

# **Lessons Learned from the 2015 Civil Unrest in Baltimore**

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**Police Executive Research Forum**



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# Table of Contents

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Major Findings.....	3
Incident Overview.....	9
Background: National Best Practices on Critical Incident Management .....	12
Weaknesses in Planning and Preparation for the Critical Incident in Baltimore.....	16
Weaknesses in BPD’s Incident Command, Control, and Communications to the Field.....	29
Logistics Section.....	35
Equipment.....	37
Mutual Aid.....	42
Policy and Training.....	55
News Media Relations.....	65
Community Engagement.....	68
Conclusion: List of Recommendations.....	71

# Major Findings

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The Baltimore Police Department contracted with the Police Executive Research Forum (PERF) to conduct this study and produce this report. PERF is a Washington, DC-based research organization that specializes in identifying best practices and policies in the field of policing.

This report provides a review of the police response to the civil unrest that took place in Baltimore from April 25 through May 3, 2015. It is based on reports from the Baltimore Police Department (BPD), interviews with key individuals from BPD and other agencies involved in the response, and a day-long debriefing session held on July 8, 2015 that included the entire BPD command staff and representatives of outside agencies.

**The goal of this report is to identify problems and issues that BPD faced during the demonstrations and riots in April-May, and to make recommendations for how the department can be better prepared for major incidents in the future.** The scope of this review did not allow for a moment-by-moment assessment of every action taken throughout the period of civil unrest. The report does address major shortcomings in BPD's response and provides guidance on how to resolve the issues that led to those weaknesses. It also highlights actions that went well and promising practices that BPD can build upon.

**While this report is focused on the events in Baltimore, it also has national implications, to the extent that other police agencies across the country would be well-advised to check that they have kept up with training their officers and otherwise preparing for large-scale critical incidents, such as demonstrations that turn violent.** Many police agencies routinely conduct tabletop exercises and training to ensure that their response to a crisis will be systematic and orderly. However, most cities have not experienced large-scale riots for many years or even decades, so there may be a tendency to let more immediate concerns, such as increasing violent crime rates, take priority over planning for the types of incidents that occur rarely and without warning. The Baltimore Police Department's experience demonstrates that agencies must be prepared for all types of incidents.

**Following are brief summaries of some of the weaknesses and issues in the BPD response to the demonstrations and rioting. Recommendations for BPD on these points and many others are made throughout this report, and a compilation of all the recommendations is found in the final section of this document.**

**Planning was inadequate:** The Baltimore Police Department (BPD), like all police agencies that receive federal funding, uses the National Incident Management System (NIMS) to prepare for unexpected critical incidents such as natural disasters, terrorist attacks, civil unrest and riots, and other events that require an emergency response. NIMS was developed by the U.S. Department of Homeland

Security following the 9/11 terrorist attacks, and is designed to help police develop systematic plans for handling any crisis in an orderly way.

A key component of NIMS calls for the development of an “Incident Action Plan” (IAP) for each critical incident. The IAP is a document that includes all the information needed to maintain an orderly, effective response – such as names and contact information for police leaders and others who play key roles, assignments and duties of each official, logistical information regarding personnel and resources that are assigned to the response, etc. The IAP serves as a central repository of information that everyone can refer to as the incident unfolds.

Even when an incident occurs with only a few days’ warning or with no warning at all, officials should begin putting together an IAP if they expect that the police response may require more than a few hours to complete.

For approximately a week before the protests on April 25, the Baltimore Police Department had been developing intelligence that protests were being planned. But BPD did not have an actual IAP in place for the planned protests that began on April 25, 2015. Instead, the department had a modified IAP, called an “operational plan,” to direct the response to planned and unplanned events. The BPD operational plan contained basic information, but overall was insufficient to serve as an IAP for the BPD’s response to the critical incidents occurring during the protests and riots. The plan lacked specific detail in several areas that are crucial for involved personnel to understand during an incident, such as the assignment of roles and responsibilities. The plan did not account for the possibility that the incident might last longer than a day or two. And one of the biggest problems with the BPD’s operational plan was that many commanders and most patrol officers were not familiar with it.

**Command roles changing without notice:** In some instances, the roles defined in the operational plan changed during the unrest. It was sometimes unclear who held the title of Incident Commander. This resulted in a great deal of confusion in the Command Center and was a challenge throughout the period of unrest.

**Arrest policies were unclear:** During the protests and riots in Baltimore, there was not clear direction for officers when arrests should be made and who had the authority to make arrests. In the initial planning for the protests on April 25, it was stated that arrests were not a preferred function. This approach is in keeping with best national practices for demonstrations, which call for an initial “soft approach” by police in order to send a message that the police are not expecting a demonstration to become violent. However, when the protests in Baltimore became violent, some commanders were reluctant to allow arrests, because they were unsure whether the earlier guidance was still in effect.

Similarly, officers were told to report in their regular uniforms and not to wear gloves or helmets, in order to take the initial “soft approach.” But as the protests became violent, some commanders were reluctant to stray from the initial order to stay in soft gear, and a number of officers reported being told they could not put on their helmets for protection.

**Crowding and confusion at the Command Center:** The BPD's Watch Center, a room at BPD headquarters used for various operations, was used as the Command Center for responding to the violent protests. This room has space for approximately 30 to 40 people, but at times there were up to 100 people present, resulting in excessive noise and confusion. BPD also lacked workspace and network laptop computers for the Planning Section employees and other key personnel at the Unified Command Center.

**Equipment was severely lacking:** BPD helmets and shields were not sturdy enough, cracking when they were hit by rocks thrown by rioters. BPD officers also did not have more advanced riot equipment, such as protective suits (often referred to as "turtle gear") and functional gas masks. BPD made emergency efforts to purchase additional equipment during the period of unrest, but the results of such last-minute purchasing were not satisfactory.

**Officers reported that their training was inadequate:** Many BPD officers felt that their training for civil unrest and mass demonstrations was inadequate, as well as their training on equipment use and deployment.

**Uncertainty about mutual aid:** There were many logistical challenges in coordinating the deployment of mutual aid officers and resources. Many police agencies did provide assistance to BPD, but because of certain requirements under the regional mutual aid compact, BPD was unable to know exactly how much assistance would be provided while it was planning its response to the major demonstrations scheduled for April 25. There was confusion about the roles that each mutual aid department would take, and about the use-of-force policies and the equipment that would be used during the police response to the demonstrations and the rioting.

BPD is in the process of drafting a new "Umbrella Agreement" that would provide greater certainty among participating police departments about the amount and types of mutual aid they would receive under various circumstances. This would help the planning process and facilitate coordination of resources during an incident.

**National Guard:** The National Guard responded quickly to Baltimore's request for assistance, and most observers believe the Guard had a significant deterrent effect and helped prevent additional outbreaks of criminal behavior. There was a controversy over the timing of when the Maryland National Guard was deployed in Baltimore, and some apparent conflict about whether the Guard should have been called earlier in the day on April 27. Maryland law allows the Governor to declare a state of emergency either on his own initiative or at the request of a mayor,<sup>1</sup> but Governor Larry Hogan told reporters, "We didn't think it was appropriate to come in and take over the city without the request of the mayor."<sup>2</sup>

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<sup>1</sup> 2010 Maryland Code Title 14, Emergency Management, Subtitle 3, Governor's Emergency Powers.  
<http://law.justia.com/codes/maryland/2010/public-safety/title-14/subtitle-3/14-303>

<sup>2</sup> "Critics question delay in calling out the Guard." Baltimore Sun, Sept. 9, 2015.  
<http://www.baltimoresun.com/news/maryland/politics/bs-md-state-city-response-20150428-story.html>

Local officials usually exercise caution about requesting such assistance, because they lose a certain degree of control when they do so. For example, the Guard operates under its own policies regarding use of force when it is deployed to support missions for local police agencies. These policies are less detailed and comprehensive than most police agencies' policies on use of force.

**Confusion about definitions of orders:** One factor contributing to the confusion during the rioting was a lack of clarity about orders being given by BPD commanders. PERF was told of rumors that officers were ordered by commanders to "stand down." However, the issuance of such an order could not be substantiated through PERF interviews with BPD personnel. Several patrol officers said that they were told "not to engage" with the protesters, or to "stand-by." The officers said they interpreted these orders to mean "stand down." Other personnel interviewed said they heard orders to "hold the line."

If officers are not trained in the terminology of orders, the result can be delays and confusion in responding to a critical incident. For example, if BPD commanders giving orders to "hold the line" intended to keep a crowd from penetrating the line and moving to new areas, that would be acceptable. However, patrol officers interviewed by PERF felt the term "hold the line" was instead being used to tell officers not engage with unruly crowds. In those situations, some of the officers believed they should have been able to break the line to make arrests of individual committing criminal acts. Telling officers who are not properly equipped and trained for the situation not to engage with violent protestors may have been the proper thing to do, to protect those officers from being hurt. And in cases where this was in fact the situation, commanders should be commended for not allowing their officers to go into the affray unprotected. But in cases where officers were fully equipped and prepared to arrest violent agitators committing criminal acts, not allowing them to engage should not have been a universal command.

The lack of clarity about the meanings of the orders that were given added to the sense of confusion and chaos in the BPD response.

**BPD efforts to improve response to critical incidents:** Following the unrest in April and May, BPD has undertaken actions on several fronts to improve its response to critical incidents:

- BPD officials are undergoing much more robust Incident Command System training, including position-specific training. The position-specific training should greatly improve the ICS Operations, Planning, and Logistics capabilities of the Department with a cadre of trained officers.
- BPD has ordered and is distributing protective riot gear for all officers.
- In order to address the deficiencies in current mutual aid agreements, BPD Legal Affairs is spearheading the creation of an Umbrella Agreement that would not make mutual aid assistance contingent upon a formal declaration of a state of emergency.
- BPD created an 8-hour course on basic civil disturbance tactics for its entire department and has administered the training to nearly all officers. BPD has also successfully trained six platoons of officers in advanced Mobile Field Force techniques. BPD is also taking advantage of several

opportunities for multi-agency training with the Maryland State Police, Maryland National Guard, Maryland Transportation Authority Police Department, Montgomery County Police Department, and Prince George's County Police Department.

- One of the major takeaways after the civil unrest was the need to provide hands-on training to commanders that simulates the various scenarios they may experience in a riot. BPD believes that this emphasis on training commanders is crucial, since they would be supervising officers in the field. To further this goal, BPD has hired a national consultant to provide commanders with advanced Mobile Field Force (MFF) training.
- BPD has been working to establish trust in the many Baltimore City communities affected by the civil unrest. Since May, there have been numerous meetings held in the Western District with BPD commanders and the residents of that district. BPD officials have also been in discussions with community leaders and advocates, such as members of the 300 Men March, to improve upon their partnerships with each other. These important steps will also serve to give community members an opportunity to give input on policing strategies within their neighborhoods.

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The scale of the rioting and other unlawful action that took place during the civil unrest in Baltimore was unlike anything the city had seen since the civil unrest that occurred in 1968. Illegal activity included violent actions toward police officers, arson, and looting, and these actions were often occurring in several locations simultaneously.

An incident of this magnitude and duration would stress the resources of any police agency, and BPD officers and civilian employees were pushed to the limits of their capabilities during the period of civil unrest. This level of unrest and violence was not expected by city officials or the police department, but cities and police agencies should strive to be prepared for worst-case scenarios.

Many of the biggest challenges and setbacks cited above occurred at the beginning of the civil unrest period, and on April 25 and 27 in particular. Later, the Police Department improved dramatically in many facets of its response.

**The courage under pressure of countless BPD officers and supervisors should not be lost amid the critiques found in this assessment. Members of the department were asked to do a very difficult job under stressful circumstances with little rest between work assignments, and they performed admirably under these circumstances. Approximately 155 officers were injured during the week of civil unrest and rioting, and many more were involved in intense, high-risk situations. All leave was cancelled on April 25 and from April 27 to May 3, and 12-hour shifts were in place from April 29 to May 3. This left officers and supervisors in some of the most stressful circumstances of their careers with little time to recuperate. Members of the department showed restraint and a remarkable ability to accomplish a difficult job under exceptional circumstances.**

**Furthermore, many community members showed support for the police as they attempted to restore order to the city. Community organizations and individuals donated large quantities of food**

and water to sustain officers who were on duty for long periods of time. Members of the 300 Men March organization acted as a peaceful barrier between protesters and officers on April 28. And community members in some areas worked with the police to protect their neighborhoods from looting. BPD should build on these positive developments in establishing and restoring trust with its communities.

# Incident Overview

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*Following is a brief summary of the events of April 25 – May 3:*

## April 12-19: Arrest and Death of Freddie Gray

Events leading up to the civil unrest began with the arrest of Freddie Gray on April 12, 2015. At 8:39 a.m., BPD Western District officers saw Gray run away after seeing the officers. Officers pursued and arrested him. He was put in a transport van and brought to the BPD Western District Station, making several stops along the way. Upon arrival at the Western District, officers found Gray unresponsive in the back of the van. Officers called paramedics, who then brought Gray to the University of Maryland Shock Trauma Center. Gray died on April 19, 2015.

## Death Investigation

Police Commissioner Anthony Batts<sup>3</sup> formed a task force to investigate the in-custody death of Freddie Gray. BPD's investigation was completed, and information was turned over to the Baltimore City State's Attorney's Office on April 30.

On May 1, the Baltimore City State's Attorney filed criminal charges against the six officers involved in Freddie Gray's arrest. Charges included involuntary manslaughter, second-degree assault, reckless endangerment, misconduct in office, and, for the driver of the van, second-degree murder and vehicular manslaughter.

## Saturday, April 25

The BPD had been receiving intelligence that approximately 10,000 people planned to take part in protests in different areas within the city. Demonstrations began in the Western District and moved to a planned rally at City Hall. After the rally, many demonstrators, who no longer remained with the peaceful protesters, marched towards Camden Yards, where thousands of fans were attending a baseball game. Protesters concentrated in the northeast sides of Camden Yards, and Camden Yards security closed the northern and northeastern entrances. The crowd began throwing debris at police officers stationed outside the ballpark.

BPD sent additional officers to respond to the incident. The group of protesters had a skirmish with civilians in front of Pickles Pub, and then moved to Howard Street, where they began throwing rocks, bricks and debris at the officers. The crowd began damaging police cars that had been parked on Howard Street, so police pushed the crowd back until it was behind the line of officers.

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<sup>3</sup> Titles and roles mentioned in the report reflect individuals' positions at the time of the civil unrest.

BPD officers held the skirmish line until additional officers arrived, at which time they were able to send officers into the crowd to arrest agitators. This eventually diminished and dispersed the crowd.

A group of protesters continued to march through the city, eventually heading back to the Western District. Sporadic attacks on officers guarding the Western District police station continued until the early morning.

## Sunday, April 26

There were no significant protests on Sunday, April 26. Both Mayor Stephanie Rawlings-Blake and Commissioner Batts issued statements updating the public on what had occurred the night before, and the mayor gathered religious leaders to issue a call for peace<sup>4</sup>.

## Monday, April 27

After the relatively peaceful day on Sunday, BPD gathered intelligence that there would be more demonstrations on Monday at the Mondawmin Mall, a transit hub for Maryland Transit Administration buses and Baltimore Public School (BPS) students. BPD's social media intelligence found some BPS students calling for a "purge" (a reference to a 2013 movie in which any crime could be committed without punishment during a 12-hour period, once a year).

The Baltimore City School Police force (BCSP) is a separate entity from the BPD. However, BCSP has a concurrent jurisdiction agreement with BPD to allow BCSP officers to enforce laws within Baltimore City limits. BCSP officers, with support from BPD officers, began to manage a crowd that was forming at Mondawmin Mall. The normal bus service was canceled,<sup>5</sup> and the crowd could not easily disperse. The crowd of school-age individuals grew, and some became violent, throwing rocks, cinder blocks, bricks, and other debris. Officers were equipped only with helmets and shields, and many of the shields broke. Many officers were injured during the attack. Eventually an armored response vehicle operated by SWAT team members arrived and deployed a chemical agent and smoke, dispersing some of the crowd.

After the situation at Mondawmin Mall was somewhat under control, many protestors moved to the intersection of Pennsylvania Avenue and west North Avenue (an intersection known as PennNorth). Simultaneously, an officer responded to a 911 call about a burglary at a business near the PennNorth intersection, and waited for the business owner to arrive. While he was inside the business premises, gathering information from the owner, the crowd arrived and attacked the parked police vehicle, damaging the windows and doors. Several people in the crowd tried to reach the officer by entering the business, but the officer was able to block the door. Members of the crowd destroyed several other vehicles and threw items at the officers. Many began looting a CVS drugstore at the PennNorth intersection and eventually set it on fire. Some in the crowd were throwing homemade

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<sup>4</sup> "Baltimore police arrest 35, 6 officers injured in protest." The Baltimore Sun, April 27, 2015.

<http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-protest-arrests-20150426-story.html>

<sup>5</sup> PERF's study and other reviews have been unable to determine who issued the order to cancel bus service.

explosives, and firefighters had fire hoses slashed as they tried to put out the fire at the CVS drugstore. The situation did not calm down until the early morning hours of April 28.

Also on the evening of the April 27, BPD received reports of looting in the Eastern District. Officers responded to the call with only helmets and batons and found a large crowd looting a shoe store. The crowd threw rocks and bricks at the officers. BPD was able to “create distance” from the protesters until an armored response vehicle from the Howard County Police Department arrived. BPD was able to use the armored response vehicle and patrol cars to disperse the crowd.

## Monday, April 27 – Sunday, May 3: Governor Declares State of Emergency, and Mayor Imposes a Curfew

At the request of Baltimore Mayor Stephanie Rawlings-Blake, Maryland Gov. Lawrence J. Hogan declared a State of Emergency in Baltimore on the evening of April 27 to facilitate an emergency response and authorize the deployment of the National Guard<sup>6</sup>. Mayor Rawlings-Blake declared a curfew from 10:00 p.m. to 5:00 a.m. every day from April 28 through May 3. The curfew applied to everyone in the city, with exceptions that included emergency personnel, students traveling to and from school, and employees traveling to and from employment.

Protests on the first night of the curfew, April 28, became violent, with people throwing objects at officers, but police were able to disperse the crowd using pepper balls. Nightly protests continued throughout the State of Emergency, but were generally peaceful. More than 200 people were arrested for curfew violations during this period.

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<sup>6</sup> “Executive Order 01.01.2015.14, Declaration of Emergency.” The State of Maryland Executive Department. <https://governor.maryland.gov/wp-content/uploads/2015/04/EO-4-27-2015.pdf>

# Background: National Best Practices on Critical Incident Management

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*This section of the report provides background information about national best practices for incident planning and management. This includes information about the National Incident Management System (NIMS), the Incident Command System (ICS), and Incident Action Plans (IAPs). The federal government mandates that police departments adopt NIMS in order to receive federal funding for emergency preparedness.*

*Subsequent chapters discuss the particular challenges that BPD faced in implementing the Incident Command System during the civil unrest, and recommend ways for BPD to make better use of these systems in the future.*

## *National Incident Management System*

For more than a decade, police agencies across the nation have had access to standardized planning mechanisms for handling large-scale incidents of various types, including civil unrest and rioting. Following the terrorist attacks of September 11, 2001, Homeland Security Presidential Directive-5 (HSPD-5)<sup>7</sup> was issued in February 2003 to develop a coordinated approach for responding to incidents. Under this directive, DHS created the National Incident Management System (NIMS), which is a structure for managing incidents and events that require coordination and cooperation among multiple responders at various levels of government and nongovernmental organizations.

DHS definitions distinguish emergency “incidents” from planned “events” as follows:<sup>8</sup>

**Incident:** An occurrence or event, natural or human-caused, that requires an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wildland and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.

**Event:** A planned, non-emergency activity. NIMS can be used as the management system for a wide range of events, e.g., parades, concerts, or sporting events.

In some cases, a planned event may turn into an emergency incident – for example, a political demonstration that becomes a large-scale riot.

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<sup>7</sup>Executive Office of the President, Homeland Security Presidential Directive-5 (February 28, 2003).

<http://www.dhs.gov/sites/default/files/publications/Homeland%20Security%20Presidential%20Directive%205.pdf>

<sup>8</sup> “Glossary of Related Terms, ICS Resource Center, FEMA.”

