- A. The first officer to arrive on the scene of a civil disturbance should do the following:
1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent.
 2. Notify the communications center of the nature and seriousness of the disturbance. Advise the number of participants and the observation of weapons. Request the assistance of a supervisor, any necessary backup and advise as to the present course of action.
 3. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse.
 4. Attempt to identify crowd leaders and any individual personally engaged in criminal acts.
- B. The ranking officer at the scene shall be the officer in charge (OIC). The OIC or other higher ranking officer assuming command at the scene should take the following steps:
1. Assess the immediate situation for seriousness and its potential for escalation. If the disturbance is minor in nature and adequate resources are available, efforts should be made to disperse the crowd.
 2. Establish the number of personnel and equipment necessary to contain and disperse the disturbance and relay this information to the communications center.
 3. Where necessary, ensure that appropriate notification is made to allied agencies to include the fire department, rescue squads, state and local law enforcement agencies, agency officials, public information officer, the agencies' legal advisor and the local detention center.
 4. Establish a temporary command post based on proximity to the scene, availability of communications, available space and security from crowd participants.
 5. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area.
 6. Ensure that, to the degree possible, innocent civilians are evacuated from the immediate area of the disturbance.
 7. Ensure that surveillance points are established to identify agitators, leaders and individuals committing crimes, and to document and report on events as they happen. **Photographic and videotape evidence of criminal acts and perpetrators shall be generated whenever possible.**
- C. **Incident Command**-When adequate personnel and resources are in place; the OIC shall establish communications with leaders of the disturbance and discuss actions necessary to disperse the crowd. Should the crowd fail to disperse in the prescribed manner, the OIC should be prepared to implement one of the following options:

1. **Containment and dialogue.** The objective of containment and dialogue measures is merely to disperse the crowd. In so doing, the OIC should:
 - (a) Establish contact with crowd leaders to assess their intentions, motivation and develop a trust relationship; and
 - (b) Communicate to the participants that their assembly is in violation of the law and will not be tolerated. Notify individuals involved that DGS-MCP wish to resolve the incident peacefully and that acts of violence will be dealt with swiftly and decisively.
2. **Verbal Warnings.** When appropriate, the OIC will give three verbal warnings to disperse using the warning format attached hereto as **Attachment 1**. Verbal warnings should be given to crowd leaders, agitators and others engaged in unlawful conduct.

Note: Verbal warnings will be recorded. Video cameras will be assigned to Detachment Commanders and be readily available when needed.

If the verbal orders to disperse are ignored, the OIC will:

- (a) Ensure the appropriate use of tactical formations and availability of protective equipment for officers engaged in arrest procedures;
- (b) Ensure the availability of transportation for arrestees, if needed; and
- (c) Ensure that a back up team of officers is readily available, should assistance be required.

3. **Physical Arrest/Use of Non-Lethal Force.**

- (a) When crowd leaders, agitators and other individuals involved ignore verbal orders and fail to disperse or engage in unlawful conduct, the OIC may order the lawful arrest of crowd leaders, agitators and other violators. While officers are authorized to use force, officers are cautioned to use only that degree of force as is necessary and reasonable to repel an attack or terminate unlawful resistance. The use of force continuum should be used progressively when force is used. Personnel should be familiar with the department's use of force policy as outlined in the DGS-MCP General Order No. 12-02. The use of force policy is to be applied uniformly and consistently, regardless of the nature of the assignment or deployment. In the event that force is applied to an individual(s), the involved officer shall affect an arrest and provide decontamination and/or render first aid, as appropriate. Required documentation regarding use of force and injured prisoners (detailed report/use of force report) shall be submitted prior to the end of the event to the OIC. Should force be applied to an arrestee, the arresting officer will process charging documents and MCP documentation procedures will apply.
- (b) The OIC may use non-lethal force when physical arrest of identified leaders and agitators fail to disperse the crowd. In using non-lethal force, the OIC shall ensure that:

1. A clear path of escape is available for those who wish to flee the area.
 2. The use of chemical agents such as Oleoresin Capsicum (OC Spray) should be coordinated and controlled.
 3. In the event OC Spray is deployed a predetermined decontamination area should be established.
 4. Medical attention for those affected will be immediate.
4. **Use of deadly force.** The use of deadly force in the control and dispersion of civil disturbances as in other circumstances is governed by DGS-MCP use of force policy General Order No.12 -02. Specifically:
- (a) Law enforcement officers are permitted to use deadly force to protect themselves or others from what is reasonably believed to be an immediate threat of death or serious bodily injury.
 - (b) Particular caution should be taken when using firearms during civil disturbances. The use of firearms in a civil disturbance presents several challenging factors. If there is substantial risk of injury to innocent people from an officer's use of deadly force, **the officer may not use his firearm to employ deadly force, unless no other reasonable alternative is available. The arbitrary use of return fire in crowds is prohibited.**

D. Mass Arrest -During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely and legally, the OIC should consider the following:

1. What actions, by the persons to be arrested, require the proposed mass arrest?
2. Has anyone been injured? Who? What was the cause of the injury?
3. Has property been damaged? What? What was the cause of the damage?
4. Will an effort to arrest likely cause more injuries than alternative police action?
5. Will an effort to arrest likely cause more property damage than alternative police action?
6. Will an effort to arrest likely cause greater disruption of traffic flow (or potentially block evacuation routes) than alternative police action? What are the offenses committed/to be charged?
7. What evidence provides probable cause for the arrest upon those charges as to each person? **You must have adequate probable cause to make any arrest.**
8. The warning format (see Attachment A) is to be used when preparing to make arrest in mass demonstration situations. The information contained in any

warnings that are given in mass arrest incidents must be documented and retained for reporting requirements and notifications.

9. The OIC should ensure that:

- (a) An arrest team is designated to process all prisoners for purposes of transportation.
- (b) An adequate number of vehicles is made available to remove the prisoners to the detention center.
- (c) An adequate secure area is designated in the field for holding prisoners after initial booking and while awaiting transportation.
- (d) All arrested individuals are searched, photographed and properly identified prior to transportation to the detention center for formal booking.
- (e) All injured prisoners are provided medical attention prior to being booked.
- (f) All arrested juveniles are handled in accordance with the DGS-MCP procedures for the arrest, transportation and detention of juveniles.
- (g) All evidence and weapons taken from arrestees are processed in accordance with the agency's policy on the preservation and custody of evidence.

E. **After Actions** -When the disturbance has been brought under control, the OIC shall ensure that the following measures are taken:

- 1. All law enforcement officers engaged in the incident shall be accounted for and an assessment made of personal injuries.
- 2. All necessary personnel shall be debriefed as required.
- 3. Witnesses, suspects and others shall be interviewed or interrogated.
- 4. All written reports shall be completed as soon as possible following the incident to include a comprehensive documentation of the event.

WARNING

I am _____ of the DGS-Maryland Capitol Police Department. You are in violation of (state criminal offense)

If you do not cease your unlawful behavior and disperse peaceably you will be arrested.

DAY: _____ **DATE:** _____

LOCATION OF ARRESTS

*****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 police vehicle PA system, and they must be given in a loud and clear manner. If possible, DGS-MCP will videotape the reading and arrests procedures.