By Order of the Police Commissioner

POLICY

The BPD shall maintain a specially trained and equipped Mobile Field Force (MFF) to effectively manage large crowds and/or riotous behavior, in order to:

1. Preserve life
2. Protect property
3. Allow safe ingress and egress throughout the City
4. Restore normal operations

DEFINITIONS

Chemical Agents — CS/CN gas, oleoresin capsicum (OC) spray, pepper spray/PepperBalls, MK-9 Pepper Fogger, smoke, etc.

Civil Disturbance — A gathering that constitutes a breach of the peace or any assembly 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.

First Amendment Assemblies/Demonstration — A lawful assembly of persons organized primarily to engage in First Amendment activity. These may or may not be scheduled events that allow for law enforcement planning, such as marches, protests and other assemblies intended to attract attention.

Incident Commander (IC) — The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

Less-Lethal Launchers/Munitions (LL) — An apprehension or restraint tool that is neither likely nor intended to cause death or serious injury. (e.g., DS-3027 bean bag rounds, PepperBalls, conducted electrical weapon (CEW), FN-303, etc.)

Mass Arrest System — A system outside of normal arrest processing procedures that is activated in order to effectively and efficiently handle a high volume of arrests.

Mobile Field Force (MFF) — Members who are specially trained and equipped to provide a rapid, organized and disciplined response to a civil disturbance.
Mobile Field Force Commander — Permanent-rank supervisor responsible for the training, equipment and other logistical needs of the MFF.

Over Response — A large presence of law enforcement officers or perceived “heavy-handed” tactics. Protestors may take this as an opportunity to increase unlawful activity and accuse law enforcement of escalating the incident.

Under Response — Lack of law enforcement presence in sufficient numbers, and/or lack of a reasonably objective show of force may embolden protestors to increase their level of civil disorder due to a perception of law enforcement weakness.

GENERAL

Mobile Field Force

During periods of civil disturbance or riotous behavior, a disciplined and appropriate law enforcement response is necessary to successfully defuse the situation with the least amount of injury, force and damage to property. There are inherent dangers associated with an “Over Response” or an “Under Response.”

1. The MFF shall be comprised of at least six platoons.

2. Each platoon shall consist of one lieutenant, four sergeants and 28 officers/detectives.

3. The MFF shall be led by the MFF Commander, under the direction of the Incident Commander.

4. Members shall be identified by their parent command for MFF training. Upon successful completion of MFF training, members will be MFF certified.

5. Aerial and/or other surveillance technologies shall be employed for training and intelligence purposes, to record the actions of the MFF and the individuals creating the disturbance.

6. Command members (Captain or above) may request the deployment of the MFF, via the Chief, Patrol Division. A full or partial deployment may be requested.

The MFF must work as a unified and well disciplined team. Individual actions may lead to unsuccessful and dangerous operations. The four key components to a successful MFF are:

1. Planning: Prior to responding to any large scale event, the BPD must plan deployment actions and the utilization of resources.

2. Discipline: All members must understand and fulfill their roles and responsibilities.

3. Training: All MFF members, regardless of rank, must be trained in the concept of team tactics and MFF.

4. Leadership: Strong leadership must be provided at all levels. This “on-the-ground” leadership lends itself to more timely and accurate decisions and flexibility to respond to rapidly unfolding situations.
Standardized Warnings

1. Give a Standardized Warning, Form 15/15, (See Appendix A) when warning individuals or crowds who are in violation of the law that they are subject to arrest if they do not disperse.

2. Communicate all standardized warnings via “bull horn,” loud speaker or other similar communication device which ensures that members of the group can clearly hear the warnings being issued based on the size of the crowd and environmental conditions.

3. Station officers in a position to video and audio record all standardized warnings. Videographers will be embedded into the MFF platoons for this purpose.

4. Record the exact date, times and locations of the warnings given on the Standardized Warning, Form 15/15.

Use of Force

1. The BPD Use of Force policy does not change during periods of civil disturbance.

2. The deployment of LL launchers/munitions, OC Spray, baton strikes, etc., shall be investigated as a use of force. See Policy 1115, Use of Force, for reporting requirements.

3. If an individual has been subjected to impact by a less-lethal impact projectile, he/she will be provided with medical treatment. If the individual refuses medical treatment or leaves the location, document the actions taken to identify and render aid to the individual in the Use of Force review.

4. Any individual who complains of injury from other LL deployment (e.g., OC spray, CS/CN gas, etc.) shall receive medical treatment upon request, when safe to do so.

5. All use of force investigations shall be conducted in accordance with Policy 1115, Use of Force, when it is safe and practicable to do so.