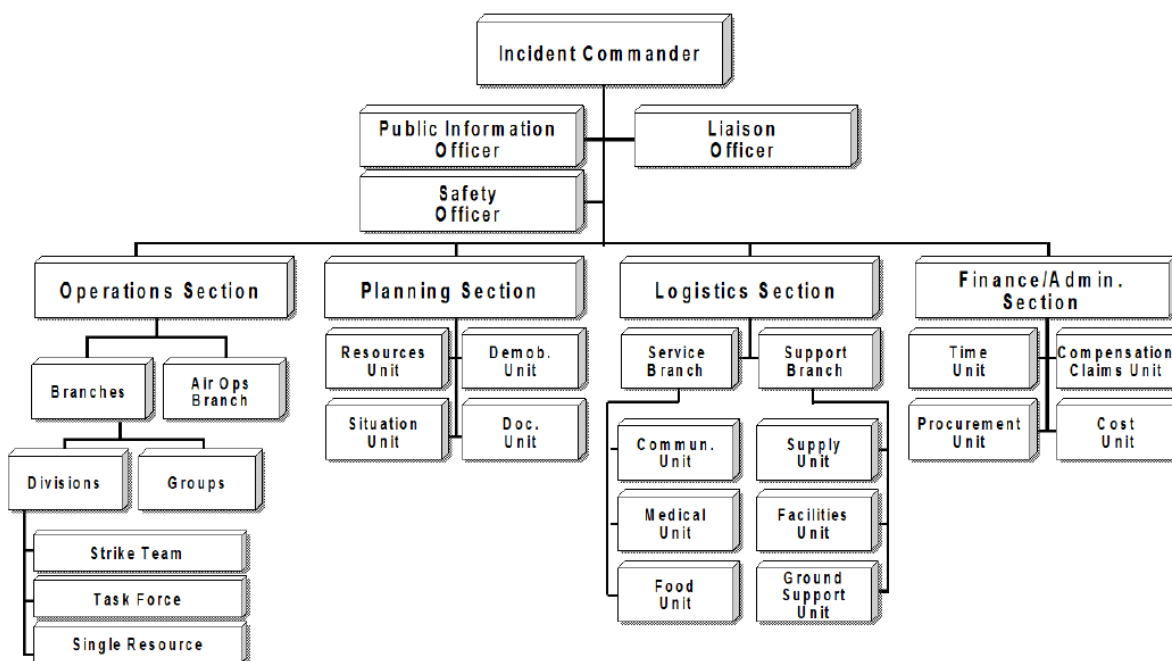
<http://training.fema.gov/emiweb/is/icsresource/glossary.htm>

NIMS was designed to establish a common approach for managing incidents. BPD, like all other police agencies that receive federal funding, has subscribed to the principles of NIMS. When law enforcement agencies use the NIMS model to plan and respond to an event or incident, it improves their ability to coordinate the response with multiple entities. HSPD-5 makes the adoption of NIMS a requirement for any state or local agency receiving federal preparedness assistance through grants or government contracts.

### *Incident Command System (ICS)*

At the heart of NIMS is the Incident Command System (ICS)<sup>9</sup>. Originally designed by fire fighters to respond to wildfires in California and Arizona, it is a key component for responding to incidents as well as major planned events under NIMS. The premise behind ICS is to create one management system that can be used by multiple agencies responding to a major incident or event.

ICS has a singular command structure with several key components, including Incident Command, Command Staff (Public Information Officer, Safety Officer, and Liaison Officer), and General Staff (Operations, Planning, Logistics, and Finance/Administration). This command structure remains the same regardless of which agencies respond to an incident. ICS is designed to improve accountability, develop a detailed planning process, and provide for common terminology to facilitate communications and prevent misunderstandings. An organizational chart depicting the ICS structure is shown below<sup>10</sup>.



<sup>9</sup> "National Incident Management System," Federal Emergency Management Agency webpage, accessed August 25, 2015. <http://www.fema.gov/national-incident-management-system>

<sup>10</sup> FEMA Emergency Management Institute, "ICS Organization," in *Incident Command System Training*, (May 2008): 7. <https://training.fema.gov/emiweb/is/icsresource/assets/reviewmaterials.pdf>

When a response to an incident requires the participation of multiple agencies, a Unified Command System is established. This system includes a representative from each involved agency in the decision-making process. It is therefore important that the representative from each agency have the authority to make decisions on behalf of the agency.

### *Incident Action Plan (IAP)*

Preparedness is a key element to properly manage a critical incident or planned event. As part of the ICS function, agencies should document their plans for responding to various types of events that might occur, by creating an Incident Action Plan (IAP).

Each incident or planned event should have its own IAP that is specific to that incident or event. For example, a city may have an annual sporting or cultural event that draws thousands of spectators, such as the Preakness Stakes at Pimlico Race Course. The IAP may be similar from year to year, but each year's IAP should be a new document reflecting any changes in conditions, the responding agencies, or other factors.

To help ensure that nothing is forgotten in planning for a major incident or event, the IAP contains several "forms" in which officials essentially "fill in the blanks" to provide key information about response strategies, resource allocations, logistical information, communications plans, traffic plans, and other considerations. Police agencies that have a detailed and structured IAP will reduce the possibility of miscommunication and misunderstanding, because as the event unfolds, all responding agencies and officials will be obtaining their information from the same document.

During the initial stages of planning for a critical incident or planned event, an agency should designate an Incident Commander to formulate the objectives and strategies for the event. Other critical roles, such as the Operations Section Chief, Planning Section Chief, Finance Section Chief, and Logistics Section Chief, need to be assigned as well. The Incident Commander and support personnel should immediately begin the planning phase of ICS, including drafting an IAP, which should be disseminated to all affected personnel including those in Unified Command. The IAP should be updated on a routine schedule as the event or incident evolves. It is important that involved personnel receive the updated IAP to ensure that new information is communicated properly.

The Incident Action Plan (IAP) is a critical part of the standardized incident management process that serves as the written plan to document and direct resources. Creating an IAP should be a top priority for any incident. The IAP should be developed prior to the start of any large, planned operations.

Even when an incident occurs entirely without warning, if the police response is expected to continue for more than a short time, police agencies often begin writing an IAP for the event as it is occurring, because there will be a need to plan for ongoing efforts, such as bringing officers to the scene to relieve the first responders as they become fatigued, and then maintaining staffing levels as necessary.

All parts of the ICS process, led by the Incident Commander, should collaboratively construct the IAP, which then serves as a guide throughout the duration of the incident.

### *Role of ICS Components in Drafting an IAP*

In an ICS operation, members of the police department who are designated to serve in key positions are expected to play a role in the development of the detailed IAP, particularly the Incident Commander, the Planning Section Chief, and the Operations Section Chief. The Incident Commander develops overall incident objectives and strategy. The Operations Section Chief assists with drafting the tactical strategy for achieving the objectives set by the Incident Commander, and is responsible for ensuring the proper execution of the strategy. The Planning Section Chief manages the planning process and bears the primary responsibility for producing the original IAP. The Planning Section also updates the IAP as events unfold. Other topics to be detailed in an IAP include a radio communications plan, a medical plan, a safety plan, and assignment lists.

# Weaknesses in Planning and Preparation For the Critical Incident in Baltimore

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*This section of the report describes weaknesses in how the Baltimore Police Department used the Incident Command System to plan and prepare its response as it gathered intelligence about protests that were being planned for April 25, and about how those weaknesses resulted in failures when the demonstrations and rioting began.*

## *Baltimore Police Department's "Operational Plan"*

Significantly, the BPD did not have an actual Incident Action Plan in place for the planned protests on April 25, 2015. Instead, the department had a modified IAP, known as the "operational plan," to direct the response to planned and unplanned events. For the past two years, the department has utilized the same operational order, adapting it to various situations.

**The BPD operational plan contained basic information, but overall was insufficient to serve as an IAP for the BPD's response to the civil unrest that began on April 25.** The command and control roles of the operational plan matched those needed for an ICS, such as an Incident Commander, an operations commander, a planning commander, a logistics commander, and a finance commander. However, the plan lacked detail in several areas that are crucial for involved personnel to understand how operations are to be carried out during an incident.

**Furthermore, in some instances, the roles defined in the operational plan changed during the unrest. It was sometimes unclear who held the title of Incident Commander. This resulted in a great deal of confusion in the Command Center and was a challenge throughout the period of unrest.**

The incomplete areas included: a formal communications plan, citations of legal authorities, a safety plan, intelligence information, traffic plans, and detailed work assignments. The operational plan for the April 25 protests did, however, include information on staging areas and dedicated radio channels. Additionally, locations were designated for protection, such as City Hall and police headquarters. The plan also outlined the basic tasks assigned to the Special Operations Section as well as how the department planned to utilize external resources.

Overall, the plan should have included more detailed information. Outlining the specific responsibilities of all personnel (including partnering agencies) is important to the success of an operation. Objectives, expectations, and priorities should be made clear to all personnel working during a critical incident.

## *Stated Priorities for BPD Response*

For the planned protests on April 25, the stated priorities that were to act as a guide for all operations, in order of importance, were:

1. Preservation of Life (Citizen Safety and Officer Safety)
2. Protection of Property and Business
3. Safe Traffic Flow (Ingress and Egress)
4. Restoration of Normal City Services

While the listed priorities are appropriate, they should also include the protection of the constitutional rights of demonstrators. Additionally, these priorities and the guidelines for implementing them were not shared with operational personnel in the field. The priorities for future events should be more comprehensive and should be distributed to all responding personnel.

### *Critiques of the BPD operational plan*

**One of the biggest problems with the BPD's operational plan was that many commanders and patrol officers were not familiar with it.** As a result, the patrol officers were unaware of the department's main priorities and the overall tactical strategy for responding to the unrest. In fact, officers said that what little information they did receive was provided during an initial roll call before they were sent out to the front lines, and that they did not receive any further instruction. This resulted in uncertainty, miscommunication of expectations, and hesitancy by field commanders to make decisions.

It is considered a best practice to share key information from an IAP or operational plan at all levels, including patrol officers, particularly sections that are most likely to be useful to officers, such as information about which radio channels to use, locations of medical assistance, and contact information for key units or officials.

**While BPD's operational plan had worked for past events, it was not comprehensive enough to guide the response to the April unrest.** The plan did not account for the possibility that the incident might last longer than a day or two. Another issue with the operational plan was its lack of detail, particularly in the assignment of roles and responsibilities. As noted later in this report, the training that command staff members received in the Incident Command System was described as cursory by many of those who completed the training. Therefore, there was a significant learning curve that had to be overcome before individuals felt comfortable in their ICS roles, because little guidance was provided in the operational plan.

In the roles that were detailed, resources were not always utilized in the most effective manner. For example, in outlining the duties of the Special Operations Section, SWAT was designated as arrest teams, meaning they would enter the crowd to make arrests, leaving other officers to hold the skirmish line. This limited SWAT's ability to respond to areas where there was a need for a more advanced response as the situation escalated.

### *Operational Plan Lacked Direction on Arrest Policies*

Other department policies for a given situation should also be outlined in an IAP prior to the start of any operations, such as policies and plans regarding arrests. In the initial planning phase for the expected protests on April 25, it was stated that arrest was not a preferred function. As a general matter, avoiding arrests during large-scale demonstrations is often considered a good practice.<sup>11</sup>

At times, however, arrests are necessary during major demonstrations. Removing violent agitators quickly from peaceful protests can prevent wider-scale violence. Vancouver Deputy Chief Doug LePard explained the strategy the Vancouver Police Department utilized during the Winter Olympics of 2010 to ensure that arrests were handled carefully:

Part of our crowd control unit deployment is an evidence-gathering team, so that when we make arrests, we can ensure that we have proper documentation. This team was outfitted with a video camera on a pole, which they used to film as much as they could. We also assigned detectives to our crowd control unit, and they were responsible for coordinating all the reports and ensuring the quality of the investigative reports. They didn't go home until those reports were done right. So no one could say, "We don't know why those guys are in jail or who did what," because the detectives were there to make sure that everything was done right.<sup>12</sup>

In Baltimore, there was no clear direction for officers regarding when arrests should be made and who had the authority to make decisions. Without a thorough plan in the Baltimore rioting incident, some commanders were reluctant to allow arrests even in situations where it was necessary, adding to the chaos of the situation. In addition, challenges with the arrestee tracking system and the inability of officers to leave the scene to book suspects made documentation of arrests difficult.

### *New Arrest Policy*

To address these difficulties, a new arrest strategy as described below was implemented, when the arrestee tracking systems malfunctioned. **The new plan took effect on April 28-29 and remained in effect for the remainder of the state of emergency.**

Under Baltimore's new arrest policy, a distinction was made between emergency and non-emergency arrests. For non-emergency arrests, the arresting officer was required first to take a photograph of himself or herself and the arrestee for tracking purposes. Then the arresting officer was required to complete a form detailing the charges, referred to as a "Charge Information" form, and write a statement of probable cause. At this point in the process, the transporting officer took over responsibility for the arrestee, searched the arrestee, and secured the arrestee with a seatbelt in the transport vehicle. The transporting officer checked the "Charge Information" form to ensure it was

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<sup>11</sup> "Managing Major Events: Best Practices from the Field." Police Executive Research Forum, 2011. Page 44. [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf)

<sup>12</sup> Ibid., pp. 7-9.

complete and specifically included information regarding the time and location of the arrest. Following this, the transporting officer was to contact the Command Center with the information before transporting the arrestee to the booking location. For adults, the booking location was the Baltimore Central Booking and Intake Center, and juveniles were sent to the Baltimore City Juvenile Justice Center for booking. If these two locations were not accepting arrestees, they were sent to the Baltimore Police Academy to await further instruction.

Due to the number of personnel needed on the streets during the April unrest in Baltimore, the police response would have been greatly hindered if arresting officers had been required to respond to the booking location. Thus, emergency arrest procedures were established for situations in which the arresting officer is unable to follow the usual protocol. This means that the arresting officer cannot respond to the booking station immediately to type the statement of probable cause and statement of charges.

The decision to implement the emergency arrest procedures was made by field commanders. In an emergency arrest, for the most part, the procedure was identical to that of a non-emergency arrest, with the exception that a team of officers assigned to the booking location wrote the statement of probable cause for the arresting officer, to compensate for the arresting officer's inability to leave the field. This team was comprised of officers on limited-duty whose sole responsibility was to assist in streamlining the arrest process. Doing so allowed the arresting officer to remain on the street. Additionally, to ensure that necessary information was collected in each case, a "fill in the blanks" statement of probable cause was drafted to ensure that all of the critical "who, what, when, where, and why" facts were recorded. This statement was drafted in consultation with BPD's Legal Affairs Section.<sup>13</sup>

### *Criticism of Arrests During April Unrest*

Despite the new arrest procedures put in place, Baltimore's overwhelmed system could not handle the number of individuals brought to the booking locations. Many of those arrested were eventually released without being charged. Those released had been held in jail without being formally charged for the maximum amount of time allowed by law.<sup>14</sup> This time allotment under state law is 24 hours, but Governor Hogan extended this deadline to 48 hours using state of emergency powers. BPD's arrests received a great deal of criticism in the days following the unrest. Maryland's Office of the Public Defender publicly criticized how arrests were handled. A news media statement released on April 29 stated the office's intention to challenge the detention of more than 230 individuals due to the fact that

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<sup>13</sup> The probable cause statement read as follows: On or about [\_\_\_\_], at [\_\_\_\_] in Baltimore City, MD (location) Officer [\_\_\_\_] observed [or was advised by \_\_\_\_] that [\_\_\_\_] ("arrestee" if name unknown) did [\_\_\_\_] (e.g., throw a rock at police, refuse a lawful order to disperse, obstruct the free flow of traffic, etc.).

<sup>14</sup> "About 80 people arrested in Baltimore turmoil freed after time runs out," *The Washington Post*, April 29, 2015. [http://www.washingtonpost.com/local/crime/about-80-people-arrested-in-baltimore-turmoil-freed-after-time-runs-out/2015/04/29/db85e064-eea7-11e4-8666-a1d756d0218e\\_story.html](http://www.washingtonpost.com/local/crime/about-80-people-arrested-in-baltimore-turmoil-freed-after-time-runs-out/2015/04/29/db85e064-eea7-11e4-8666-a1d756d0218e_story.html)

“many [were] held without being notified of any charges against them and without being furnished with a copy of those charges.”<sup>15</sup>

### *Recommendations Regarding Incident Action Plans (IAPs) and Arrest Policies*

**Recommendation:** Upon receiving credible intelligence that a planned event will occur or the possibility exists that a critical incident is occurring or will occur (such as the civil unrest that began on April 25), BPD should immediately designate an Incident Commander to begin planning a response to the incident. The Incident Commander should be clearly identified in the IAP and generally should not change from one person to another during the course of an operation period, absent extenuating circumstances. Personnel should be quickly assigned to key roles defined in the Incident Command System (ICS) to begin formulating Incident Action Plans (IAPs). Completed IAPs should be distributed to all affected personnel as far in advance of any incident as possible. Excluding extreme circumstances, once completed, role assignments should be final. Individuals’ aptitudes should be evaluated prior to an event to avoid switching roles and responsibilities during an active critical incident. This helps avoid the loss of knowledge and experience each individual has as part of his/her assigned role.

**Recommendation:** IAPs should include a standard arrest policy. The arrest policy should include how suspects will receive their charges, how officers will be identified as the arresting officers, how suspects will be transported, and how they will be booked. A plan to ensure that suspects receive official notification of their charges in a timely fashion must be included in the plan.

**Recommendation:** An IAP for a critical incident involving large-scale demonstrations should include guidance on “emergency arrests,” in which large numbers of demonstrators are arrested. Emergency arrests serve to streamline processing and booking of arrestees while ensuring that officers continue to protect demonstrators’ constitutional rights. The guidance should include general principles and examples of situations in which emergency arrests either should be considered or should be avoided. At the same time, the guidance should provide a degree of authority for commanders in the field to make decisions on their own, because rapidly changing conditions may not always allow time for them to check with the Unified Command center. An arrest policy in an IAP also should include whether or not any notifications are to be given, such as warnings to disperse from the area, before arrests may be made. Additionally, guidance regarding the number of warnings to be given prior to an arrest should be provided.

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<sup>15</sup> Public Defender Paul B. DeWolfe, “Baltimore City Bail Issues,” press release, April 29, 2015. [http://www.opd.state.md.us/Portals/0/Downloads/Baltimore\\_City\\_Bail\\_Issues.pdf](http://www.opd.state.md.us/Portals/0/Downloads/Baltimore_City_Bail_Issues.pdf)

# Role of Planning Section for Critical Incidents

According to the BPD, the Police Department's Planning Section's task was to identify the needs of the department to cover the forecasted deployment requests during the period of unrest. This included staffing levels and other resources. Additionally, the Planning Section staff was tasked with adjusting plans to account for any new developments and/or difficulties that arose during the course of the April-May civil unrest.

## *ICS Planning Section Challenges*

As in other areas of the Incident Command System, the days of the unrest in April-May 2015 for many BPD officials were their first experience in their ICS roles. Many of the key individuals who had practiced specific ICS positions were assigned to the Freddie Gray Investigation Task Force, leaving vacancies in key spots in the structure. As a result, individuals who had never practiced a particular role as a prime or as a backup were learning it throughout the unrest.

Such was the case in the Planning Section. Due to the inexperience of the personnel, there were initial challenges.

*Overcrowded Location:* During the unrest, the Planning Section was stationed with Unified Command (BPD's ICS command personnel and representatives from other agencies), located in the Watch Center. The Watch Center is a room located in BPD Headquarters that is used daily for various BPD operations. While having the Planning Section in this room was a good idea in theory, the Command Center was overcrowded, so the Planning Section did not have access to all of the resources and equipment required to fulfill its function. For example, at times the Planning Section did not have access to a network computer, so planning officials had to repeatedly leave the room to gather crucial information such as records of personnel who had been deployed. Vital time was lost in the process that was needed to prepare for the current and imminent needs of the department.

*Staffing:* Based on intelligence, there were indications that protests planned for April 25 would be large and mobile. A Baltimore Orioles baseball game was identified as a potential complication, because approximately 49,000 people were expected to attend the game. On April 20, BPD canceled leave for all personnel to ensure that as many individuals as possible would be available during protests. Officers worked overtime to fully staff the city, resulting in additional personnel expenses of approximately \$7.75 million. Even after taking these steps, the Planning Section experienced difficulty fulfilling all requests for staff resources. During the period of unrest, there were approximately eight other citywide events that required police personnel, including a music festival, a walk for multiple sclerosis fundraising, and several Baltimore Orioles games. Therefore, it was difficult to deploy the preferred number of individuals, as resources were very limited.

*Lines of Communication:* One of the Planning Section's most important responsibilities is to work with the Operations Commander in formulating plans and continually updating them. At first, there was

no consistent or effective communication between the two entities. Eventually, this was resolved through scheduled briefings and tactics meetings. This dialogue is crucial, as Operations Command can inform the Planning Section of what resources they expect to need, and the Planning Section can then develop a plan to address those needs.

