

THURMONT POLICE DEPARTMENT

GENERAL ORDER

Date Issued: November 1, 2009

Effective Date: November 1, 2009

Order No: Chapter 31.2

Authority: Chief of Police

Gregory L. Eyer

Manual Page No:

*Subject: **DISTURBANCES AND DEMONSTRATIONS***

Replaces Page No:

Accreditation Standard: Chapter 46

*Distribution: **ALL***

Amends:

Number of Pages: 8

Related Documents:

Rescinds:

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. PURPOSE:

To establish guidelines for appropriate police response to and intervention in civil disturbances and demonstrations.

II. POLICY:

The Department has developed procedures to be prepared for civil disturbances and demonstrations, and to implement an effective plan of action which will protect life and property, and which is designed to defuse the situation and to restore order. It is neither the intention nor the desire of the Department to suppress or restrain lawful activity. The Department recognizes the rights of any person or group to conduct a peaceful and lawful demonstration at any permissible location within the Town of Thurmont limits. However, the Department will take appropriate steps to discourage unlawful conduct, and will respond promptly and effectively to unlawful activity.

III. DEFINITIONS:

CIVIL DISTURBANCE: is defined as an unlawful assembly that constitutes a breach of the peace of any assembly of persons where there is imminent danger of collective violence, destruction of

property, or other unlawful acts.

IV. INITIAL RESPONSE:

The initial officer to respond to a civil disturbance or demonstration, shall observe the situation from a distance and evaluate it before taking action. The officer shall only take immediate action to protect any civilian bystanders who are not directly involved in the situation. The responding officer will:

- A. Notify the communications center, requesting the patrol supervisor to be dispatched and any additional units.
- B. Determine the exact location and nature of the incident if possible. If, after consultation with the supervisor, the demonstration is determined to be lawful, the supervisor will determine the need for any further police presence.
- C. Communicate the nature and location of the incident to the communications center via police radio, so that other units can identify the safest route of travel to the incident, and the best “staging” location to maintain a tactical advantage.
- D. Only approach the civil disturbance once additional units have arrived if it is necessary for the protection of life or prevention of immediate injury.
- E. Ensure that responding officers do not park their vehicles in the middle of the disturbance, which will place them at a tactical disadvantage, and which will prevent the efficient transportation of any prisoners, as well as, restrict the ability to effectively disperse an unlawful crowd.
- F. Wait for the arrival of the supervisor, who will direct a disciplined and coordinated response.
- G. Only requested units will respond to the scene.

V. SUPERVISORS:

The first supervisor to arrive on the scene of the civil disturbance will:

- A. Ensure the Chief of Police and Deputy Chief of Police are notified.
- B. Evaluate the situation and determine the exact nature of the incident.

- C. Determine whether to operate on the existing communication channel, and have the Communications Center activate a “10-3,” or change channels.
- D. Determine the need for a Tactical Team and additional personnel, to activate off-duty personnel, or to coordinate the involvement of assisting outside agencies to include emergency medical personnel.
- E. Ensure that responding officers report to the supervisor, after parking their vehicles away from the crowd.
- F. Ensure that on-scene officers have proper equipment, to include riot gear.
- G. Coordinate the retrieval of additional equipment as needed.
- H. Ensure that disciplined and coordinated response is maintained.
- I. Order the formation of police lines and move into the crowd for control if necessary.
- J. In the event that intelligence is gathered or received prior to a scheduled demonstration or disturbance, that information will be forwarded to the Chief of Police and Deputy Chief of Police. The Deputy Chief of Police will ensure that the appropriate planning is coordinated, establishing the required personnel resources to be made available, strategies, and contingencies to be utilized, and equipment needed. Information will be disseminated as needed to implement the plan of action.

VI. GENERAL PROCEDURES

- A. Officers will not act alone unless loss of life or great bodily harm could result from the conduct of the participants.
- B. When mere property damage is imminent, officers shall coordinate their response through assigned supervisors, and perform tasks as directed.
- C. Whenever a participant uses physical violence upon an officer, another person or property, officers shall employ only force that is objectively reasonable and necessary to accomplish lawful objectives to protect themselves, other persons or property.
- D. Supervisors and officers will make the determination whether to arrest or not based on the availability of resources and the violations of the disturbances.
- E. Supervisors shall, if possible, utilize the PA functions in their cruiser or a bullhorn to

order the unlawful crowd to disperse prior to engaging in a use of force.

VII. TRANSPORTATION OF PRISONERS:

- A. All Department vehicles will be positioned for effective and efficient removal of prisoners, and available for transportation of officers and equipment to the scene. If needed, officers will be assigned to traffic control to ensure a clear path of travel, and to alleviate traffic congestion, which could escalate the disturbance.