Less-Lethal Launchers/Munitions

MFF members authorized and approved to deploy LL launchers/munitions shall obey all rules governing the deployment of these launchers/munitions per LL training. See Policy 414, Less-Lethal Munitions and Chemical Agents, Policy 409, Firearms Regulations and Policy 1115, Use of Force.

1. All MFF members shall be trained and certified to utilize certain LL launchers/munitions. (e.g., PepperBall rounds, FN-303, MK-9 Pepper Fogger, etc.)

2. Certain MFF members shall be trained and certified to deploy 37/40mm weapons/munitions as well as CS/CN gas and smoke.

Chemical Agents / Canines

The Incident Commander (IC) shall approve/disapprove the decision to deploy chemical agents, canines, or any use of force intended for dispersing groups of individuals. Before deploying such chemical agents/force the IC shall ensure:
1. Clear warnings that chemical agents, force, etc., will be utilized are communicated to the individuals subject to such force.

2. The individuals are provided sufficient opportunity to heed the warnings and exit the area.

3. The effect of such chemical agents, force, etc., will be minimized on those individuals who are complying with lawful enforcement commands.

4. There is a means of safe egress from the area available to the individuals.

5. At no time shall chemical agents or force be used to frighten or punish individuals for exercising their constitutional rights.

NOTE: Nothing in this Policy restricts a member from deploying chemical agents to protect his/her immediate safety or the safety of others. (See Policy, 1118 Oleoresin Capsicum (OC) Spray, Policy 1115, Use of Force and Policy 414, Less-Lethal Munitions and Chemical Agents)

Mass Arrest

1. Efforts shall be made to isolate and remove specific individuals or groups of agitators whose purpose is to incite the crowd before orders for mass arrest are issued in response to illegal behavior. Often times, removing agitators will cause others in the crowd to de-escalate activity or disperse without further law enforcement intervention. Only the IC shall issue a mass arrest order.

2. Members may be confronted with a situation where large numbers of individuals will be arrested for violations of the law. Issues to consider are:

   2.1. Number of officers;
   2.2. Number of protestors;
   2.3. Seriousness of violations;
   2.4. Demeanor of protestors; and
   2.5. Availability of arrest teams/prisoner transportation

3. Upon receiving an order to execute mass arrests, the IC shall:

   3.1. Ensure sufficient arrest teams are assembled, equipped and staged. Equipment shall include:

      3.1.1. Pre-packaged arrest packets including: CBIF wrist band, Charge Information Form 11/165, Flex Cuffs, etc.

   3.2. Stage a sufficient number of prisoner transportation vehicles;

   3.3. Notify Central Booking and Intake Facility (CBIF) to prepare to receive prisoners;
3.4. Identify an alternate facility prepared to accept additional prisoners beyond the capacity of CBIF; and

3.5. Assign personnel to process and charge prisoners.

Demobilization

Upon completion of a MFF operation, the IC shall:

1. Designate a member to supervise the demobilization process;
2. Ensure that all equipment and personnel are accounted for;

MFF Member

Each member of the MFF, regardless of rank, shall:

1. Successfully complete basic Mobile Field Force Training approved by the Professional Development and Training Academy (PDTA).
2. Successfully complete quarterly and/or additional mandated training as directed by the Mobile Field Force Commander or the Director, Professional Development and Training Academy (PDTA).
3. Maintain certification for Less-Lethal weapons/munitions (e.g., Less-Lethal Shotgun, MK-9 OC spray, etc.).
4. Be issued, and maintain in a ready status at all times:
   4.1. Personal Protective Equipment (PPE) commonly referred to as “Turtle Gear”;
   4.2. Personal Protective Respirator (PPR) commonly referred to as a “Gas Mask”;
   4.3. Riot shield;
   4.4. Riot baton;
   4.5. Riot helmet.

APPENDICES

A. Standardized Warning, Form 15/15.
B. Common Criminal Charges for Mass Arrest Situations.
ASSOCIATED POLICIES

Policy 409, Firearms Regulations
Policy 414, Less-Lethal Munitions and Chemical Agents
Policy 1115, Use of Force
Policy 1118, Oleoresin Capsicum (OC) Spray
Policy 1504, Uniforms and Equipment
Policy 1508, Respiratory Protection Program

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.
APPENDIX A

Standardized Warning, Form 15/15

WARNING FORMAT FOR MASS ARRESTS

The below listed warning format is printed here for reference, and is to be used when preparing to make arrests in mass demonstration situations. The information contained in and any warnings that are given in mass arrest 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 peaceably 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 police vehicle PA system, and they must be given in a loud and clear manner. All warnings must be documented by members with BPD issued video recorders.
APPENDIX B

Common Criminal Charges for Mass Arrest Situations (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 carry out 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 be 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 B

Continued (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 TRANSPORATION:
... 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 B

Continued (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 B
Continued (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

TRESPASSING – 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