*Adapting to Planning Needs:* Another difficulty the Planning Section experienced was planning for upcoming operational needs. At the time of the unrest, the entire department switched to 12-hour shifts. At the beginning of the unrest, the Planning Section staff on duty was responsible for predicting the needs for the next 12-hour shift. Staff found planning on such a short timeframe to be challenging. At the end of their shift, they would still be attempting to plan for the upcoming 12 hours. When the next shift was on duty, at times, planning was still unfinished, leaving the next shift the responsibility of finishing the planning for that time period. Additionally, roll calls and briefings to update incoming staff on any new developments did not always occur. Unsurprisingly, this meant that each shift started behind in planning, and their ability to provide up-to-date information was impeded. Seeing the difficulty in this, the decision was made to plan on a 24-hour cycle. Doing so allowed more time and coordination to go into the planning process. As the week went on, the process worked more smoothly.

*Coordinating with Other Agencies:* The Planning Section also had difficulty coordinating with other agencies in the city. Communication between the Police Department and other agencies, such as utility and trash collection services, is crucial during a time of unrest, as all elements of the city are impacted. For example, coordination with trash collection services can help improve the safety of officers on the front line. The Planning Section can provide information as to where the next confrontations may occur, allowing Public Works to remove potential weapons/flammable materials from flashpoint locations. Many of these agencies have representatives in the Mayor's Office of Emergency Management's Emergency Operations Center (EOC). During critical incidents, the EOC has its own incident command structure to coordinate the city's response during major emergencies.<sup>16</sup>

BPD had a representative at the EOC as well, but the position was not designated in the operational plan. There was also no clear indication how the representative at the EOC would coordinate resources between BPD and other city agencies. When the Office of Emergency Management's EOC is activated, BPD should always have a representative present and the responsibilities of the representative should be clearly spelled out in an IAP, so all personnel are aware.

As seen in the recent unrest, sometimes multiple law enforcement agencies are needed to respond to a critical incident. The involvement of agencies that respond through mutual aid agreements will be addressed later in the report; however, it is important to mention their importance in the planning stage. It is crucial that the Planning Section be aware of all of the mutual aid agencies that may respond, and the personnel and resources that each agency has available. This may involve meeting with mutual aid agencies in the future on a regular, non-emergency basis. The Planning Section should take into consideration the resources each agency has available. Careful consideration should be given

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<sup>16</sup> "Emergency Operations Center," *Mayor's Office of Emergency Management*, Accessed August 25, 2015 <http://emergency.baltimorecity.gov/Programs/EmergencyOperationsCenter.aspx>

to the best manner in which to utilize mutual aid support and how best to integrate other agencies into the BPD response. In Washington, D.C., for example, the Metropolitan Police Department used mutual aid agencies to bolster perimeters during World Bank protests in 2000. Determining ahead of time where mutual aid agencies will be most effective will aid in coordination and help prepare the mutual aid agencies. The planning also will help avoid duplication of BPD resources.

### *Overcoming Challenges*

As the week of unrest progressed, the Planning Section did become more adept at communicating information and planning. A team from the Pennsylvania Emergency Management Agency (PEMA) proved to be an invaluable help to the Planning Section. PEMA recently activated its own incident command in response to a state-wide manhunt for a person who shot two Pennsylvania State Troopers, and it has experience using incident command in other situations.

### *Planning Recommendations*

**Recommendation:** The Planning Section should have a dedicated and equipped space within the Command Center. The Planning Section needs to be located in close proximity to the Operations Commander and Incident Commander during a critical incident.

**Recommendation:** BPD should formalize a plan to have regularly scheduled briefings with the Incident Commander, Planning Section Chief, and Operations Section Chief during a critical incident or large-scale planned event. This can occur at set intervals throughout the event to make sure the Planning Section Chief is able to collect and manage all incident-relevant operational data and update the IAP accordingly.

**Recommendation:** BPD should set plans for 24 hours, breaking them down into 12-hour increments. This allows time to plan far enough in advance to not have to find resources at the last minute.

**Recommendation:** BPD should include other city agencies in the planning phase of a critical event that will require city-wide resources. Coordination and communication with other city agencies should begin prior to any critical incidents, to learn how each agency can assist during various types of incidents. This helps in assigning resources.

**Recommendation:** BPD should continue to designate a command staff member to serve as the BPD representative at the Baltimore City Office of Emergency Management's Emergency Operations Center (EOC) when it is activated. This needs to be written into the IAP so that all personnel are aware of who is representing BPD, the responsibilities of the position, and how information will be shared between Incident Command and the BPD EOC representative.

**Recommendation:** Mutual aid is a key element of planning for a critical incident. BPD should determine the assets of outside agencies and integrate them into BPD's planning. Doing so

**will avoid a duplication of resources and improve the efficiency of operations. (See “Mutual Aid” section of this report for a complete discussion of mutual aid issues and recommendations.)**

## Intelligence Function

Intelligence, as a critical incident system function, was housed under the Planning Section during Baltimore’s civil unrest. Normally based in the Watch Center, BPD’s Analytical Intelligence Section (AIS) filled the role of what should have been the “Intelligence Branch” under ICS. AIS was responsible for providing intelligence to the BPD Incident Commander and responding jurisdictions throughout the period of unrest. During critical incidents, accurate intelligence is crucial in both the planning and response phases. Incident Commanders need to be kept aware of developments in the field as well as any information about future events that might be developing.

### *Challenges Faced by the Analytical Intelligence Section*

AIS very quickly became overwhelmed due to a number of internal and external factors. While the section worked diligently, it faced many challenges that hindered its ability to perform at an optimal level.

*Location Constraints:* During normal operations, the AIS is stationed in the Watch Center. During the unrest, this location was designated as the official Command Center. While the room holds approximately 30 to 40 people, there were up to 100 individuals in the room at any given time during the period of unrest. As a result, the AIS team’s resources were severely restricted, as the number of people in the room impeded the AIS team’s access to its own equipment. AIS was forced to work with significantly fewer resources than usual, which impacted its ability to function.

For example, the team of 10 was restricted to using only two computers to analyze all of the intelligence coming into the Command Center. Noise and confusion added to the difficulty of working in the Command Center. As a result, the analysts had difficulty hearing tips and threats that were being relayed via telephone. Overall, the crowding of the Command Center impeded the ability of AIS to perform basic, yet crucial, tasks.

*Problems with Vetting Intelligence:* As the amount of incoming information increased during the periods of active unrest, analysts found themselves unable to validate the credibility of the intelligence quickly enough for the Incident Commander and those in the field. Therefore, information that had not been fully vetted by analysts was being released. An extreme example of this was the public release of what was believed to be a credible threat against police officers. Information from a confidential informant stated that gang members conspired to assassinate three randomly selected BPD officers on the day of Freddie Gray’s funeral. AIS made the decision to disseminate the intelligence internally. This was done to raise officer awareness internally, as had been the standard practice since the fatal shooting of two NYPD officers in December 2014.

The Media Relations Section then released the information to the public via press release and social media. Because it was later determined that the information about assassination threats was not true, this action was heavily criticized by both the public and the city council, and the decision was blamed for increased tensions between the police and the community.<sup>17</sup>

In an attempt to curb the future release of unverified information, AIS used civilian analysts and intelligence analysts from other areas to assist in the task of vetting information. While the assistance was appreciated, not all of the individuals were trained for this specific task, which limited their helpfulness.

Intelligence that was not vetted during the time of the unrest now needs to be reexamined to determine its credibility – a process that is estimated to take a substantial amount of time. (Even though the unrest has ended, information sent to the department may have a bearing on future events, threats, and/or ongoing investigations. For example, video recorded by the police or from surveillance cameras is being examined to see if any further arrests may be made. Knowing what intelligence was credible is important even after an incident has occurred.)

*Dissemination Challenges:* Dissemination of intelligence was another challenge for AIS, and getting information to detectives on the ground proved difficult. During the unrest, there were many rumors spread around the city during operations. As mentioned previously, analysts in the Command Center did not have the ability to analyze new information and ensure that the information was being correctly passed along to the people who needed the intelligence. Throughout the incident, AIS was sending information to the Command Center. However, it was not always known if the information was disseminated beyond the Command Center. Again, due to the stressful conditions at the Command Center, it was at times easier to disseminate information verbally rather than through email or other methods. As a result, a great deal of intelligence from the critical incident was not documented.

### *Overcoming Challenges*

It should be noted that despite the challenging circumstances in which they had to function, the AIS did improve its response as the week progressed. Additionally, the AIS team utilized methods to gather intelligence almost instantaneously. This included tapping into live television news feeds, tracking social media, and coordinating with Foxtrot, BPD's helicopter. AIS also coordinated with the Baltimore City School Police force. The school police officers were able to provide valuable information and were the first to alert BPD to the potential for violence at Mondawmin Mall.

### *Strengthening Intelligence Partnerships*

The Maryland Coordination and Analysis Center (MCAC) also had a presence in the Command Center during the unrest. MCAC is a fusion center of local, state, and federal agencies that focuses on information-sharing and analysis. Originally founded to focus on anti-terrorism efforts, MCAC now has

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<sup>17</sup> "Baltimore Police rebuked for 'uncorroborated' gang threat report on day of Freddie Gray funeral," *The Baltimore Sun*, June 25, 2015. <http://www.baltimoresun.com/news/maryland/freddie-gray/bs-md-credible-threat-documents-20150625-story.html>

an all-hazards approach in which the mission is defined as “the analysis and dissemination of information in statewide support of law enforcement, public health and welfare, public safety, and homeland security.”<sup>18</sup> Despite similar objectives and a shared location, there was a lack of communication between AIS and MCAC. Generally, MCAC continues to focus on intelligence specific to terror threats, and therefore has a different focus for intelligence gathering. In periods of unrest, however, the MCAC could act as a resource for AIS by sharing any relevant information it receives.

For example, BPD officials noted that during the unrest, some individuals from outside of Baltimore acted as agitators and encouraged confrontations between the public and the police. In the future, MCAC might have information on outside agitators that would benefit AIS. Additionally, analysts from MCAC could help BPD analysts vet information when AIS staff is overburdened.

**Most Maryland law enforcement agencies have sworn personnel assigned to MCAC to serve as liaisons and representatives for their departments. These collaborative relationships between federal, state, and local law enforcement agencies are an integral part of information-sharing. It was learned during the debriefing on July 8, 2015 that BPD’s representative recently retired, and as of September 9, has not been replaced at MCAC. It is important that this position be filled immediately to give BPD access to valuable resources and help coordinate intelligence between BPD and other police departments.**

### *Moving Forward*

While the AIS was offered free software during the period of unrest that would have helped intelligence gathering and dissemination, it could not be used at that time because implementing and training on new software during the unrest was unrealistic given the circumstances. Moving forward, however, it could be beneficial to determine if there is other software available that would be more effective during a critical incident than what is currently being used by the department.

One of the biggest challenges AIS faced was the utilization of its space at the Command Center. This choice of location hurt other areas of BPD’s response as well. Steps are already being taken within BPD to address the issue of overcrowding. A larger space has been identified as the primary location for the Command Center in any future events. Doing so will alleviate many of the issues the AIS faced and will allow it to perform more effectively in the future.

### *Recommendations Regarding the Analytical Intelligence Section (AIS)*

**Recommendation: According to the Federal Emergency Management Agency, Emergency Management Institute, ICS allows for agencies to exercise flexibility when designating the section to which the intelligence branch should be assigned.<sup>19</sup> In situations where**

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<sup>18</sup> “Our Mission,” Maryland Coordination and Analysis Center.  
[http://www.mcac.maryland.gov/about\\_mcac/our\\_mission/](http://www.mcac.maryland.gov/about_mcac/our_mission/)

<sup>19</sup> “ICS Review Material, Incident Command System.” 2008.  
<http://training.fema.gov/emiweb/is/icsresource/assets/reviewmaterials.pdf>

intelligence information needs to be linked to investigations and operational tactics, ICS deems it appropriate for intelligence units to fall under the Operations Section instead of the traditional location under the Planning Section. For incidents such as the civil unrest in Baltimore, where coordination and linkage of intelligence information to operational tactics and investigations is necessary, BPD should designate the AIS to serve under the Operations Section. The Operations Section Chief would then be accountable for the dissemination of all intelligence information deemed pertinent to the incident and critical to tactics. BPD should also use the terminology recommended by NIMS when assigning personnel to an ICS function.

**Recommendation:** Restrict access to the Command Center to those with a designated leadership role in ICS. This will make the area less crowded and improve the effectiveness of each section of ICS. BPD should ensure that AIS has enough space and resources to properly receive and vet intelligence during critical incidents.

**Recommendation:** BPD should vet all intelligence information to ensure that high-priority information, such as information pertaining to officer safety or potential violent criminal activity, is credible. Credible intelligence should be quickly disseminated to all relevant personnel. The implications of decisions to release any intelligence information to the public should be carefully considered.

**Recommendation:** Intelligence analysts from outside agencies should be utilized to bolster AIS staff and to assist in vetting and disseminating intelligence and tips.

**Recommendation:** BPD should review current intelligence software and consider new software options for dissemination of information. If new software is identified, analysts should receive initial training, and periodic refresher courses, to ensure readiness if a critical incident occurs.

**Recommendation:** BPD should have an adequate number of intelligence officers stationed in the field during a critical incident to verify information being received. Doing so will open up a more direct line of communication and ensure that the correct information is being disseminated properly.

**Recommendation:** Hold daily briefings during a critical incident to disseminate intelligence throughout the command structure and to outside agencies. This would help the AIS to efficiently disseminate initial information to personnel and mutual aid agencies, and ensure that everyone starts the day on the same page.

**Recommendation:** AIS and MCAC should work towards fostering a more collaborative relationship to reinforce the sharing of information. Currently the two groups do not participate in meetings on a consistent basis.

**Recommendation:** Immediately fill the position of BPD representative to MCAC that was recently vacated due to a retirement.

# Weaknesses in BPD's Incident Command, Control and Communications to the Field

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*This section expands on the previous section, focusing on weaknesses in BPD's response to the demonstrations and rioting stemming from a lack of clarity in the department's use of the Incident Command System and ineffective communications between the Command Center and officers in the field.*

Incident command, control and communications to the field are critical to any incident response. In responding to the civil unrest in April, BPD was quick to set up a command structure, but was challenged by many individuals' lack of familiarity with that command structure. PERF's interviews revealed that many supervisors were unclear about whether decisions should be made in the field or in the command center, and many officers at all levels were not familiar with the Incident Command System. There was no clear direction on "rules of engagement" that would have afforded field supervisors the ability to make decisions on their own. Many supervisors requested decisions from the Command Center, only to be told to "stand by," and never received a decision.

## Incident Command Setup

The Watch Center on the 9<sup>th</sup> floor of BPD headquarters was set up as the Command Center during the civil unrest. The Command Center included representatives from each Incident Command System section, other city agencies, and mutual aid agencies.

The Watch Center is usually occupied by the Analytical Intelligence Section (AIS), which was displaced during the unrest. As mentioned earlier in this report, the AIS was left with only two workstations for approximately 10 analysts, limiting their ability to collect intelligence during the civil unrest. While it may be necessary to use the Watch Center as the Command Center because it is the best available location, plans should be put in place to allow those displaced to continue their essential work with minimal disruption. People who worked in the Command Center described the room as "chaotic" and "distracting," and said there were many people in the room who wanted to be involved but were not vital to operations. The Watch Center is designed to accommodate 30 to 40 people, but by some estimates, it held as many as 100 people while it was being used as the Command Center. BPD should decide in advance which people and/or roles will be needed in the Command Center and should limit access to the room to those individuals. An auxiliary room could be established nearby for those who may not be needed in the Command Center all the time, but may need to be called upon.

### *Recommendations Pertaining to Setting Up Unified Command*

**Recommendation:** Place clear limits on who should be admitted into the Command Center, to allow only personnel designated in critical positions under the Incident Command System. For example, the Incident Command, Command Staff, General Staff, and Unified Command

**Representatives would be authorized to be in the Command Center. A security officer can be designated to keep a list of who has authorization to be in the Center, and can direct all other personnel to an auxiliary room.**

**Recommendation: Plan alternate workspaces for those displaced by the Command Center. AIS analysts in particular will need adequate space and resources to continue to receive intelligence so they can properly vet all information. They should be in an area where they can work closely with the Operations Section Chief to ensure the dissemination of appropriate intelligence.**

## Incident Command System

As mentioned earlier in this report, the Incident Command System (ICS) is a standardized approach to emergency management and response that is part of FEMA's National Incident Management System (NIMS). Originally developed for fire departments, it is now the standard model for police, fire, and other emergency managers to use when responding to temporary emergency situations.

The Baltimore Police Department attempted to implement ICS during the April unrest, but the agency was inexperienced with the system. Some key individuals within BPD's ICS structure were pulled away to be part of the team investigating the death of Freddie Gray, leaving their roles to be filled by individuals who weren't familiar with the responsibilities of those ICS positions. And the department had not done regular, hands-on training with ICS, so many were learning or relearning their responsibilities on the fly.

Today, BPD officials are undergoing much more robust ICS training, including position-specific training. The position-specific training should greatly improve the ICS Operations, Planning, and Logistics capabilities of the Department with a cadre of trained officers. The Baltimore Office of Emergency Management (OEM) secured funding and is hosting ICS training for several BPD officials in conjunction with an outside consulting firm. This series of trainings began in August 2015 and is expected to conclude in November. Upcoming trainings are in the areas of All Hazards Incident Management; Emergency Operations Center (EOC) and ICS Interface; Planning; Logistics and Resources.

OEM and BPD have also used the occasion of pretrial motions in the Freddie Gray trial to conduct full-scale drill exercises of its command and operational elements. Based on the lessons learned from these two pre-trial events, they will be developing a more comprehensive exercise to be held in October 2015.

BPD also created an 8-hour course on basic civil disturbance tactics and has administered the training to nearly the entire department. And BPD is taking advantage of several opportunities for multi-agency training with the Maryland State Police, Maryland National Guard, and several local law enforcement agencies.

## Recommendations Regarding ICS

**Recommendation:** BPD should continue to train members of the command staff in position-specific ICS training. All members of the BPD command staff should receive general training on the Incident Command System and specific training on specialized roles within the ICS. Multiple people should be trained for each specialized role, so that there is someone else with expertise if the primary person in that role is not available.

**Recommendation:** BPD should identify mid-level and first-line supervisors (sergeants and lieutenants) with the potential to serve in critical ICS roles in the future, and should assign them to support command staff currently serving in critical ICS roles. BPD should give high-performing future leaders in the department opportunities to serve as support to the Incident Commander or Section Chiefs under the ICS structure. This will give mid-level and first-line supervisors exposure to ICS and the decision-making process during critical incidents. These supervisors will be better prepared to fill these essential roles in the future.

## Decision-Making

BPD officials interviewed by PERF said that many on-the-ground commanders were unsure about making decisions without checking in with supervisors at the Command Center first. This was not true of all commanders, but was a fairly common problem. Checking in prior to making decisions slowed the department's reaction time when the situation on the ground was changing rapidly and quick decisions were needed.

One example of this was in the use of protective equipment. BPD leaders instructed officers and supervisors to initially use a softer approach with demonstrators, to avoid appearing too "militarized." This guidance is in line with national best practices, because deployment of heavy, militaristic-appearing equipment at a major demonstration can inadvertently send a message to demonstrators that the police are expecting violence, and that can turn that into a self-fulfilling prophesy. Leading police chiefs recommend that protective gear, equipment and vehicles be kept nearby the scene of demonstrations so that it can be deployed promptly if necessary, but ideally it should be kept out of the sight of demonstrators as long as *the demonstration remains peaceful*.<sup>20</sup>

During the unrest in Baltimore, however, supervisors received guidance to avoid appearances of a "militarized" police force, but many supervisors did not feel comfortable transitioning their officers to heavier-duty protective equipment when the demonstrators turned violent, because they thought it would be going against the wishes of department leaders. The lack of guidance about when and how

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<sup>20</sup> See, for example, "Defining Moments for Police Chiefs." Police Executive Research Forum, 2015. "' Militarization' of the Police," pp. 17-24. <http://www.policeforum.org/assets/definingmoments.pdf>. See also "Managing Major Events: Best Practices from the Field," Police Executive Research Forum, 2011. [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf)

supervisors on the ground could transition away from the initial approach outlined by department leaders led BPD to be slow to outfit officers with the protective equipment that the situation required.

Similar issues occurred in making decisions about arrests and the deployment of less-lethal weapons, such as chemical munitions and bean bag projectiles. Some supervisors seemed unclear about whether they needed to check with the Command Center before making arrests. When in doubt, supervisors tended to err on the side of checking in to seek guidance on overall department policy. This was not the case with all supervisors, but it was a repeated issue.