VIII. MASS ARRESTS:

- A. The necessity to arrest groups of people poses special problems for police agencies. In such situation, coordination is essential to avoid escalating the situation. The on-scene supervisor must determine whether the desirability of arresting violators outweighs the potential for escalation of conflict.
- B. When arresting groups of people, officers of the Thurmont Police Department will establish probable cause **for each person** who is arrested and taken into custody. Generalized situational conditions will not be substituted for specific evidence.
- C. Many civil disturbances are of a spontaneous nature. However, when advance information of an incident has been received, the Chief of Police, or designee, will meet with all involved supervisory personnel to discuss the estimated scope of the anticipated event; to determine the resources which may be required to respond, and to assign specific duties to personnel. In addition, the Department will institute planning processes with the Town's Legal Advisor, the State's Attorney's Office, the Frederick County Sheriff's Adult Detention Center, and any law enforcement agencies which may be needed.
- D. If practical, the Incident Commander will meet with the agencies of any planned event which may evolve into a civil disturbance. The purpose of this meeting will be to provide organizers with information concerning statutes and ordinances, to address any concerns of the organizers, to attempt to obtain a commitment for voluntary compliance with the law and reasonable public safety measures, and to identify a contact person for further consultation if necessary.
- E. Regardless if it is a planned event or spontaneous incident, the supervisor will ensure that:
 - 1. Any and all necessary personnel, including outside agencies, are activated. The Frederick County Adult Detention Center is to be notified of the expected number

of arrests at which time the FCADC will activate their internal policy governing mass arrest and processing. An officer is to be stationed at Central Booking to complete statements of probable cause which are telephoned in by the arresting officer

2. A team designated to process all prisoners for purposes of transportation.
 3. An adequate number of vehicles are made available to transport prisoners to the Detention Center. In incidents where there are a large number of offenders, extra transportation vehicle may be obtained from the Frederick County School Board. Any transportation utilized will be manned by police officers holding the proper driver's license for the class vehicle they are operating.
 4. An adequate secure area is designated in the field for holding prisoners awaiting transportation.
 5. All arrested individuals are searched, photographed and properly identified prior to transportation to the FCADC for formal processing.
 6. All injured prisoners are provided medical attention prior to being processed.
 7. Arrested juveniles are handled in accordance with Chapter 9 entitled, "Juvenile Operations," concerning arrests, transportation, detention, and separation from adult arrests.
 8. All evidence and weapons are processed in accordance with departmental policy.
 9. An area is designated for media coverage, with either an officer of Public Information Officer assigned.
- F. In the event additional law enforcement assistance is needed, the Department has entered into formal agreements with neighboring law enforcement agencies to expedite their response during an emergency. Should a situation escalate beyond the resources of this department, the Chief of Police or Deputy Chief of Police is authorized to request assistance under these agreements.

G. Field Processing:

1. Thurmont Police Officers will be responsible for the field processing of arrested individuals as much as possible. On occasions, other law enforcement personnel may be assigned to assist. The purpose of the use of field processing will be to

identify, search and handcuff the arrestee as soon as possible for transportation to Central Booking, where more formalized processing will take place.

2. An arrest processing location shall be established a safe distance from the disturbance to protect department personnel and the arrested.
3. The on-duty supervisor will ensure that proper equipment is available, to include: cameras and evidence/property containers/envelopes.
4. Individuals arrested will be taken to the established processing area by the arresting officer. Processing personnel will be responsible for assigning an arrest number and maintaining a log which contains the following:
 - a. Name of the arrestee;
 - b. Arrest Number and charges;
 - c. Arresting officer name and ID#.
5. Two photographs of each person will be taken. One photo will be of the arrested person alone, and the other of the arrested person with the arresting officer.
6. All arrestees will be properly identified, searched and handcuffed prior to transportation.
7. The arresting officer will telephone a probable cause statement or email the statement to an officer stationed at Central Booking, who will complete the Statement of Charges, and have the paperwork awaiting the arresting officer's approval and signature.
8. After preliminary processing, arrestees will be transported out of the area to Central Booking.

H. De-Escalation:

1. De-escalation process will be the responsibility of the Deputy Chief of Police or designee, who will ensure that the following measures are taken:
 - a. All personnel engaged in the incident will be accounted for, and an assessment made of personal injuries.

- b. All personnel will be debriefed as required.
- c. Witnesses, suspects and others will be interviewed or interrogated.
- d. All written reports will be completed immediately following the incident, to include a comprehensive documentation of the basis for and officer's response to the incident.
- e. Assist in damage assessment.
- f. Assist in the return home of evacuees.
- g. Maintain records of all financial expenditures and use of law enforcement resources.
- h. Ensure on-duty officers return to normal patrol operation/assignments.
- i. Ensure that department equipment is collected.
- j. Ensure that department policy is being followed concerning any arrests made during the incident.

I. Reporting:

1. The Deputy Chief of Police will ensure that all After Action Reports, Use of Force, and administrative reports are completed.
2. The initial report of the incident will be the responsibility of the officer first assigned to the incident.
3. Supplemental reports will be submitted by all participating personnel outlining their assignments.

ATTACHMENTS :

DOCUMENT DATES :

Amended Date:

Review Date:

Review Date:

Review Date:

Rescinds:

Order Written By: Chief Gregory L. Eyer

Order Edited and Approved By: Chief Gregory L. Eyer

Accreditation Standards Included in this Order

CHAPTER 46