Prior to an incident, BPD leaders should provide clear guidelines about the situations under which they expect certain levels of force to be used and in what situations arrests would be appropriate. Well-trained commanders in the field should be empowered to make decisions about the actions of the officers under their command using those guidelines. This will allow commanders to quickly respond when conditions change. The Command Center should inform commanders on the ground when they have breaking information, such as helicopter views of a situation or intelligence from social media, that may impact the decision-making of commanders on the ground.

### *Confusion about Definitions of Orders*

The conditions facing BPD officers during the civil unrest were often chaotic and violent. One factor contributing to the confusion was a lack of clarity about orders being given by BPD commanders.

PERF was told of rumors that officers were ordered by commanders to “stand down.” However, the issuance of such an order could not be substantiated through PERF interviews with BPD personnel. Several patrol officers said that they were told “not to engage” with the protesters, or to “stand-by.” The officers said they interpreted these orders to mean “stand down.” Other personnel interviewed said they heard orders to “hold the line.” This order was said to be given by different commanders and at one point was given by a supervisor over the police radio.<sup>21</sup>

There can be different interpretations of orders when officers are not trained on their specific meanings. If officers are not trained in these terms and taught specific definitions, the result can be delays and confusion in responding to a critical incident. For example, if BPD commanders giving orders to “hold the line” intended to keep a crowd from penetrating the line and moving to new areas, that would be acceptable. However, patrol officers interviewed by PERF felt the term “hold the line” was also being used to tell officers not to engage with unruly crowds.

In those situations, some of the officers believed they should have been able to break the line to make arrests of individual committing criminal acts. However, telling officers who are not properly equipped and trained for the situation not to engage with violent protestors may have been the proper thing to do, to protect those officers from being hurt. And in cases where this was in fact the situation, commanders should be commended for not allowing their officers to go into the affray unprotected.

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<sup>21</sup> “Just-Released Radio Calls Show Cries For Help During Baltimore Riot.” CBS Baltimore, July 20, 2015. <http://baltimore.cbslocal.com/2015/07/20/just-released-radio-calls-show-cries-for-help-during-baltimore-riot/>

However, in cases where officers were fully equipped and prepared to arrest violent agitators committing criminal acts, not allowing them to engage should not have been a universal command.

The lack of clarity about the meanings of the orders that were given added to the sense of confusion in the BPD response. This also is an example of the importance of allowing commanders in the field to make decisions as the incident evolves, and not having all decisions come from the Command Center.

It is imperative that BPD train all personnel on the specific definitions of orders that may be given during civil disturbances or other large-scale events to reduce miscommunications in the future. And because critical incidents may occur infrequently, commanders and supervisors should strive to use simple, clear, memorable language regarding the direction they are giving.

### *Recommendations for Enhanced Decision-Making*

**Recommendation:** BPD needs to ensure that strategies are clear to supervisors on the ground so that supervisors feel empowered to make immediate decisions as events unfold. This includes decisions about equipment, arrests, and the deployment of less-lethal weapons. The IAP should include information on how changes to any priorities or direction will be communicated effectively, so that all personnel will understand how new orders will be given to them.

**Recommendation:** As part of the Incident Command System process, officers should be given specific definitions of terminology for orders that they may be given during civil unrest and other types of incidents.

## Communications to the Field

BPD reported that as the situation evolved on April 25 and 27, there were times when demonstrators would split up, creating separate incidents, but BPD was still operating on a single radio channel. Eventually this was worked out by assigning multiple channels, but BPD should plan for this issue so it can be addressed quickly. A plan should be developed in advance for separate radio channels, using a general point person for certain communications.

There was also difficulty communicating with outside agencies that were assisting under mutual-aid agreements. Some outside agencies were unable to get the BPD radio channel on their radios. Some officers from outside agencies were given BPD personnel to work with them, and others were not. This situation also created a challenge for agencies to communicate with each other, which needs to be remedied. As part of the Communications plan, directions for interoperability of radios between BPD and outside agencies should be included and shared with the outside agencies. BPD personnel should be assigned with each outside agency to make sure the agency can communicate and is able to move around Baltimore City with little difficulty.

During the civil unrest, officers from mutual-aid agencies were unfamiliar with the radio codes used by BPD. Some BPD officers continued using their own radio codes, confusing officers from mutual aid agencies. For example, in some Maryland agencies “10-32” means “man with a gun,” but in Baltimore it means “sufficient units on the scene.” Under ICS, officers are supposed to abandon the “10 codes” and speak in plain language.

### *Recommendations for Improving Communications*

**Recommendation:** Assign multiple radio channels to various parts of the critical event. For example, all requests for logistics should be completed on a separate radio channel from the main channel being used to communicate about on the incident. The Traffic Unit should also be on a separate channel. This frees up the main incident channel for critical communications. A contingency radio channel should also be designated for the possibility that multiple incidents occur in different areas of the city.

**Recommendation:** Include an interoperability plan into the Communications portion of the Incident Action Plan, so outside agencies will know how to properly communicate with BPD. A BPD liaison should be designated to each outside agency to assist with communications and moving about the city.

**Recommendation:** During a critical incident, officers should follow NIMS guidelines and speak in plain language over the radio. Using BPD radio codes could confuse officers from mutual-aid agencies.

# Logistics Section

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Under the Incident Command System, the Logistics Section is responsible for coordinating needed resources throughout the course of the incident. The Logistics Section is tasked with ensuring that supplies are sent where they are needed and that anything that is not readily available is acquired as quickly as possible. Challenges in distributing equipment, food and water to officers can have a negative impact on officer morale, confidence, and safety during a critical incident.

## *Supplying the Front Lines*

One of the major responsibilities that fell to the Logistics Section was ensuring that the officers on the front lines received food and water on a regular basis. With thousands of officers deployed throughout the city, the Logistics Section needed to find a way to acquire enough meals to feed everyone and to coordinate delivery of the meals. BPD purchased a considerable quantity of food and water, and many organizations donated supplies to the police department.

While food and water was critical during the unrest, the Logistics Section also worked with the Mayor's Office of Emergency Management, the City's Purchasing Department, and BPD's Fiscal Services Unit to order other crucial supplies. For example, needed supplies included trash cans, tow trucks, generator fuel, dumpsters, bike racks, portable toilets, refrigerated trucks, and golf carts for transporting supplies. The Logistics Section also played a large role in acquiring the large amounts of needed equipment as discussed in the Equipment chapter. In total, BPD spent approximately \$2.3 million during the civil unrest to procure needed equipment, supplies, and food and water.

## *Transporting and Distributing Supplies*

Once supplies were procured, they needed to be transported throughout the city and distributed to officers on the front lines. To do so, the Logistics Section coordinated the transportation of supplies from the various delivery locations to the officers using rented passenger vans, cargo vans, and buses from the Department of Corrections, MTA buses, and other vehicles. As mentioned in the Equipment chapter, distribution of equipment and supplies was difficult at times. One of the main challenges was the difficulty in tracking the supplies as they were distributed and maintaining a record of who received which supplies. Supplies were tracked manually on a form introduced to the Section by the Pennsylvania Emergency Management Agency (PEMA). While the distribution process grew more efficient as the week progressed, it caused confusion in the early stages of the unrest.

## *Resource Challenges*

Like other BPD components, the Logistics Section was stationed with Unified Incident Command in the Command Center. In this location, the Logistics Section experienced many of the same issues that other elements operating out of the Command Center faced. For example, the Logistics Section did not have access to a network computer in the Command Center. As a result, their ability to operate effectively was extremely constrained. Other key sections, such as the Planning Section, also had to

operate without adequate computers. During a critical incident, information needs to be accessed and disseminated as soon as possible. Without access to computers, sections were forced to find other methods of obtaining information.

### *Staffing Challenges*

Despite the numerous tasks assigned to the Logistics Section, at the beginning of the unrest the section experienced numerous staffing issues. A small number of personnel were assigned to the section at the beginning of the unrest. At multiple points during the unrest, personnel were pulled from the already understaffed Logistics Section to complete various other tasks, without being replaced in Logistics. Exacerbating the situation, food and equipment were delivered to various locations throughout the city further stretching the thin staff. Supplies were delivered to the War Memorial, the Professional Development and Training Academy, the loading dock at BPD Headquarters, the Armory, the Motor Pool, the lobby of BPD Headquarters, the atrium of the BPD Headquarters, the Quartermaster, and the Frederick Street entrance to BPD Headquarters. With such a small staff, it was difficult to manage the supplies at all of the locations.

### *Help from Assisting Agencies*

The Logistics Section received a great deal of support and guidance from other agencies that responded to the unrest in Baltimore. The Mayor's Office of Emergency Management (OEM) and the Pennsylvania Emergency Management Agency (PEMA) provided invaluable assistance to the Logistics Section. OEM conveyed the need for more staffing in the Logistics Section and resulted in BPD lieutenants being assigned as Logistics Section branch managers, along with an additional 40 personnel assigned to the section. The increased staffing enabled the section to work more efficiently. PEMA provided guidance on the operations of the Logistics Section within the ICS model and assisted in the development of a recording process to track the fulfillment of requests from the field. These and other agencies were crucial in helping the Logistics Section improve the response over the course of the unrest.

### *Logistics Recommendations*

**Recommendation:** BPD should ensure that the Logistics Section is equipped with enough resources and manpower to manage a critical incident. It is important that the section is given these resources at the *beginning* of an incident. In particular, the section should have access to computers and should have a dedicated workspace near the Command Center.

**Recommendation:** BPD should provide each ICS Commander with a laptop or tablet to allow them to be mobile as needed and to more efficiently perform their responsibilities during a critical incident and communicate effectively about their needs with the Logistics Section.

**Recommendation:** BPD should develop a plan for the distribution of equipment and supplies with other city agencies prior to a critical incident. There should be a plan in place that can be implemented quickly and efficiently.

# Equipment

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Proper equipment is a necessity in everyday policing and is especially important in a crisis. Lack of equipment during the rioting in Baltimore compromised the BPD's response in a number of areas. Officers were unable to protect themselves or effectively disperse rioters and quell the civil unrest. At the start of the protests, the only civil disturbance equipment available to the majority of BPD officers was helmets. Even this equipment was difficult to retrieve, as the helmets were stored in locations throughout the city that were difficult to access once the incident began. Equipment was located in lockers at the officers' district stations and at the Professional Development and Training Academy, the Quartermaster, and Headquarters. Some officers recounted "raiding" the Training Academy in an effort to find batons and other equipment to use in the field.

Overwhelmingly, officers stated that they felt exposed and unprepared as a direct result of the lack of proper riot equipment. Approximately 155 officers were injured during this event, according to BPD, and many of the officers blamed the insufficient equipment as a contributing factor.

## *Existing Equipment Was Insufficient for Riot Situations*

In the initial stages of planning, it was believed that the protests scheduled for April 25 would remain peaceful. Therefore, officers were instructed to wear their regular-duty uniforms, with extra equipment limited to helmets and batons. Some of the officers also had shields; however, there were not enough shields to equip all of the patrol officers at this time. While all BPD officers did have helmets prior to the unrest, it was found that the helmets cracked as they were being used. Existing BPD shields also cracked in the field. When the protests turned violent, it was soon clear that the helmets and shields did not offer the needed level of protection.

Additionally, BPD officers did not have more advanced riot equipment available to them. Riot gear typically includes protective suits, commonly referred to as "turtle gear," and gas masks. BPD did not have the protective suits, and the gas masks contained expired filters and a large number were deemed unusable. Currently, BPD is in the process of outfitting officers with new equipment that includes better helmets and riot gear. At the time of the unrest, however, BPD lacked the needed equipment.

## *Obstacles to Procuring New Equipment*

When the need for better equipment became immediately apparent, officials made efforts to correct this almost instantaneously. A large amount of equipment for the officers was acquired within a very short timeframe and included shields, riot batons, riot suits, and new helmets. Unfortunately, the rapid procurement of equipment did not always result in better protection for the officers. Attempts to order new shields, for example, began on April 27 and initial orders were placed and delivered on April 28. Due to the immediate need for a large amount of equipment, however, what was readily available was not the preferred equipment. When only 200 of the desired shields were available for immediate

purchase, the decision was made to acquire 1,000 different shields that could be delivered that same night. The shields that were delivered were not as thick or as durable as was desired. Ultimately, the newly acquired shields did not fully protect officers during the unrest. When bricks and cement were thrown at the officers, many of the shields cracked, leaving officers vulnerable to injuries.

The immediate need for equipment presented other procurement issues as well. In order to obtain the quantity of equipment needed to outfit all of the BPD officers in the field, products from various manufacturers were purchased. As a result, not everyone had the same version of the equipment. Officers reported difficulty in the field utilizing the new equipment as some of the different versions did not fit together. Moving forward, BPD officials said they are working to purchase equipment that will integrate effectively with what has already been purchased.

### *Challenges Distributing New Equipment*

Distribution of the newly acquired equipment and other resources also proved difficult, a task that, as mentioned previously, fell to the Logistics Section. One of the most challenging aspects of distribution was tracking the equipment that was going to the officers within the field. Due to the urgent need for equipment, it was often sent into the field in a confusing manner. For example, at one point an e-mail stating that gas masks were available for pick up at the Training Academy was accidentally sent to the entire department, which resulted in the Logistics Section's inability to track which officers received the masks, an inability to match masks with corresponding helmets that fit together, and an inability to prioritize which officers needed gas masks first to respond to the field. In response, officers arrived almost immediately at the training academy, and they ended up collecting other equipment that had been delivered to the training academy but was not ready to be distributed, such as protective "turtle gear." Mistakes such as this impeded the ability of the Logistics Section to distribute equipment in an orderly manner and to account for the equipment.

Another complication in distributing equipment was the comingling of equipment between BPD and mutual aid agencies. In the field, officers, regardless of their department, often swapped equipment in an effort to ensure that everyone had as much protection as possible under the circumstances. When the newly ordered equipment arrived, it often became mixed with old equipment. Officers were also instructed not to put their personal identification number on the new equipment they received in the field. While command staff explained that this is a standard practice within the department, some of the officers felt they should be allowed to keep their equipment in preparation for any future unrest.

### *Utilization of Less-Lethal Munitions and Equipment*

In addition to protective gear, many patrol officers felt there was a lack of less-lethal munitions and equipment, such as pepper balls, smoke, and tear gas. At the time of the unrest, BPD did not have as much access to this equipment, compared to what was available to officers from the mutual aid agencies. In the past, BPD Special Enforcement Section teams were equipped with some less-lethal munitions, but those teams were no longer active. In the officers' perspective, it was the less-lethal munitions equipment that was the most effective tool in quelling the rioting. Following the unrest, BPD

purchased less-lethal munitions and equipment after consultation with mutual-aid agencies that had more experience with that type of equipment.

### *Training on Equipment*

It is important to note that, regardless of its quality, equipment is useful only if officers have been trained regarding how and when to use it. Training on the purpose and use of riot equipment is crucial and cannot occur in the midst of a critical incident. As will be discussed in the chapter on training, many BPD officers felt that their training for civil unrest and mass demonstrations was inadequate. They expressed similar views regarding their training on equipment. Best practices suggest that “[t]raining should include both a review of the use-of-force policy and a hands-on demonstration of officer proficiency. Specialized tools such as long batons and riot shields will require regular training to ensure officer proficiency....”<sup>22</sup> Now that BPD has purchased less-lethal munitions, it is important that officers be trained on their use.

### *Using Equipment in the Field*

Another complaint officers had in terms of equipment was their inability to use the equipment they did have. In an effort to avoid increased tensions, during the initial peaceful protests, officers were told to report in their regular uniforms and to not wear gloves or helmets, taking a “soft gear” approach. Officers were, however, allowed to keep their helmets on their utility belts. When the April protests turned violent, orders about the use of more protective equipment were unclear. Commanders were hesitant to stray from the initial order of staying in soft gear, and many officers reported being told they could not put their helmets on for protection. Many officers expressed anger over this point and felt that their safety was compromised.

Avoiding the use of full riot gear at the beginning of an incident is a common strategy and widely regarded as a best practice. Many departments deploy the majority of their officers in soft gear on the front lines. If needed, a contingent of officers remains nearby, but out of sight, with heavier equipment in case the situation escalates.<sup>23</sup>

BPD officials recognized that the lack of equipment during the civil unrest led to officers being unprotected and unable to effectively remove and quell rioters. They have since made the decision to outfit all BPD officers with full riot gear. Other departments prefer to outfit a smaller number of officers. In these departments, a select number of officers undergo more intensive training in crowd facilitation tactics. In Chicago, for example, approximately a third of the police department is trained in Mobile Field

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<sup>22</sup>“Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches.” Police Executive Research Forum, 2006. Page 58.  
[http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf)

<sup>23</sup> “Managing Major Events: Best Practices from the Field.” Police Executive Research Forum, 2011. Pp. 4-5, 7-8, 31-34. [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf)

Force at two different levels. At the first level, both the tactical teams and the second line of defense use full riot equipment. At the second level, the rest of the force in the field uses standard crowd control equipment. Ultimately, the decision to equip the entire department versus a more select number of officers should be made carefully and in keeping with the objectives and values of the department.

Deploying in full riot gear can escalate tensions and has the potential to stifle free speech if it causes a peaceful demonstration to shift toward violence. As explained by Retired Boston Superintendent-in-Chief Daniel Linskey at a national conference of police officials, “Once the turtle gear comes out, it puts the crowd in the mindset that there’s going to be a fight, and then everyone gathers around to either participate or watch the fight.”<sup>24</sup>

However, in preparing for a major demonstration, it is important to communicate the reasoning behind orders to patrol officers on the line. Commanders need to be mindful of the balance between avoiding the perception that police expect violence, while also preparing officers for any eventuality. If a situation escalates and officer safety becomes an issue, the need for more protective gear should be reassessed continually. Commanders on the ground need to be constantly aware of the situation as it evolves and should be able to communicate to their officers the need for more or less equipment.

**While the overall strategy to guide the use of equipment in the field should be developed by the Incident Commander, the ultimate decision for its use should be made by commanders in the field who are close to the events that are unfolding and are better able to make time-sensitive decisions.**

### *Assistance from Mutual aid Agencies Regarding Equipment*

With the arrival of mutual aid agencies, much needed relief was brought to BPD officers, along with more equipment. This also added to the complexity of the situation. Many responding agencies brought equipment that included full riot gear and less-lethal munitions and equipment, including gas used for crowd control purposes. At times, the ability of mutual aid agencies to use their equipment was limited. For example, often gas could not be utilized to disperse crowds, because BPD officers did not have functioning gas masks.

### *Resolving Decision-Making Issues over Equipment*

During the unrest, questions also arose as to whether BPD’s orders to their officers regarding the use of equipment applied to the mutual aid agencies. Many of the officers from mutual aid agencies elected to wear their full riot gear, even though BPD officers were still being told not to use helmets and shields. Additionally, as BPD did not have less-lethal munitions at the time, it was unclear as to whether the agencies that did have this equipment could deploy it.

Some mutual aid agencies deployed their less-lethal equipment even when BPD officers were told to not engage. Ultimately, these actions were beneficial in dispersing the crowds that had gathered.

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<sup>24</sup> Ibid., p. 12.

All of these questions point to the larger need to resolve the command and control structure between BPD and mutual aid agencies in the future. Further discussion on this topic is included in the next section of this report, on Mutual Aid. Prior to any future events, there should be more clarity regarding who is directing the mutual aid agencies to avoid confusion in the field.

### *Moving Forward*

Currently, BPD is working to resolve the various equipment issues before any future need for their use. This equipment being procured and distributed to officers includes new helmets and shields, gas masks and filters, batons, and "turtle gear" suits.

### *Equipment Recommendations*

**Recommendation:** BPD should develop policy requiring the periodic inspection of civil disturbance equipment. Any defective, worn, or destroyed equipment should be replaced. When planning for civil disturbances, officers should be required to have their civil disturbance equipment readily accessible at all times. This should be stated in the Incident Action Plan.

**Recommendation:** The Logistics Section should develop a standardized distribution plan. Direction for personnel to pick up supplies and equipment should come only from the Logistics Section Chief. This reduces confusion by ensuring that only one message is given. It should also greatly improve tracking of equipment and resources.

**Recommendation:** Policy regarding the use of riot gear and equipment should provide guidance for continual consideration of escalation and de-escalation based on the circumstances. Doing so provides clear guidance to field commanders and protects community members and police officers.

**Recommendation:** BPD should clearly state who can authorize the deployment of tear gas. Other agencies vary in whether the chief executive is the only one with this authority, or if commanders in the field can make the decision using guidelines from command. BPD should consider these options and make clear who has this authority.

**Recommendation:** Prior to a critical incident, there should be a clear chain of command between BPD and mutual aid agencies. BPD should inquire about and document the assets of outside agencies. BPD should develop a plan regarding how mutual aid agencies can be of greatest assistance. (See additional discussion in the next section.)

**Recommendation:** Additionally, BPD and all mutual aid agencies should discuss guidelines on how equipment should be used, prior to deployment. Individual decisions, however, should be made by commanders in the field, based on the priorities and direction of the Incident Commander as specified in the Incident Action Plan.

# Mutual Aid

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## Request for Mutual Aid

Following the death of Freddie Gray, intelligence indicated that the potential for demonstrations to turn violent increased dramatically and would tax BPD's resources beyond capacity. Although there was very little time to plan in comparison to large-scale planned events that had previously occurred in Baltimore, BPD sent out a request for mutual aid resources (both officers and equipment) to the following neighboring agencies on April 23:

- Anne Arundel County Police Department
- Baltimore City School Police
- Baltimore City Sheriff's Office
- Baltimore County Police Department
- Howard County Police Department
- Maryland State Police
- Maryland Transit Authority Police
- Maryland Transportation Authority Police
- Montgomery County Police Department
- Prince George's County Police Department

### *Information Given to Outside Agencies*

All of the agencies listed above sent representatives to a meeting that BPD convened on April 24. Topics of discussion included: the general size and locations of anticipated demonstrations; intelligence indicating a demonstration of approximately 10,000 people on Saturday, April 25; subsequent demonstrations of unknown size for the foreseeable future; anticipated rally points for demonstrations; the presence of highly mobile crowds likely to splinter; and the potential for conflicts with the scheduled April 25 Baltimore Orioles game. At this meeting, BPD requested a total of 1,000 additional officers to assist in responding to the large-scale demonstration likely to occur on April 25.

BPD also discussed its plan for crowd control tactics. BPD informed the regional law enforcement agencies that it planned to operate under an Incident Command System format from the Watch Center on the 9<sup>th</sup> Floor of Police Headquarters. From this Command Center, BPD would analyze intelligence, visually monitor situations on the ground, and stream live feeds from its Aviation Unit helicopter ("Foxtrot").

BPD also discussed terminologies with regional partners to get all agencies on the same page. For example, in BPD terminology, one platoon is comprised of one lieutenant, three sergeants, and 21

officers. At the conclusion of the meeting, outside agencies agreed to commit officers and other resources to assist BPD with the April 25 scheduled demonstrations.

BPD's Operations Plan— memorialized in a memo distributed on April 24—had a listed role for each of the agencies that attended the meeting. The plan was to use mutual aid mostly in a reserve status, to reinforce protection of potential demonstration sites, such as the Clarence M. Mitchell Jr. courthouse, City Hall, Police Headquarters, and other critical infrastructure sites. Some jurisdictions with more advanced Mobile Field Force (MFF) experience were also slated to supplement BPD in mobile march routes.

**However, the BPD Operations Plan, unlike a full-fledged Incident Action Plan, lacked detail in several areas, including the assignment of roles and responsibilities to mutual aid departments. As events played out, many of the agencies that had been assigned a secondary, “reserve” role ended up engaging more actively, deploying less-lethal devices, and responding on the front lines of clashes between rioters and police.**

### *Having a Clear Vision for Outside Agencies Is Important*

While the discussions at the April 24 meeting were important, one of the recommendations that emerged from PERF's July 8 debriefing session was the importance of having a clear vision of what role mutual aid agencies should play.

There are different models for how jurisdictions integrate external agencies during large-scale events. In the District of Columbia, for example, where the Metropolitan Police Department (MPD) and other agencies have managed many large demonstrations, the MPD takes the lead on engagements and potential arrests, and uses mutual aid agencies to fortify perimeters.

In another model, all mutual aid agencies are assessed for their strengths in Mobile Field Force capabilities and less-lethal equipment, and roles are tailored to each agency's strengths. This second model has potential for mutual aid agencies to take a more active role. Several BPD officials expressed preference for this model, due to neighboring jurisdictions' stronger experience with less-lethal munitions and advanced MFF.

Regardless of which way a lead agency chooses, it should create an Incident Action Plan with a clear vision for the role of outside agencies, developed in the planning stages of a critical incident. That vision should be clearly communicated to outside agencies offering assistance.

### *Pre-Deployment Briefings Are a Best Practice*

A best practice that BPD should adopt is to have an in-depth pre-deployment briefing to ensure that all agencies have the same understanding of key issues. Specific questions that should be answered are: How will police distinguish between peaceful demonstrators exercising their constitutional rights and those who want to engage in violent actions? What will be the overall vision for preventing violence, preventing lone incidents of lawlessness from spreading, and maintaining the peacefulness of the demonstration? What is the use-of-force policy under which all agencies will operate?

Pre-deployment briefings should also aim to communicate a clear operating methodology that will improve overall capabilities. BPD should conduct a full capability assessment of each responding agency to understand its equipment and skill levels. Some agencies may have limitations on their ability to assist or may only be able to help at certain times. Pre-deployment briefings give outside agencies an opportunity to communicate their expectations, including any assignments with which they may not be comfortable. Establishing common terminologies also is a high priority before deployment of mutual aid. As an example, while some jurisdiction may consider a Mobile Field Force team to be a mobile platoon, others consider it to be a specially trained unit. Some agencies may call such units a tactical team, an MFF unit, or another term. Pre-deployment planning sessions to clarify expectations are crucial for seamlessly integrating outside agencies.

The Baltimore Police Department should also aim to specify its requests for mutual aid assistance as much as possible. The department should aim to accurately convey the severity of the situation and requisite equipment and skill levels requested from assisting officers. In sending out requests for officers, providing details beyond the number of officers can greatly help improve overall capabilities of the operation. For example, rather than asking just for a specific number of officers, BPD should aim to ask for specific numbers of patrol officers, SWAT officers, MFF-trained officers, intelligence analysts, and so forth.

### *Recommendations for Mutual Aid Requests*

**Recommendation:** BPD should be clear on its vision for integrating outside agencies. While some jurisdictions may use mutual aid in peripheral or support roles, others will make strategic plans based on outside agencies' strengths and weaknesses. Regardless of which model BPD chooses in a given critical incident, it should create its plans in advance and clearly articulate to mutual aid agencies the roles that they are being asked to take.

**Recommendation:** Plan a pre-deployment briefing with mutual aid agencies. BPD should brief participating outside agencies on issues like rules of engagement, mission priorities, and use of force, including the use of less-lethal and chemical munitions. Pre-deployment briefings should aim to establish common terminologies, for instance, what a Mobile Field Force unit entails and what constitutes a platoon for the lead agency. The lead agency should also aim to make its requests for mutual aid as specific as possible, including the specific number of officers performing each job function.

## Deployment of Mutual Aid

On Saturday, April 25, outside agencies sent 235 officers to support the BPD with managing demonstrations. While short of the BPD request for 1,000 officers, those outside agencies provided a great help to the BPD in protecting community members' and officers' lives. On Monday, April 27, outside agencies sent a total of 438 officers in assistance. Again, this was short of the number of officers

BPD requested, but the outside agencies brought crucial resources, including less-lethal munitions, armored response vehicles, and advanced MFF platoons that were essential in stemming violence at Mondawmin Mall.

Following Governor Larry Hogan's Declaration of a State of Emergency at 8:30 p.m. on April 27, the number of officers from outside agencies swelled, and resources began to increasingly flow into Baltimore. Approximately 1,600 officers from outside agencies were assisting in the civil unrest at the height of deployment.<sup>25</sup> Overall, outside agencies provided crucial assistance to Baltimore during the unrest. Numerous BPD officials spoke about the courage and professionalism of the agencies that came to Baltimore's assistance.

### *Unofficial Deployments Prove Problematic*

As often happens in situations in which multiple agencies have worked together, several of the deployments in the first few days were the result of personal relationships. BPD officials reached out to their counterparts in other agencies to ask for help. While it is hard to fault the BPD for this, due to its need for immediate assistance, in not placing all requests through the Maryland Emergency Management Agency (MEMA), it became difficult to track the mutual aid flowing into Baltimore. These unofficial deployments between colleagues may also have an impact in the reimbursement process, which is easier if the request is through MEMA. MEMA can reimburse responding jurisdictions in the event of an emergency through the Maryland Emergency Assistance Compact (MEMAC) through its official mutual aid agreement process. It is important to place requests for mutual aid through official channels to ensure that all mutual aid requests are addressed quickly and efficiently.

Some police agencies voluntarily self-deployed to Baltimore, particularly after hearing about officers injured during riots at Camden Yards and Mondawmin Mall. There is no doubt that these agencies were well intentioned and contributed greatly to helping to quell the unrest. Self-deployment did, however, complicate the already challenging task of tracking mutual aid and creating a plan for how to best utilize various agencies' capabilities. It is important during critical incidents for lead agencies to be able to manage and control the overall response. Self-deployments can make this more difficult.<sup>26</sup>

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<sup>25</sup> Assistance came from the following state and local agencies (in alphabetical order): Anne Arundel County Police Department, Baltimore City Sheriff's Office, Baltimore County Police Department, Butler Village (OH) Police Department, Calvert County Sheriff's Office, Carroll County Sheriff's Office, Cumberland City Police Department, Frederick City Police Department, Greenbelt Police Department, Hagerstown Police Department, Harford County Police Department, Howard County Police Department, Laurel Police Department, Maryland National Park Police, Maryland State Police, Maryland Transit Authority, Maryland Transportation Authority, Washington DC Metropolitan Police Department, Montgomery County Police Department, The National Guard, New Jersey State Police, Ocean City Police Department, Pennsylvania Emergency Management Agency, Pennsylvania State Police, Prince George's County Police Department, Prince George's County Sheriff's Office, Washington County Sheriff's Office, Wicomico County Sheriff's Office.

<sup>26</sup> "Managing Major Events: Best Practices from the Field." Police Executive Research Forum, 2011. Pp. 21-30. [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf)

### *Recommendation for Mutual Aid Deployment*

**Recommendation:** Ensure that mutual-aid requests and deployments flow through the proper channels. All agencies should understand the benefit of requesting aid and deploying through the proper procedures to ensure coordination and tracking of mutual aid and to ensure that the lead agency, which has responsibility for the entire response, can maintain overall authority over it.

## Coordination of Mutual Aid

Once mutual aid resources were committed, BPD as the lead agency needed to provide a staging area for the resources to assemble and to be organized by type and capability. BPD also needed to provide a BPD liaison for each team before deployment. Under the Incident Command System, the requesting agency must provide clear direction on the goals and objectives for the operation and ensure that mutual aid partners adhere to the lead agency's policies on use of force and other major issues. The liaison takes the important role of providing up-to-date intelligence to mutual aid officers, filling the role of communications officer if responding agencies do not have interoperable radios, and helping to guide the responders through the city to their deployment location.

### *Challenges with Coordinating Mutual Aid*

BPD established Lot C of the M&T Bank Stadium as the staging area for the mutual aid agencies. The Maryland State Police (MSP) took the lead in coordinating the outside agencies and resources at this location. That system was designed so that MSP ideally could receive all the deployment requests from the Command Center and send out officers accordingly. Integrating outside resources, however, was a challenge in the early stages of the response.

The MSP did a substantial amount of work to assess the capabilities of each mutual aid agency, including cataloging the number of officers, their equipment, and the experience of each agency, utilizing both Incident Command System forms and tracking spreadsheets. Some agencies did not have riot gear or Mobile Field Force platoons, while others did.

Unfortunately, in some instances, BPD would deploy mutual aid officers to certain locations without checking with MSP to fully understand the capabilities of those units. That practice proved problematic in some instances, in which deployments to the "hot zones" were based on which agency had the greatest number of officers, rather than on the entire range of factors (e.g., which agencies had MFF units, armored response vehicles, and less-lethal munitions). Some agencies also checked in directly at the Command Center, rather than initially reporting to Lot C. Discussion at the PERF's July 8 debriefing meeting confirmed that, despite substantial efforts, the staging area still had organizational challenges and difficulty in efficiently checking in resources by type. Mutual aid agencies also had difficulty getting directions from the Command Center in a timely fashion.

Information-sharing between the Command Center and Lot C was also limited at first. Later, on April 28, BPD assigned a major from its ranks to serve as a liaison with outside agencies at Lot C. After embedding a BPD liaison officer and having appropriate decision makers (the most senior commander) from mutual aid agencies embedded in the Command Center, officials from all responding agencies said that integrating outside resources became much smoother.

**In hindsight, Baltimore could have benefitted from having a mutual aid liaison officer appointed the first day of the incident rather than April 28. Overall, BPD had a shortage of resources at Lot C to manage the staging area.**

### *Planning Ahead May Help Smooth Deployments*

Another consideration for the lead agency coordinating mutual aid agencies through an Incident Action Plan is to understand the specific policies of each jurisdiction for its deployments. For example, BPD stated that the National Guard required slightly more notice prior to specific deployments, due to internal policies regarding pre-deployment briefings and planning sessions. Some local law enforcement agencies, on the other hand, were anxious to deploy and felt underutilized if they waited for several hours to receive assignments.

Possible solutions are to manage expectations ahead of time – for example, notifying agencies that they may not receive assignments immediately after reporting to the staging area due to the desire to assess and match needs with capabilities. Planning for the next 12 hours in advance of an incident may also alleviate that concern to reduce general downtime and inefficiency. Overall, it is important in the planning stages to understand the specific policies that govern each mutual aid agency and to brief each agency on expectations.

In the planning process, agencies need to make sure they clearly lay out the proper procedures for requesting specific deployments of mutual aid. Those communications channels should be followed, and requests should flow through the chain of command. State emergency management agencies, for example, can prove to be a useful ally in helping to track resources and linking them with the areas of greatest need if the lead agency places requests properly.

### *Multiple Staging Areas Can Lead to Logistical Inefficiencies*

Coordinating the mutual aid agencies from the Lot C staging area rather than the BPD staging area at police headquarters created logistical inefficiencies as well. Providing supplies like food and water became difficult with multiple staging areas. Lot C did not contain all of the equipment or resources to serve as a true BPD mobile command post.

As an example of another logistical issue, outside agencies required escorts to all field locations for each deployment. While the National Guard proved helpful at providing protection for escorts to the field, it was necessary to have officers who were familiar with the streets of Baltimore to help outside agency officers (who were unfamiliar with the area) move through the city answering calls and assisting on skirmish lines. BPD utilized its motor and traffic officers for this function, but with limited resources,

BPD had difficulty providing all escorts in a timely fashion. Additional deployments became delayed as outside agencies waited at Lot C for escorts to and from the staging area.

**Numerous BPD officials recommended that in the future, mutual aid staging should be at the same location as lead agency staging. This physical proximity would reduce inefficiencies in managing mutual aid resources while improving information-sharing. It is crucial to have all of the empowered decision-makers from each agency in one place. One of the important lessons learned in this study is that Command Centers should all be in the same location under the Incident Command Structure. This should be documented in the Incident Action Plan so everyone is aware of the staging location.**

### *Communications between the Command Center and Mutual Aid Agencies Were Inconsistent*

Communications between the Command Center and the mutual aid staging area at Lot C also broke down at certain points. A BPD official said that there were a few instances of inconsistent requests to mutual aid agencies. Sometimes the Command Center could not provide specific directions regarding mutual aid requests in response to follow-up questions. Having responding officers in one location can allow the Incident or Operations Commander to immediately know what resources are available and where they are.

Another suggestion that may assist in reducing communication problems would be to have a system of embedding liaison officers between agencies. At PERF's July 8 debriefing session, multiple officials recommended having a two-pronged embedding system so that a high-ranking outside agency representative would be stationed at the Command Center, while BPD would place a liaison officer in each outside agency. Outside agencies should aim to have a high-ranking official in the Command Center and another high-ranking official out in the field to lead the agency's officers. Embedding officers in such a fashion would help to make the Command Center aware of mutual aid agencies' capabilities and to have tactical knowledge, while keeping mutual aid agencies in constant communication with the host agency. Several officials from mutual aid agencies also recommended increased intra-communication between mutual aid agencies.

### *Lead Agency and Mutual Aid Agencies Have Obligations*

Mutual aid agencies should ensure that they have clear understandings with their own officers about how they will function in a joint operation. Requiring officers responding to out-of-jurisdiction critical incidents to check back with the police executive in their home agencies for decision-making can result in slowdowns. Police chiefs of mutual aid agencies should empower their commander to make decisions on the ground on behalf of their organization in conjunction with lead agency policies, ideally as defined in the IAP.

Leaders at the PERF debriefing session also underscored how lead and outside agencies have mutual obligations to one another. The host agency has an obligation to effectively integrate other jurisdictions and have a process in place to receive assistance. That entails clearly articulating expectations and roles and providing assistance to support mutual aid in the form of communication and resources. Police executives also discussed the obligation that mutual aid agencies have to the lead

agency. Mutual aid agencies have an obligation to send the appropriate kind of assistance and to do so in a manner that does not overwhelm the host.

### *Contributions of Mutual Aid Agencies*

Mutual aid agencies made an enormous impact in assisting BPD and helping to prevent further violence during the unrest. While it is not possible to capture all of their contributions, the following list demonstrates some examples of the crucial role outside agencies played in responding to this critical incident:

- The Prince George's County Police Department deployed to the site of riots at Mondawmin Mall on Monday, April 27 with armored response vehicles and less-lethal munitions. After many BPD officers sustained injuries, the less-lethal munitions, including a can of smoke to disperse riotous crowds, proved crucial in helping to contain further criminal behavior. Several BPD officials credited Prince George's assistance at Mondawmin Mall and deployment of less-lethal munitions as a "game changer" that prevented further officer injury.
- Also on April 27, a small contingent of BPD officers was sent to the eastern side of Baltimore to protect citizens and businesses being looted around Monument Street. Because resources were limited and most of the violence was occurring in Western Baltimore, there were very few BPD officers left in the Eastern District. To assist BPD, the Howard County Police Department deployed with a tactical response vehicle in tow. The armored vehicle, as well as less-lethal munitions brought by Howard County officers, was believed to have been crucial in stopping looting and violence. The next day, residents of the Eastern District came out onto the street to thank BPD officers, even playing football with them, in gratitude for containing violence in that area with the assistance of the Howard County police.
- The Anne Arundel County Police Department sent a cadre of SWAT-trained officers to assist with the Baltimore civil unrest. The night of April 25, AACPD's Quick Response Team (QRT) officers deployed to various "hot spots" throughout the city to quell rioting, rescue citizens, protect firefighters, and secure businesses. During these QRT missions, Anne Arundel officers sustained assaults from bricks, rocks, concrete, and bottles, forcing them to travel with armored vehicles for protection.
- On April 27, Montgomery County police officers were able to maintain security to allow fire services personnel to respond to the burning CVS store at Pennsylvania and North Avenues, including shutting off the gas line to the burning building prior to their arrival, and moving the line after rioters cut a fire hose. MCPD officers protected the firefighters despite bottles, bricks, rocks, and Molotov cocktails being thrown at them.<sup>27</sup>
- Once the State of Emergency was declared by Governor Hogan, the National Guard began deploying and within eight hours had soldiers working in Baltimore City. They acted in a support

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<sup>27</sup> "Montgomery County Police Played Major Role on Front Line During Baltimore Riots." Bethesda Magazine, June 11, 2015. <http://www.bethesdamagazine.com/Bethesda-Beat/2015/Montgomery-County-Police-Play-Major-Role-on-Front-Line-During-Baltimore-Riots/>

role and assisted BPD with securing critical infrastructure sites. In addition, the National Guard provided protective escorts to mutual aid agencies. Their presence helped quell the violence as the days went on.

Many other contributions were made by other agencies during this critical incident.

### *Recommendations to Improve Coordination of Mutual Aid*

**Recommendation:** As the lead agency, BPD should stage mutual aid resources (personnel and equipment) in the same location as its own resources. Placing all agencies in the same location can help BPD to reduce confusion and logistical inefficiencies.

**Recommendation:** Within the Incident Action Plan, BPD should create a plan for communications between itself and mutual aid agencies. One promising practice for establishing and maintaining clear communications is to embed a senior outside agency official in the Command Center and have a BPD representative working within each outside agency. While BPD, as the lead agency, has the obligation to integrate and support officers from outside agencies, mutual aid agencies should also understand their obligation not to overwhelm the host. Having mutual aid agencies empower their on-the-ground commanders to make decisions in advance will alleviate the need for these commanders to contact their superiors for aid in making decisions and therefore speed up the response of the outside agencies to a situation.

## Mutual Aid Agreements

During times of emergency, mutual aid agencies can deploy either under a general Mutual Aid Agreement (to which many different jurisdictions are signatories), or on an ad-hoc basis with individual Memorandums of Understanding (MOUs) between jurisdictions. During the civil unrest in Baltimore, some agencies deployed under a large regional mutual aid agreement known as the Baltimore Regional Emergency Assistance Compact (BREAC). And several agencies that were not signatories to that agreement also deployed under individual MOUs.

As previously mentioned, mutual aid agencies sent fewer officers than BPD requested prior to the State of Emergency. For example, mutual aid agencies sent a total of 235 officers to assist on April 25. Following the State of Emergency, resources increasingly flowed into Baltimore. On April 28, there were 678 mutual aid officers assisting. As the incident went on, the number of mutual aid officers responding increased. For example, on May 2, there were 1,597 mutual aid officers.

Part of the reason for the large increase following the declaration of a State of Emergency is that Baltimore City, Anne Arundel County, Baltimore County, Howard County, Harford County, and Carroll

County are part of the BREAC. Under this compact, which is managed by the Baltimore City Office of Emergency Management (OEM), signatories are required to provide requested mutual aid in the event of critical incidents.

That requirement, however, is contingent upon the Governor's declaration of a State of Emergency. Thus, during the early stages of planning for a potential outbreak of civil unrest, it is not known whether the provisions of BREAC will take effect, and thus whether the agencies will be required to provide assistance.

Those limitations severely hampered BPD's ability to get committed resources for the initial days of the unrest and to know how much mutual aid BPD could count on receiving. As events unfolded, many agencies in fact responded to assist BPD; but BPD was not able to plan on having certain specified and required levels of assistance in advance. It is also important to note that BREAC does not include several important law enforcement agencies in the surrounding area.

In order to receive assistance from outside agencies, the BPD Office of Legal Affairs had to create ad hoc Memorandums of Understanding (MOUs) with individual outside agencies as the civil unrest was unfolding. Representatives from the Office of Legal Affairs told PERF at the July 8 debriefing that they were drafting contracts with some agencies as those agencies' officers were on the highway headed to Baltimore.

### *Important Considerations for Mutual Aid Agreements*

There are several important considerations in crafting mutual aid agreements beyond when an automatic deployment will be triggered. The triggers for different levels of response must be clearly articulated in an agreement, and the agreement must also identify the command structure, personnel skill level, equipment use, and reimbursement provisions. Mutual aid agreements should aim, as much as possible, to be specific in the type of aid agencies will send, including the number of officers and their different specialized training, and what equipment they will bring.

Another important question is the extent to which outside agencies can enforce the laws in the host agency's jurisdiction. During the civil unrest in Baltimore, there were several instances where outside agencies had difficulty in their tactical operations due to a lack of legal authority to enforce Baltimore city ordinances or traffic laws. Under the Maryland Code,<sup>28</sup> a local police officer has the authority to enforce *state criminal laws* throughout Maryland without limitations as to jurisdiction, but local police do not have the authority to enforce the Maryland Vehicle Law or city ordinances beyond their sworn jurisdiction. There is an exception to this rule if a police officer is working under a mutual aid agreement as defined under the Maryland Code,<sup>29</sup> but many of the officers who responded to Baltimore came through ad hoc MOUs and were therefore unable to write traffic or municipal infractions.

**To address these issues in the deployment of mutual aid to the Baltimore riots, BPD is in the process of negotiating and drafting an Umbrella Request for Assistance Agreement for all the major**

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<sup>28</sup> Md. Code Ann., Criminal Procedure Art., §2-102 (West 2015).

<sup>29</sup> Md. Code Ann., Criminal Procedure Art., §2-105 (West 2015).

law enforcement agencies in the Baltimore region. The proposed agreement would require agencies to commit a certain percentage of their law enforcement personnel for an enumerated list of specific situations, including large-scale unrest. Importantly, activation of the request for assistance under the Umbrella Agreement would not be contingent on a declaration of a state of emergency. For any agencies that do not sign onto the Umbrella Agreement, comprehensive Memorandums of Understanding (MOUs) should be in place.

### *Mutual Aid Is a Two-Way Street*

At PERF July 8 debriefing, many of the surrounding area police chiefs and sheriffs spoke about the importance of coming to each other's assistance during critical incidents. One police chief noted that while he understood the difficulty of legal issues and the need to maintain police services in one's own jurisdiction, ultimately the decision to send mutual aid to Baltimore came down to "what was right." Various agencies in any given area may have different levels of resources, relationships with their communities, and concerns about the levels of crime they confront in their own jurisdiction. But officials of the agencies that participated in the PERF debriefing said they recognized the importance of helping Baltimore City in this critical incident.

Mutual aid agreements are based on the principle that assistance is a two-way street: at any point, a jurisdiction may need help from its neighbors without advance notice. The agencies that responded to the Baltimore riots expressed an interest in continuing to stand by each other in the future.

### *Recommendation for Mutual Aid Agreements*

**Recommendation:** BPD should negotiate mutual aid agreements that account for a full range of situations that may arise. These agreements should not predicate mutual aid on a formal declaration of emergency. They should also allow police officers to enforce a wide range of laws, including traffic and municipal infractions. In the absence of a robust mutual aid agreement, neighboring jurisdictions should craft comprehensive Memorandums of Understanding (MOUs) well in advance of a critical incident. The Baltimore Police Department is taking the lead in drafting and looking for partners in an Umbrella Agreement for agencies in Maryland.

## The Federal Role

At PERF's July 8 debriefing, several federal agencies spoke about what types of roles they can play in assisting local police agencies respond to large-scale civil unrest. All agencies represented agreed that the federal role should be a support capacity. Agencies also agreed that it was important to have a representative from each federal agency in the Command Center. These representatives can help assist the lead agency without being overwhelming.

For example, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) investigated arsons in connection with the unrest, at the request of BPD. ATF's representatives remained in the Command Center so that BPD could easily reach them if they required ATF's assistance. Following the riots, ATF's assistance proved invaluable in identifying and apprehending a suspect in the arson at the CVS store at Pennsylvania and North Avenues.

FBI representatives at the PERF meeting expressed a similar vision for how the FBI could be utilized in civil unrest situations. The FBI can provide a support role for intelligence collection, with analysts who can assist in many functions. FBI analysts may be adept at using analytical software that may be challenging for other mutual aid officers.

### *Recommendations for Partnering with Federal Agencies*

**Recommendation: BPD should meet with partnering federal agencies when planning for a critical incident or large-scale event to understand how the agencies can help in cases of civil unrest. Federal agencies can provide important support in the event of mass unrest and should be included in Unified Command.**

## The National Guard

### *Deciding to Declare a State of Emergency*

The decision of when to declare a State of Emergency and call in the National Guard is a difficult one for local and state officials to make. The National Guard can be a very effective tool for law enforcement agencies looking to quell violent civil unrest. Many observers believe that sending the Guard down North Avenue in Baltimore had a significant deterrent effect and helped prevent additional outbreaks of criminal behavior.

At the same time, local officials lose a certain degree of control when they request assistance from the National Guard. For example, under National Guard regulations, members of the Guard who are deployed to support missions for domestic law enforcement do not follow the use-of-force policies of the host agency. Rather, the Guard has its own use-of-force policy for such situations. In some ways, the Guard's policy is similar to police agency policies, and it generally provides that "the use of force must be restricted to the minimum degree consistent with mission requirements."<sup>30</sup> However, the Guard policy is much less detailed and comprehensive than most police agencies' policies, and it relies on a "use-of-force continuum" that many police officials consider outdated.

Due to the National Guard's reserve status, it takes time for the agency to mobilize. While it typically may take the National Guard around 12 hours to respond, the agency made record time,

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<sup>30</sup> See National Guard Regulation 500-5, Air National Guard Instruction 10-208. "Emergency Employment of Army and Other Resources: National Guard Domestic Law Enforcement Support and Mission Assurance Operations."

however, during the Baltimore civil unrest. The National Guard deployed 50 soldiers within 8 hours, and an estimated 3,000 by the end of the unrest.<sup>31</sup> The National Guard was deployed in a supporting role, looking to BPD for guidance about what assistance was needed. They primarily patrolled streets to protect property and prevent violence.<sup>32</sup>

Following the unrest, the Maryland National Guard has been hosting tabletop exercises at Aberdeen Proving Grounds with BPD and the Maryland State Police.

### *Recommendation Concerning Potential Requests for a National Guard Response*

**Recommendation:** BPD should develop relationships with National Guard officials to discuss their respective roles if the Guard is asked to assist in a future critical incident.

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<sup>31</sup> “Last of National Guard troops to leave Baltimore.” Baltimore Sun, May 4, 2015.

<http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-national-guard-demobilizing-20150504-story.html>

<sup>32</sup> “General Commanding National Guard In Baltimore: ‘This Is Not Martial Law’.” Real Clear Politics, April 28, 2015. [http://www.realclearpolitics.com/video/2015/04/28/general\\_commanding\\_national\\_guard\\_in\\_baltimore\\_this\\_is\\_not\\_martial\\_law.html](http://www.realclearpolitics.com/video/2015/04/28/general_commanding_national_guard_in_baltimore_this_is_not_martial_law.html)

# Policy and Training

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## Policy

BPD has several different policy directives that outline the department's response to mass unrest. BPD's General Order 37-77 governs the protection of First Amendment rights and how BPD should respond to peaceful protests as well as riot scenarios. It discusses how to distinguish between peaceful and non-peaceful demonstrations through the "clear and present danger" test.<sup>33</sup> BPD is in the process of updating this 1977 policy. PERF recommends that it should aim to complete its internal review and approval process quickly so that it can be disseminated to officers and used for all future training. BPD also has a general order J-16 from 2004 that recognizes that members of the public have a First Amendment right to record police officers (with video cameras or other devices) and outlines BPD procedures to protect that right.

With regard to the Incident Command System (ICS), BPD policy is contained in a "Standard Operating Procedure on Crowd Control Incidents" from 2012. This is a department-wide directive implementing the national ICS model. A more extensive accounting of BPD policy is contained in the department's "Response Guide for Critical Incidents" from 2013, which discusses the application of ICS to several scenarios, including crowd control incidents.

### *BPD Should Streamline and Simplify Access to Its Policy*

Although many police departments issue statements of policy in a variety of different types of documents, it is a best practice to consolidate policy statements in an organized manner in order to make it easy for officers and others to understand the policies. Like other departments, BPD should work to provide officers with more direct and clear access to policy. It can be difficult for officers to understand departmental policy when it is contained in General Orders, Standard Operating Procedures, and Response Guides, without clear direction about how the various types of policy are supposed to fit together.

BPD may consider, for example, having all department-wide policies contained in General Orders, and distinguishing those from Standard Operating Procedures that apply only to specific divisions. This approach would bring BPD in line with best practice and the standards of the Commission on Accreditation for Law Enforcement Agencies (CALEA). CALEA's standards on "Written Directives," Section 12.2, states that "The agency should establish a formal written directive system to provide employees with a clear understanding of the constraints and expectations relating to the performance of their duties. The written directive system should permit rapid access to individual policies,

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<sup>33</sup> Under *Schenck v. United States*, the legal standard for when speech is no longer protected under the First Amendment is when there is a "clear and present danger" that it will bring about "substantive evils that Congress has a right to prevent." 249 U.S. 47 (1919).

procedures, rules and regulations, and should differentiate types of directives, e.g., general order, special order, personnel order.”

BPD reports that it is currently consolidating its General Orders, Police Commissioner’s Memoranda, and SOP into one new policy manual.

BPD should look at its methods for disseminating policies, and changes in policies. Electronic dissemination via email may be complemented through announcements at roll call, for example. In addition, BPD should consider making its department-wide policies that do not contain sensitive information (for example, on conducting undercover operations) available to the public in an easily accessible and navigable portal on its website. This step towards greater transparency on how the department respects First Amendment rights in particular may serve to strengthen relationships with the community.

BPD reports that it is seeking funding to purchase software that will assist with tracking the distribution of policies and testing personnel on their understanding of the policies.

### *Recommendation to Improve Policy Dissemination and Accountability*

**Recommendation:** BPD should consolidate all of its policies on Incident Command Structure, Response Guide for Critical Incidents, and any crowd control-related policies that may be contained in a Standard Operating Procedure or other guide into a General Order that is easily accessible to all personnel. The dissemination of BPD policies should be such that all personnel are able to be accountable for receiving them. This will help ensure that personnel understand what is expected of them during a critical incident or large-scale planned event.

## Training on the First Amendment

Allegations of First Amendment violations were not a significant issue during the demonstrations and rioting in Baltimore in April-May 2015. However, as a general matter, training of officers to manage large-scale demonstrations should be based on the fundamental premise that the mission of police agencies is not only to maintain order and prevent violence during a demonstration, but also to protect community members’ First Amendment rights to freedom of speech, freedom to peaceably assemble, and freedom to petition the government for a redress of grievances.<sup>34</sup>

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<sup>34</sup> See, e.g., “Recommendations for First Amendment-Protected Events for State and Local Law Enforcement Agencies,” Global Justice Information Sharing Initiative, Bureau of Justice Assistance, U.S. Dept. of Justice (2011). <https://it.ojp.gov/GIST/35/Recommendations-for-First-Amendment-Protected-Events-for-State-and-Local-Law-Enforcement-Agencies>

BPD trains officers on its policies and General Orders regarding respecting free speech. Through its Professional Development and Training Academy (PDTA), BPD also uses “Know Your Rights” materials prepared by the American Civil Liberties Union to illustrate the importance of the First Amendment. For further assistance in explaining these important rights to its officers, the Professional Development and Training Academy (PDTA) should consider capitalizing on more opportunities to elicit the input of community groups, such as the 300 Men March, that advocate for free speech.

### *Recommendation for First Amendment Training*

**Recommendation:** BPD should implement training on the First Amendment, including the points listed below. The training should be followed up annually through in-service classes, training bulletins or other training methods, such as roll call training.

- An overview of the First Amendment’s protections;
- BPD’s philosophy and policy for handling peaceful protests protected by the First Amendment;
- The differences between protected activity and a criminal act or riot;
- An overview of guidance and policy on conditions for using riot gear and other equipment;
- Rules regarding maintaining visibility of officers’ badge numbers when donning civil disturbance equipment and other means of identification;
- Best practices for communicating with protest groups’ leaders or organizers, in advance and during a demonstration, in order to build trust and establish mechanisms for communicating important information about police directives and plans; and
- Case studies involving police responses to First Amendment-protected activities, such as Seattle PD’s handling of the WTO riots in 1999 or Washington, DC’s Metropolitan Police Department (MPD) handling of IMF and World Bank protests in 2000.<sup>35</sup>

## Crowd Control and Mobile Field Force (MFF) Training

### *Prior Training*

Training in civil disturbance tactics is an important element of preparing for civil disturbances or unrest. Prior to the rioting in 2015, the Baltimore Police Department delivered crowd-control training commensurate to its assessment of its needs, considering that Baltimore had not experienced a riot since 1968. BPD slated two hours in basic Mobile Field Force (MFF) principles and crowd control training

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<sup>35</sup> See “Managing Major Events: Best Practices from the Field.” Police Executive Research Forum, 2011. [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf)

at its BPD Professional Development and Training Academy (PDTA). This training began in 2012 and resulted in 1,428 officers trained in the basics in 2012, and 1,788 trained in 2014.

Like many major police departments, BPD faces significant constraints on its resources. The Training Academy has a staff of only 18 core trainers. The limited 2-hour academy course for line officers reflects the difficult choices that police departments must make in light of other concerns such as violent crime, but it is insufficient, considering the wide range of issues that are involved in crowd control and responding to civil disturbances.

In addition to the PDTA training, BPD once had a Mobile Training Unit that taught officers how to assess various types of situations before engagement. While that unit was disbanded, the BPD is now in the process of resurrecting the unit. Comprised mostly of former SWAT team members, the Mobile Training Unit trained officers within their districts and on the streets, while also involving the community at roll call meetings. This training covered a variety of topics, including de-escalation strategies and the police response to incidents involving a mentally ill person brandishing an edged weapon.

Historically in the Baltimore Police Department, specialized crowd control and advanced MFF responsibilities were designated to specific units like SWAT and the Special Enforcement Section (SES). The SES units had undergone a 2-3 day course on specialized Mobile Field Force tactics, including advanced techniques for controlling crowds and disbanding rioters, such as extraction and flanking.

**Interviews with officers in the BPD, however, indicated that many of those units were disbanded approximately five years ago. As a result, very few line officers have experience in advanced MFF. Even fewer were trained as grenadiers or on the use of less-lethal munitions. BPD officials said that officers able to deploy less-lethal munitions were “few and far between” during the incident.**

### *Officers Were Unprepared for Riotous Conditions*

The civil unrest following the death of Freddie Gray demonstrated that BPD had not provided enough of the right kind of training to prepare officers for the demands of a prolonged and multi-faceted riot. With too few BPD officers trained in the use and deployment of less-lethal munitions, there was significant reliance on outside agencies for those tools. Some officers indicated that they received insufficient training on how to use new equipment as it was deployed throughout the unrest.

### *Command-Level Training Is Needed*

Lack of experience in dealing with riots was an issue for BPD commanders. Line officers provided feedback after the riots indicating that commanders on the ground sometimes gave conflicting orders. In fact, at the PERF debriefing on July 8, when BPD officials were asked whether BPD displayed too much caution in making arrests, they instead cited a lack of experience among commanders on the ground as the primary reason for any confusion on whether to make arrests. Field commanders need training to make crucial decisions on the ground, including whether to make arrests or de-escalate, deployment of

less-lethal munitions, and whether it is in fact best to “hold the line” for officer safety concerns. It should be noted that the BPD significantly improved its operations over the course of the unrest.

### *New Training*

In response to the unrest, BPD has developed and begun implementing a training plan to address deficiencies in handling the civil disturbance. BPD has trained nearly all of its officers in crowd control and civil disturbances. The Professional Development and Training Academy (PDTA) offered instruction daily to line officers in an eight-hour course from the time of the civil unrest until August 29, 2015.

The course begins with classroom training that is designed to educate the officers on the fundamental rights of demonstrators. The training specifically covers the First, Second, Eighth, and Fourteenth Amendments and draws on materials written by the ACLU. The first half of the day also includes classroom discussion on tactics that are sometimes used by demonstrators, such as sleeping dragons, chains, and tripods. The classroom portion of the training concludes with a written test on the subject matter.

The second half of the day is dedicated to hands-on training on matters such as use of gas masks, skirmish lines for formation and movement, and flanking.

BPD has expressed an interest in providing the same 2-3 day course it provided to its SES units in 2008, but on an agency-wide basis. At this time, however, the Department is focusing on providing the baseline training to all officers, with a goal of providing a more intensive course for all officers at a later date. Like other agencies, such as the Washington, DC Metropolitan Police Department, BPD should consider implementing an annual training exercise on arrests in the context of major demonstrations.

BPD will also provide six specialized platoons with Mobile Field Force training. BPD is offering its specialized platoons certification in national training model for Field Force Operations (FFO) offered by the Center for Domestic Preparedness at FEMA.<sup>36</sup> BPD plans to create those MFF units mostly from officers already assigned to specialized units, in order to ease the burden on patrol. BPD also said that it plans to create an independent training unit in MFF to provide monthly or quarterly refresher courses in advanced MFF techniques, which will be a great step towards reviewing tactics and integrating new information. In discussions with PERF staff, several BPD officials recommended resurrecting the disbanded Mobile Training Unit for this purpose. That unit could go into the districts and assist with developing a critical mass of officers trained in advanced MFF techniques.

Once trained, each MFF unit should be outfitted with appropriate riot control gear. MFF-trained personnel should receive specialized training in arrest procedures so that they can be employed as

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<sup>36</sup> Topics included in the FFO training include: how the 1<sup>st</sup>, 4<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments relate to civil action and disorder; considerations for conducting arrests during civil actions; how to act as a member of an arrest team using both two- and four-officer carry techniques; how to serve as a member of a mobile field force (MFF) team while conducting dismounted crowd control operations; and the limitations and benefits of the riot control agents and less-lethal munitions. See <https://cdp.dhs.gov/training/courses/ffo>.

Arrest Teams to increase the overall capabilities of the BPD and reduce the burden on the SWAT team. Another recommendation that emerged as the result of PERF interviews would be to have a self-sufficient squad of officers from each shift trained in MFF (for example, including a medic, emergency support, and grenadiers) and give them the opportunity to practice together as a unit. BPD should train and sustain a cadre of officers as grenadiers on riot control agents as well, in order to expand the capabilities of the department in responding to mass civil disturbances. To keep that function maintained, BPD should require officers to undergo refresher training and certification on less-lethal munitions annually.

### *BPD Is Implementing a Course for Commanders*

Training plans also include an MFF course specifically for commanders. One of the major takeaways after the civil unrest was the need to provide hands-on training to commanders that simulates the various scenarios they may experience in a riot. The PDTA felt that this emphasis on training command was crucial, since they would be supervising officers in the field. To further this goal, BPD has hired a national consultant to train its commanders in advanced MFF.

### *Challenges in the New Training*

Challenges in implementing this new training on schedule are significant. In the BPD, commanders decide when to send their officers to training. This practice has resulted in dramatic fluctuations of the number of officers attending the new training on any given day, with attendance numbers ranging from five people to 110. These fluctuations make it difficult for officers to practice as squads. In fact, one of PERF's recommendations for BPD is to ensure that squads or specialized platoons that will be deployed together are given opportunities to practice as a group.

One of the promising suggestions that BPD command staff has advocated is injecting training into everyday operations -- such as 10 to 15 minutes of practice at roll call to try on gear or practice formations.

Despite the difficulties in rolling out a training plan so quickly, the PDTA completed the training at the end of August 2015, with the exception of a handful of officers for whom they are scheduling a new training. BPD has made completing training for all of its officers a top priority in the wake of the civil unrest. At the time of this report, BPD also had trained 6 specialized platoons in Field Force Operations through FEMA.

Questions fielded to line officers about the content of the new trainings elicited various criticisms, with some saying it did not advance their knowledge beyond what they had already learned in the Training Academy. Of crucial importance is delivering training that constitutes a true transfer of knowledge and leaves officers feeling prepared for any situation that may arise during civil unrest. PERF recommends that the BPD review its new training with that goal in mind. Allowing line officers to provide feedback on the effectiveness of training also provides an opportunity to forge healthy relationships between command staff and rank-and-file officers. For any agency nationwide that is concerned about the type of unrest that has been seen in Ferguson, Missouri and other cities, training

plans should aim to give officers confidence about facing a potential riot situation, rather than simply checking off a box. BPD appears serious in its commitment to training, but may need to reassess its training substance or ramp up the efforts to deploy more advanced training to alleviate concerns among its officers.

### *Recommendations for Providing Civil Disturbance Training*

**Recommendation:** BPD should train all officers in crowd control and civil disturbance tactics. All officers should have baseline training in crowd control and civil disturbance response tactics. These trainings should be designed and implemented so that line officers feel adequately prepared to work *as a group* in any civil disturbance situation. The time to invest in training is before, not after, critical incidents.

**Recommendation:** BPD should train a critical mass of officers in advanced Mobile Field Force techniques. MFF training should also have a specific component geared towards commanders. The Maryland State Police Special Operations Section is putting together multi-agency training in MFF aligned with the Center for Domestic Preparedness's national Field Force Operations (FFO) model to prepare for similar types of civil unrest. BPD officials should participate in this training to assist them with developing their own training.

**Recommendation:** BPD should ensure that there are enough officers trained on less-lethal munitions and as grenadiers for large-scale civil disturbances. Less-lethal munitions can often be a "force multiplier" for agencies facing large-scale civil unrest, so it is important to have a cadre of officers trained on their use.

**Recommendation:** BPD should develop creative methods for delivering training. Reinstating the Mobile Training Unit would afford BPD the opportunity to train entire platoons in the district on critical issues. Another creative method to inject training into everyday operations is to hold practice sessions at roll call, so that officers can learn how to use riot equipment and practice formations.

## Incident Command System (ICS) Training

The Homeland Security President Directive (HSPD-5) requires that law enforcement agencies have their personnel take FEMA's National Incident Management System (NIMS) online training in order to receive federal funding. This training is delivered in a step system, based on rank, starting with level 100 which is an introduction to ICS, and leading up to level 400, which is advanced training for commanders. After completing ICS level 400, there are additional optional trainings tailored to specific positions within the ICS structure (e.g., Incident Commander, Public Information Officer, Safety Officer, Planning Section Chief, etc.). There are also several advanced independent studies in NIMS up to level

700 that sworn personnel can take. In addition to these online trainings, FEMA provides on-site training to agencies in Maryland through the Maryland Emergency Management Agency (MEMA).

### *Despite BPD's Efforts, Officials Call for Further ICS Training*

Prior to the civil unrest, BPD had sent staff members through the required ICS online training and had engaged in hands-on training. It also had approximately 70 employees who completed the FEMA comprehensive course on Field Force Command and Planning. Despite these efforts, many BPD officials classified their prior ICS training as limited, expressing a desire for more.

As previously noted, the BPD struggled with various facets of its Incident Command System (ICS) throughout the civil unrest. Many BPD command staff members indicated that operations were hampered because there were too few people experienced in specific ICS functions. Many of the key individuals who had practiced specific ICS positions were assigned to the Freddie Gray Investigation Task Force, leaving vacancies in key spots in the structure. As a result, individuals who had never practiced a particular role as a prime or as a backup were learning it throughout the unrest.

Additionally, some personnel were not familiar with the crucial ICS documents (such as those contained in an Incident Action Plan) that are designed to help police keep track of critical operations during an incident. BPD should clearly establish a chain of command ahead of incidents so that personnel in supervisory positions clearly understand their responsibilities and feel confident in executing that role. BPD's Incident Command System should also monitor all activity during an incident and adjust if a field commander is having difficulty following defined policies, roles, and responsibilities; for example, an inexperienced commander might need to be replaced or given support.

### *BPD Should Consider More Tabletop Exercises and Position-Specific Training*

There are several crucial recommendations that BPD should implement to improve its ICS training and the preparedness of its officers during critical incidents. Some BPD officials have requested the advanced position-specific ICS training to help understand the requirements of each role. This objective could be achieved through the position-specific advanced NIMS courses, or internally. BPD recommended that each ICS Officer take time to write down the facets of their role and the associated responsibilities. It is important to be able to deliver in-house direction to key personnel, describing the exact specifics of each role, so that people understand what they need to do. These advanced trainings or position-specific instruction should also be given to multiple individuals, so that each function will be adequately staffed and to allow command staff to rest during prolonged critical incidents.

**Hands-on, "tabletop exercises" to put ICS theory into practice are an effective method to try to replicate incidents. Tabletop exercises are simulated emergency incidents that bring together personnel for informal problem-solving.** These simulations of potential incidents, in which commanders are given a variety of difficult issues to solve, help to ensure that officials will be able to handle the unexpected, complex problems that occur in a critical incident. In recognition of the need to conduct more tabletop exercises, BPD is hiring an outside expert to assist with additional ICS training for command staff.

There were other internal suggestions for implementing ICS training, including:

- Providing all line officers with ICS training beyond the basic level, including ICS's operational elements;
- Having a Training of Trainers (ToT) program, so that multiple people can assist with internal training on ICS for the department;
- Training not only a first-tier of commanders, but a second-tier of backups to be able to schedule relief and prevent burnout.

BPD is currently in the process of evaluating its ICS training needs and implementing a number of suggestions. These promising practices of hands-on tabletop exercises and position-specific training should greatly increase the capacity of the Department to handle another critical incident.

### *ICS Training Recommendation*

**Recommendation: BPD should provide ICS training to commanders that is both scenario-based and role-specific. BPD should ensure that enough commanders are trained—either internally or out-of-house—for each role so that they understand their specific duties and so that all roles have backup personnel. Tabletop exercises are an effective means to simulate real-life scenarios that require an effective ICS model. The Baltimore City Office of Emergency Management is preparing ICS tabletop training for all BPD commanders. BPD needs to coordinate scheduling commanders for the training. BPD also should consider providing all line officers with ICS training beyond the basic level, having a “Training of Trainers” program, and providing training to a second-tier of backup commanders for situations that continue for many hours or days.**

## Inter-Agency Training

One potential method for ensuring that training is up to par with regional and national best practices is to partner with outside agencies. In preliminary discussions with BPD, officials expressed a desire to bring in outside agencies for training, but also noted difficulties. PERF's July 8 debriefing provided an excellent opportunity for agencies throughout the region that responded to the civil unrest to share suggestions for the future. Many of those outside agencies recognized the potential in training together and offered to host or coordinate training schools and workshops.

For civil disturbance and MFF training, BPD is conducting joint training exercises with the Prince George's County Police Department, an agency that provided significant help during the civil unrest with MFF tactics. The Maryland Police Training Commission is taking the lead to help agencies go through the FEMA Field Force Operations course.

During the PERF debriefing, several other outside agencies volunteered to coordinate joint training or send instructors to BPD. The Maryland State Police (MSP) SWAT team, for example,

announced that it is planning to host training for police departments in Maryland to train together. MSP is training Maryland police departments' officers on a full 3-day MFF course based on the Center for Domestic Preparedness model. These trainings have included BPD trainers who will take back that knowledge to their agency. The Metropolitan Washington Council of Governments (COG) is also putting together a Civil Disturbance Unit (CDU) subcommittee to define common tactics, policy, terminology, and required equipment. Police officials throughout Maryland in the wake of the unrest are looking for opportunities to bring together key leaders to engage in discussions on common policy. These types of inter-agency trainings are best practices from which many other jurisdictions could benefit.

### *BPD Should Make Inter-Agency ICS Training a Priority*

To share promising practices regarding ICS, one of the recommendations from the PERF meeting was to look to fire services—the sector that originally developed ICS. BPD's Professional Development and Training Academy plans to establish a Combined Command College with the Baltimore Fire Department, so that the fire services can help train law enforcement in how they use ICS. The Baltimore County Police Department and Fire Department are currently exploring options for conducting a joint tabletop exercise and are hoping to include other agencies, including the Maryland Transit Authority and Department of Public Works. Leading ICS experts note the difficulty of translating fire-services ICS concepts into the policing realm. It is important, however, to analyze the concepts that translate well for law enforcement responding to critical incidents and to look to fire services as a valuable training partner.

Several other agencies also agreed to assist in putting together joint ICS trainings. During PERF's July 8 debriefing, the Montgomery County Police Department offered to give assistance with ICS training by means of sharing instructors with BPD or having BPD send officials to Montgomery County to observe training. The Baltimore Mayor's Office of Emergency Management (OEM) is initiating the creation of a training plan for ICS that includes position-specific training. OEM said it would plan tabletop exercises. The OEM tabletops will involve all of the crucial agencies in the city to help various partners coordinate and work together. The National Guard is planning on hosting tabletop events as well at the Aberdeen Proving Ground to bring together various agencies from the region. These joint tabletop exercises will prove crucial in building experience that assists in good decision-making and integration of mutual aid resources.

### *Recommendations to Train with Other Agencies*

**Recommendation: BPD should develop and utilize multi-agency training opportunities. Joint-training exercises with outside agencies provide a worthwhile opportunity to ensure that MFF and less-lethal training is up to national or regional best practices. It is crucial to take advantage of multi-agency tabletops to simulate coordinated responses to a critical incident.**

# News Media Relations

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Any agency would have difficulty handling the national media attention that Baltimore received during the civil unrest. BPD's Media Relations Section received press inquiries from local, national, and international news outlets almost constantly for more than a week, and understandably faced challenges in responding to that volume of requests. There were also numerous logistical and even safety concerns in managing the large influx of reporters, producers, camera operators and other technicians who descended on Baltimore to cover the story.

BPD demonstrated a number of innovative practices during the event, including embedding a local reporter with the team that investigated the death of Freddie Gray. The Baltimore Sun reporter was given access to the discussions of the investigation task force but was embargoed from publishing a story until after the results of the investigation were released<sup>37</sup>. While this was a part of the department's investigation, not its response to the civil unrest, this was a positive example of transparency with the media, which can improve public trust. In addition, as noted below, the BPD made extensive use of its social media channels to provide updates on the demonstrations, to respond (as much as possible) to rumors or false statements, and to demonstrate transparency in disseminating information. For example, the BPD posted footage of news conferences and CCTV video on its YouTube channel, and posted tweets that directed BPD's Twitter followers to this coverage.

## *Point of Contact*

The Media Relations Section reported that it had to gather information from a number of different people within the Command Center, rather than having one contact person who could provide them with information. This slowed down the process of getting information to the media. A Public Information Officer within the ICS structure was not clearly designated or utilized for this event. As noted in the diagram on page 13, the Public Information Officer is a critical function that reports directly to the Incident Commander under the Incident Command System.

## *Staffing*

BPD's regular Media Relations unit includes one captain, one sergeant, and one detective. Another detective was added to the unit on April 25. This staffing was not sufficient to handle all the press inquiries, which BPD estimates were greater than 100 per hour at times. It also put pressure on personnel trying to proactively push out information via the news media, social media and other channels.

Inadequate staffing of the public information function can have serious adverse impacts on both short-term operations and the long-term reputation of the police department. When the department is

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<sup>37</sup> "Exclusive look inside the Freddie Gray investigation." The Baltimore Sun, May 2, 2015. <http://www.baltimoresun.com/news/maryland/sun-investigates/bs-md-ci-freddie-gray-investigation-20150502-story.html>

unable to get information out on a timely basis, the department's view is not included in news stories, and rumors and inaccurate information cannot be corrected in a timely manner. Even worse, reporters and the public may believe the department is trying to hide information.

Appropriate staffing levels for the news media function will depend on the nature and scale of an incident, but the department should be prepared to scale up the staffing when necessary. Selected individuals who do not regularly work in Media Relations should receive enough training so they can support the work of the regular Media Relations staff when that unit is overburdened. Media Relations may always be somewhat overwhelmed by an incident as large as the civil unrest that occurred in Baltimore, but the unit should have individuals prepared to assist with their operations and relieve some of the strain.

### *Interagency Coordination*

Multiple agencies were involved in the response to the civil unrest, and the news media were looking for information from any source they could find. According to Capt. Eric Kowalczyk, BPD Public Information Officer, "When the Governor declared the State of Emergency, numerous state organizations began to brief as well. Their information was, at times, inconsistent with information that BPD provided." In a critical incident, the news media unit of the lead agency should coordinate with other responding agencies' media units to ensure that correct messages are consistently disseminated. Depending on the nature and scale of the incident, and the number of agencies involved, agencies should consider establishing a formal Joint Information Center (JIC) to coordinate information collection and dissemination.<sup>38</sup> It should be noted that on August 27, 2015, Interim Police Commissioner Kevin Davis announced that Baltimore would create a JIC to coordinate emergency communications should the city face unrest in the future.<sup>39</sup>

### *Social Media*

BPD distributed information during the critical incident via social media, particularly Twitter and YouTube. This was effective at getting clear and accurate information to large numbers of people. The number of followers on the BPD's Twitter account (@BaltimorePolice) increased by more than 50 percent, from about 80,000 to 126,000, during the unrest, and has subsequently grown to more than 136,000.

Twitter and other social media platforms can be effective means of quickly distributing messages on a large scale. Mainstream news media outlets today consider tweets by a police

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<sup>38</sup> For background on the JIC concept within the National Incident Management System (NIMS), see "Basic Guidance for Public Information Officers (PIOs)," Federal Emergency Management Agency. [http://www.fema.gov/media-library-data/20130726-1623-20490-0276/basic\\_guidance\\_for\\_pios\\_final\\_draft\\_12\\_06\\_07.pdf](http://www.fema.gov/media-library-data/20130726-1623-20490-0276/basic_guidance_for_pios_final_draft_12_06_07.pdf)

<sup>39</sup> "Baltimore police announce plans to create information center in case of future unrest." Baltimore Sun, Aug. 27, 2015. <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-prepared-20150827-story.html>

department an official source of information that can be used in their stories, and members of the news media typically follow police Twitter accounts very closely for updates during critical incidents.

Thus, rather than responding individually to hundreds of news media inquiries, a police department can reduce this burden to a large extent by posting information online that news media organizations can use. And because police can use Twitter, Facebook, and other social media platforms to post information on a minute-by-minute basis as it becomes available, social media can be far more effective in disseminating information quickly in a crisis, because reporters will monitor the social media continually and receive the messages instantaneously. As importantly, social media allows police departments to reach opinion leaders and other members of the community directly, without having to pass through the “filter” of the traditional news media. The BPD’s practice of posting complete footage of its news conferences on its YouTube channel was an excellent example of this practice during the unrest.

BPD should continue to focus on and expand upon its social media strategy, especially during large events like the April unrest.

### *News Media Recommendations*

**Recommendation:** BPD should designate a public information officer (PIO) within the ICS structure to respond to media inquiries and deliver messages on behalf of the Unified Command. This PIO should answer directly to the Incident Commander during a critical incident or event. This will ensure that the PIO is able to receive vetted information from one source and then to provide periodic briefings on relevant information about the incident, such as arrests, officer injuries, and street closures.

**Recommendation:** BPD should identify and train qualified staff members who will be able to assist with Media Relations functions during critical incidents. The Media Relations Section will then be able to support the PIO for the critical event by handling the numerous press inquiries and assisting with delivering the department’s messages on the incident.

**Recommendation:** BPD should develop plans in advance for coordinating Media Relations efforts among multiple agencies. All messages about the incident should come from the Incident Commander and Unified Command via the designated PIO.

Should other agencies that are not part of Unified Command become involved after the incident begins, the BPD Media Relations Section should confer with Media Relations Units from those agencies to ensure they are not delivering conflicting messages. If conditions warrant, the BPD should consider standing up a Joint Information Center (JIC) to ensure the coordination of information collection and dissemination. The BPD Media Relations Section should develop and strengthen its ongoing relationships with public information representatives from neighboring and statewide agencies to ensure that a network of PIO professionals can be put in place to collaborate should an incident occur.

# Community Engagement

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Police agencies cannot succeed without support from the communities they serve. Police leaders increasingly are building their departments on the concepts of legitimacy and procedural justice, which put communities at the heart of policing.<sup>40</sup>

However, events in many cities over the last year have fractured many community members' trust in their police. PERF has conducted three national conferences since the rioting in Ferguson, Missouri in August 2014 to address this national crisis in confidence in policing.<sup>41</sup> The death of Freddie Gray in Baltimore is one of the incidents that have exposed fault lines in police-community relationships.

## *Community Support*

Even during this difficult time in Baltimore, many members of the community showed support for the concept of responsible community action, as well as support for the police department as they attempted to restore order in the city. Throughout the period of unrest, officers were on duty for many hours, often without easy access to food and water. Many community members and organizations donated large quantities of food. So many pallets of supplies were delivered that the police department had difficulty finding places to store all of the donations.

Members of the community also came together in very visible ways to show support for the police department during the riots and looting. One of the most contentious locations during the period of unrest was the intersection of North Avenue and Pennsylvania Avenue in West Baltimore, referred to as PennNorth. On April 28, members of the 300 Men March organization acted as a peaceful barrier between police and protestors.<sup>42</sup> Their goal was to ease tensions and help restore peace in the city. BPD officers believed that these efforts helped prevent further violence that night in the city.

## *Community-Police Partnerships*

In other areas of the city, members of the public coordinated with police officers to protect their communities from looting. In the Cherry Hill neighborhood in South Baltimore, there is only one shopping center. Due to the unrest in other sections of the city, many of the officers who normally patrol in the Southern District were assigned elsewhere in the city, leaving few officers in the area. Knowing this, residents gathered at the shopping center to protect it from looting. Individuals at the

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<sup>40</sup> See "Legitimacy and Procedural Justice: A New Element of Police Leadership." Police Executive Research Forum, 2014.

[http://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf](http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf)

<sup>41</sup> See "Defining Moments for Police Chiefs." Police Executive Research Forum, 2015.

<http://www.policeforum.org/assets/definingmoments.pdf>

See also "Re-Engineering Training on Police Use of Force." Police Executive Research Forum, 2015.

<http://www.policeforum.org/assets/reengineeringtraining1.pdf>

<sup>42</sup> Strobel, Warren. "In Baltimore protests, 300 Men group aims to be 'neutral force'." Reuters U.S.

<http://www.reuters.com/article/2015/04/29/us-usa-police-baltimore-community-idUSKBN0NK00J20150429>

shopping center partnered with police by exchanging cell phone numbers with a sergeant on duty. Periodically, the residents would contact the sergeant to provide updates. At the end of the unrest, the only damage in that shopping center was one broken window.

### *Community Engagement – An Ongoing Process*

Building relationships with the community is an ongoing process, especially in times of difficulty. BPD kept reaching out to groups to have conversations throughout the period of unrest. Many of the younger community members were especially upset about the curfew restrictions. Intelligence alerted BPD's Community Partnership Division that a group of youths planned to cause even more destruction if the curfew was not lifted by the time of the Paquiao-Mayweather boxing match on May 2. Individuals wanted to be able to watch the event that started after the curfew began. Officers were able to meet with youths in a neutral setting and come to an agreement that, regardless of the status of the curfew, they would not cause any destruction. Even though the curfew did not end until the day after the boxing match, the agreement held and there was not another outbreak of violence.

### *Rebuilding Community Trust*

Efforts to rebuild community trust must continue. Doing so after the unrest may not be easy, but as the examples of community support demonstrate, community relationships are important, especially in difficult times. Fostering a greater understanding between the public and the police should be a focus of relationship building. In the wake of unrest nationwide, police departments and community leaders are sharing best practices for forming partnerships. Many of these existing strategies and programs can be utilized by BPD that would assist in the process of rebuilding community trust. They include, but are not limited to:

- BPD commanders and officers should participate in meetings with community members that were heavily impacted by the civil unrest to open dialogue about what occurred and what can be done to rebuild trust with those communities.
- BPD should partner with the Baltimore City School system so that police commanders can attend high schools and middle schools to engage students in discussions about the civil unrest and improving relationships between the police and the community.
- BPD Commissioner and Deputy Commissioners should host town meetings in all areas of the city to take questions from the community and open the lines of communication between the police and the citizens. The media should be invited to participate as well.
- BPD should consider creating foot patrol beats in areas throughout Baltimore City. The goal would be for officers and citizens to get to know each other and establish friendly relationships that ultimately lead to community trust in their police department. Experienced officers with good communication skills should be considered for these patrols.
- BPD should prioritize programs that engage Baltimore youth in a positive manner. Police Activity Leagues (PAL) allows officers to interact with and mentor youth in the community through sports and other after-school activities.

- BPD commanders and officers should encourage citizens to participate in ride-alongs, particularly in the most troubled areas of the city. Ride-alongs help to give citizens a better understanding of policing and provide officers with the opportunity to interact directly with community members.
- BPD should use social media to engage communities and share information.

While BPD is already working on community outreach in many of the districts, expanding current programs and prioritizing them will enhance these existing efforts. For example, since May, Western District commanders have had several meetings with citizens to open the lines of communication between the police department and the residents of the neighborhoods of West Baltimore.

Overall, it is important to remember that community-police relationships have many facets. Even when communities are upset with their police department, they may show support when their neighborhoods are threatened by violence. It is important that the BPD command staff designate the strengthening of existing relationships and forming of new relationships as priorities in the department.

Fundamentally, BPD can do much to improve its planning for civil unrest, obtain better equipment, implement new training, and take other steps to prepare itself for such incidents, but having relationships of mutual trust and respect with communities can prevent harmful incidents from occurring in the first place. A number of cities that have made great progress in building partnerships with communities have not seen the unrest that other communities have experienced over the past year.

### *Community Engagement Recommendation*

**Recommendation:** BPD should enhance community outreach programs to help restore the fractured relationship with various community members. BPD should especially work with high school age youths to establish lines of communication and create dialogue on police and community relationships. Having established relationships will afford BPD the ability to reach out to local organizations and community groups during times of unrest to help act as peacemakers in the community as was demonstrated during the events April 25 through May 3.

# Conclusion: List of Recommendations

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## Weaknesses in Planning and Preparation for the Critical Incident in Baltimore

### **Incident Action Plans (IAPs) and Arrest Policies**

1. Upon receiving credible intelligence that a planned event will occur or the possibility exists that a critical incident is occurring or will occur (such as the civil unrest that began on April 25), BPD should immediately designate an Incident Commander to begin planning a response to the incident. The Incident Commander should be clearly identified in the IAP and generally should not change from one person to another during the course of an operation period, absent extenuating circumstances. Personnel should be quickly assigned to key roles defined in the Incident Command System (ICS) to begin formulating Incident Action Plans (IAPs). Completed IAPs should be distributed to all affected personnel as far in advance of any incident as possible. Excluding extreme circumstances, once completed, role assignments should be final. Individuals' aptitudes should be evaluated prior to an event to avoid switching roles and responsibilities during an active critical incident. This helps avoid the loss of knowledge and experience each individual has as part of his/her assigned role.
2. IAPs should include a standard arrest policy. The arrest policy should include how suspects will receive their charges, how officers will be identified as the arresting officers, how suspects will be transported, and how they will be booked. A plan to ensure that suspects receive official notification of their charges in a timely fashion must be included in the plan.
3. An IAP for a critical incident involving large-scale demonstrations should include guidance on "emergency arrests," in which large numbers of demonstrators are arrested. Emergency arrests serve to streamline processing and booking of arrestees while ensuring that officers continue to protect demonstrators' constitutional rights. The guidance should include general principles and examples of situations in which emergency arrests either should be considered or should be avoided. At the same time, the guidance should provide a degree of authority for commanders in the field to make decisions on their own, because rapidly changing conditions may not always allow time for them to check with the Unified Command center. An arrest policy in an IAP also should include whether or not any notifications are to be given, such as warnings to disperse from the area, before arrests may be made. Additionally, guidance regarding the number of warnings to be given prior to an arrest should be provided.

### **Role of Planning Section for Critical Incidents**

4. The Planning Section should have a dedicated and equipped space within the Command Center. The Planning Section needs to be located in close proximity to the Operations Commander and Incident Commander during a critical incident.

5. BPD should formalize a plan to have regularly scheduled briefings with the Incident Commander, Planning Section Chief, and Operations Section Chief during a critical incident or large-scale planned event. This can occur at set intervals throughout the event to make sure the Planning Section Chief is able to collect and manage all incident-relevant operational data and update the IAP accordingly.
6. BPD should set plans for 24 hours, breaking them down into 12-hour increments. This allows time to plan far enough in advance to not have to find resources at the last minute.
7. BPD should include other city agencies in the planning phase of a critical event that will require city-wide resources. Coordination and communication with other city agencies should begin prior to any critical incidents, to learn how each agency can assist during various types of incidents. This helps in assigning resources.
8. BPD should continue to designate a command staff member to serve as the BPD representative at the Baltimore City Office of Emergency Management's Emergency Operations Center (EOC) when it is activated. This needs to be written into the IAP so that all personnel are aware of who is representing BPD, the responsibilities of the position, and how information will be shared between Incident Command and the BPD EOC representative.
9. Mutual aid is a key element of planning for a critical incident. BPD should determine the assets of outside agencies and integrate them into BPD's planning. Doing so will avoid a duplication of resources and improve the efficiency of operations.

## **Analytical Intelligence Section**

10. According to the Federal Emergency Management Agency, Emergency Management Institute, ICS allows for agencies to exercise flexibility when designating the section to which the intelligence branch should be assigned.<sup>43</sup> In situations where intelligence information needs to be linked to investigations and operational tactics, ICS deems it appropriate for intelligence units to fall under the Operations Section instead of the traditional location under the Planning Section. For incidents such as the civil unrest in Baltimore, where coordination and linkage of intelligence information to operational tactics and investigations is necessary, BPD should designate the AIS to serve under the Operations Section. The Operations Section Chief would then be accountable for the dissemination of all intelligence information deemed pertinent to the incident and critical to tactics. BPD should also use the terminology recommended by NIMS when assigning personnel to an ICS function.
11. Restrict access to the Command Center to those with a designated leadership role in ICS. This will make the area less crowded and improve the effectiveness of each section of ICS. BPD should ensure that AIS has enough space and resources to properly receive and vet intelligence during critical incidents.

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<sup>43</sup><http://training.fema.gov/emiweb/is/icsresource/assets/reviewmaterials.pdf>

12. BPD should vet all intelligence information to ensure that high-priority information, such as information pertaining to officer safety or potential violent criminal activity, is credible. Credible intelligence should be quickly disseminated to all relevant personnel. The implications of decisions to release any intelligence information to the public should be carefully considered.
13. Intelligence analysts from outside agencies should be utilized to bolster AIS staff and to assist in vetting and disseminating intelligence and tips.
14. BPD should review current intelligence software and consider new software options for dissemination of information. If new software is identified, analysts should receive initial training, and periodic refresher courses, to ensure readiness if a critical incident occurs.
15. BPD should have an adequate number of intelligence officers stationed in the field during a critical incident to verify information being received. Doing so will open up a more direct line of communication and ensure that the correct information is being disseminated properly.
16. Hold daily briefings during a critical incident to disseminate intelligence throughout the command structure and to outside agencies. This would help the AIS to efficiently disseminate initial information to personnel and mutual aid agencies, and ensure that everyone starts the day on the same page.
17. AIS and MCAC should work towards fostering a more collaborative relationship to reinforce the sharing of information. Currently the two groups do not participate in meetings on a consistent basis.
18. Immediately fill the position of BPD representative to MCAC that was recently vacated due to a retirement.

## **Weaknesses in BPD's Incident Command, Control and Communications to the Field**

### **Setting Up Unified Command**

19. Place clear limits on who should be admitted into the Command Center, to allow only personnel designated in critical positions under the Incident Command System. For example, the Incident Command, Command Staff, General Staff, and Unified Command Representatives would be authorized to be in the Command Center. A security officer can be designated to keep a list of who has authorization to be in the Center, and can direct all other personnel to an auxiliary room.
20. Plan alternate workspaces for those displaced by the Command Center. AIS analysts in particular will need adequate space and resources to continue to receive intelligence so they can properly vet all information. They should be in an area where they can work closely with the Operations Section Chief to ensure the dissemination of appropriate intelligence.

## **Incident Command System (ICS)**

21. BPD should continue to train members of the command staff in position-specific ICS training. All members of the BPD command staff should receive general training on the Incident Command System and specific training on specialized roles within the ICS. Multiple people should be trained for each specialized role, so that there is someone else with expertise if the primary person in that role is not available.

**22. BPD should identify mid-level and first-line supervisors (sergeants and lieutenants) with the potential to serve in critical ICS roles in the future, and should assign them to support command staff currently serving in critical ICS roles. BPD should give high-performing future leaders in the department opportunities to serve as support to the Incident Commander or Section Chiefs under the ICS structure. This will give mid-level and first-line supervisors exposure to ICS and the decision-making process during critical incidents. These supervisors will be better prepared to fill these essential roles in the future.**

## **Decision-Making**

23. BPD needs to ensure that strategies are clear to supervisors on the ground so that supervisors feel empowered to make immediate decisions as events unfold. This includes decisions about equipment, arrests, and the deployment of less-lethal weapons. The IAP should include information on how changes to any priorities or direction will be communicated effectively, so that all personnel will understand how new orders will be given to them.

24. As part of the Incident Command System process, officers should be given specific definitions of terminology for orders that they may be given during civil unrest and other types of incidents.

## **Communications to the Field**

25. Assign multiple radio channels to various parts of the critical event. For example, all requests for logistics should be completed on a separate radio channel from the main channel being used to communicate about on the incident. The Traffic Unit should also be on a separate channel. This frees up the main incident channel for critical communications. A contingency radio channel should also be designated for the possibility that multiple incidents occur in different areas of the city.

26. Include an interoperability plan into the Communications portion of the Incident Action Plan, so outside agencies will know how to properly communicate with BPD. A BPD liaison should be designated to each outside agency to assist with communications and moving about the city.

27. During a critical incident, officers should follow NIMS guidelines and speak in plain language over the radio. Using BPD radio codes could confuse officers from mutual-aid agencies.

## Logistics Section

28. BPD should ensure that the Logistics Section is equipped with enough resources and manpower to manage a critical incident. It is important that the section is given these resources at the *beginning* of an incident. In particular, the section should have access to computers and should have a dedicated workspace near the Command Center.

29. BPD should provide each ICS Commander with a laptop or tablet to allow them to be mobile as needed and to more efficiently perform their responsibilities during a critical incident and communicate effectively about their needs with the Logistics Section.

30. BPD should develop a plan for the distribution of equipment and supplies with other city agencies prior to a critical incident. There should be a plan in place that can be implemented quickly and efficiently.

## Equipment

31. BPD should develop policy requiring the periodic inspection of civil disturbance equipment. Any defective, worn, or destroyed equipment should be replaced. When planning for civil disturbances, officers should be required to have their civil disturbance equipment readily accessible at all times. This should be stated in the Incident Action Plan.

32. The Logistics Section should develop a standardized distribution plan. Direction for personnel to pick up supplies and equipment should come only from the Logistics Section Chief. This reduces confusion by ensuring that only one message is given. It should also greatly improve tracking of equipment and resources.

33. Policy regarding the use of riot gear and equipment should provide guidance for continual consideration of escalation and de-escalation based on the circumstances. Doing so provides clear guidance to field commanders and protects community members and police officers.

34. BPD should clearly state who can authorize the deployment of tear gas. Other agencies vary in whether the chief executive is the only one with this authority, or if commanders in the field can make the decision using guidelines from command. BPD should consider these options and make clear who has this authority.

35. Prior to a critical incident, there should be a clear chain of command between BPD and mutual aid agencies. BPD should inquire about and document the assets of outside agencies. BPD should develop a plan regarding how mutual aid agencies can be of greatest assistance. (See additional discussion in the next section.)

36. Additionally, BPD and all mutual aid agencies should discuss guidelines on how equipment should be used, prior to deployment. Individual decisions, however, should be made by commanders in the field, based on the priorities and direction of the Incident Commander as specified in the Incident Action Plan.

## **Mutual Aid**

### **Mutual Aid Requests**

37. BPD should be clear on its vision for integrating outside agencies. While some jurisdictions may use mutual aid in peripheral or support roles, others will make strategic plans based on outside agencies' strengths and weaknesses. Regardless of which model BPD chooses in a given critical incident, it should create its plans in advance and clearly articulate to mutual aid agencies the roles that they are being asked to take.

38. Plan a pre-deployment briefing with mutual aid agencies. BPD should brief participating outside agencies on issues like rules of engagement, mission priorities, and use of force, including the use of less-lethal and chemical munitions. Pre-deployment briefings should aim to establish common terminologies, for instance, what a Mobile Field Force unit entails and what constitutes a platoon for the lead agency. The lead agency should also aim to make its requests for mutual aid as specific as possible, including the specific number of officers performing each job function.

### **Mutual Aid Deployment**

39. Ensure that mutual-aid requests and deployments flow through the proper channels. All agencies should understand the benefit of requesting aid and deploying through the proper procedures to ensure coordination and tracking of mutual aid and to ensure that the lead agency, which has responsibility for the entire response, can maintain overall authority over it.

### **Mutual Aid Coordination**

40. As the lead agency, BPD should stage mutual aid resources (personnel and equipment) in the same location as its own resources. Placing all agencies in the same location can help BPD to reduce confusion and logistical inefficiencies.

41. Within the Incident Action Plan, BPD should create a plan for communications between itself and mutual aid agencies. One promising practice for establishing and maintaining clear communications is to embed a senior outside agency official in the Command Center and have a BPD representative working within each outside agency. While BPD, as the lead agency, has the obligation to integrate and support officers from outside agencies, mutual aid agencies should also understand their obligation not to overwhelm the host. Having mutual aid agencies empower their on-the-ground commanders to make decisions in advance will alleviate the need for these commanders to contact their superiors for aid in making decisions and therefore speed up the response of the outside agencies to a situation.

### **Mutual Aid Agreements**

42. BPD should negotiate mutual aid agreements that account for a full range of situations that may arise. These agreements should not predicate mutual aid on a formal declaration of emergency. They should also allow police officers to enforce a wide range of laws, including traffic and municipal infractions. In the absence of a robust mutual aid agreement, neighboring jurisdictions should craft

comprehensive Memorandums of Understanding (MOUs) well in advance of a critical incident. The Baltimore City Police Department is taking the lead in drafting and looking for partners in an Umbrella Agreement for agencies in Maryland.

### **Partnering with Federal Agencies**

43. BPD should meet with partnering federal agencies when planning for a critical incident or large-scale event to understand how the agencies can help in cases of civil unrest. Federal agencies can provide important support in the event of mass unrest and should be included in Unified Command.

### **Requests for a National Guard Response**

44. BPD should develop relationships with National Guard officials to discuss their respective roles if the Guard is asked to assist in a future critical incident.

## **Policy and Training**

### **Improving Policy Dissemination and Accountability**

45. BPD should consolidate all of its policies on Incident Command Structure, Response Guide for Critical Incidents, and any crowd control-related policies that may be contained in a Standard Operating Procedure or other guide into a General Order that is easily accessible to all personnel. The dissemination of BPD policies should be such that all personnel are able to be accountable for receiving them. This will help ensure that personnel understand what is expected of them during a critical incident or large-scale planned event.

### **Training on the First Amendment**

46. BPD should implement training on the First Amendment, including the points listed below. The training should be followed up annually through in-service classes, training bulletins or other training methods, such as roll call training.

- An overview of the First Amendment's protections;
- BPD's philosophy and policy for handling peaceful protests protected by the First Amendment;
- The differences between protected activity and a criminal act or riot;
- An overview of guidance and policy on conditions for using riot gear and other equipment;
- Rules regarding maintaining visibility of officers' badge numbers when donning civil disturbance equipment and other means of identification;
- Best practices for communicating with protest groups' leaders or organizers, in advance and during a demonstration, in order to build trust and establish mechanisms for communicating important information about police directives and plans; and

- Case studies involving police responses to First Amendment-protected activities, such as Seattle PD's handling of the WTO riots in 1999 or Washington, DC's Metropolitan Police Department (MPD) handling of IMF and World Bank protests in 2000.<sup>44</sup>

## **Crowd Control and Mobile Field Force (MFF) Training**

47. BPD should train all officers in crowd control and civil disturbance tactics. All officers should have baseline training in crowd control and civil disturbance response tactics. These trainings should be designed and implemented so that line officers feel adequately prepared to work *as a group* in any civil disturbance situation. The time to invest in training is before, not after, critical incidents.

48. BPD should train a critical mass of officers in advanced Mobile Field Force techniques. MFF training should also have a specific component geared towards commanders. The Maryland State Police Special Operations Section is putting together multi-agency training in MFF aligned with the Center for Domestic Preparedness's national Field Force Operations (FFO) model to prepare for similar types of civil unrest. BPD officials should participate in this training to assist them with developing their own training.

49. BPD should ensure that there are enough officers trained on less-lethal munitions and as grenadiers for large-scale civil disturbances. Less-lethal munitions can often be a "force multiplier" for agencies facing large-scale civil unrest, so it is important to have a cadre of officers trained on their use.

50. BPD should develop creative methods for delivering training. Reinstating the Mobile Training Unit would afford BPD the opportunity to train entire platoons in the district on critical issues. Another creative method to inject training into everyday operations is to hold practice sessions at roll call, so that officers can learn how to use riot equipment and practice formations.

## **Incident Command System (ICS) Training**

51. BPD should provide ICS training to commanders that is both scenario-based and role-specific. BPD should ensure that enough commanders are trained—either internally or out-of-house—for each role so that they understand their specific duties and so that all roles have backup personnel. Tabletop exercises are an effective means to simulate real-life scenarios that require an effective ICS model. The Baltimore City Office of Emergency Management is preparing ICS tabletop training for all BPD commanders. BPD needs to coordinate scheduling commanders for the training. BPD also should consider providing all line officers with ICS training beyond the basic level, having a "Training of Trainers" program, and providing training to a second-tier of backup commanders for situations that continue for many hours or days.

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<sup>44</sup> See Police Executive Research Forum. *Managing Major Events: Best Practices from the Field*, (Washington, DC: Police Executive Research Forum, 2011), [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf)

## **Inter-Agency Training**

52. BPD should develop and utilize multi-agency training opportunities. Joint-training exercises with outside agencies provide a worthwhile opportunity to ensure that MFF and less-lethal training is up to national or regional best practices. It is crucial to take advantage of multi-agency tabletops to simulate coordinated responses to a critical incident.

## **News Media**

53. BPD should designate a public information officer (PIO) within the ICS structure to respond to media inquiries and deliver messages on behalf of the Unified Command. This PIO should answer directly to the Incident Commander during a critical incident or event. This will ensure that the PIO is able to receive vetted information from one source and then to provide periodic briefings on relevant information about the incident, such as arrests, officer injuries, and street closures.

54. BPD should identify and train qualified staff members who will be able to assist with Media Relations functions during critical incidents. The Media Relations Section will then be able to support the PIO for the critical event by handling the numerous press inquiries and assisting with delivering the department's messages on the incident.

55. BPD should develop plans in advance for coordinating Media Relations efforts among multiple agencies. All messages about the incident should come from the Incident Commander and Unified Command via the designated PIO.

Should other agencies that are not part of Unified Command become involved after the incident begins, the BPD Media Relations Section should confer with Media Relations Units from those agencies to ensure they are not delivering conflicting messages. If conditions warrant, the BPD should consider standing up a Joint Information Center (JIC) to ensure the coordination of information collection and dissemination. The BPD Media Relations Section should develop and strengthen its ongoing relationships with public information representatives from neighboring and statewide agencies to ensure that a network of PIO professionals can be put in place to collaborate should an incident occur.

## **Community Engagement**

56. BPD should enhance community outreach programs to help restore the fractured relationship with various community members. BPD should especially work with high school age youths to establish lines of communication and create dialogue on police and community relationships. Having established relationships will afford BPD the ability to reach out to local organizations and community groups during times of unrest to help act as peacemakers in the community as was demonstrated during the events April 25 through May 3.