



BALTIMORE CITY FRATERNAL ORDER OF POLICE LODGE #3 **AFTER ACTION REVIEW**

“WE ALSO GAVE THOSE WHO WISHED
TO DESTROY SPACE TO DO THAT”

-Baltimore Mayor Stephanie Rawlings-Blake

*A Review of the Management of
the 2015 Baltimore Riots*

*Baltimore City
Fraternal Order
of Police, Lodge
#3*



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OVERVIEW

Baltimore City, its citizens and its character were devastated by the civil unrest that escalated into rioting, looting and arson for a week in late April 2015. The rioting resulted in millions of dollars of property damage and injuries to citizens. In addition, more than 200 police officers from the region who responded to assist in the defense of life and property were injured — several severely.

Both during and after the riots, Baltimore City Fraternal Order of Police (FOP) Lodge #3 received many reports from members who were deployed to the defensive efforts, stating that they lacked basic riot equipment, training, and, as events unfolded, direction from leadership. The officers repeatedly expressed concern that the passive response to the civil unrest had allowed the disorder to grow into full scale rioting.

Recommendation 1.3 of *The President's Task Force on 21st Century Policing* states “law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy. This will help ensure decision making is understood and in accord with stated policy.” In compliance with this recommendation, and in response to the fact that neither Mayor Stephanie Rawlings-Blake nor Police Commissioner Anthony Batts were undertaking their own version of this best practice, Baltimore City FOP Lodge #3 finds it necessary to conduct its own review of these extraordinary events. At this time, Baltimore City FOP Lodge #3 acknowledges that the Mayor and Commissioner have just begun their own review, some two months after the riots.

Baltimore City FOP Lodge #3 President Gene Ryan formed an After Action Review Committee — comprised of Baltimore City FOP Lodge #3 leaders and members — to assist in compiling this report. Baltimore City FOP Lodge #3 is the collective bargaining representative (union) for Baltimore City police officers, sergeants and lieutenants; all other ranks within the agency are appointed by, and serve at the will of, Police Commissioner Batts. The goal of the review, and this subsequent report, is to highlight the strengths and weaknesses of the Baltimore Police Department's response to the riots in order that its member officers can be better prepared to protect citizens, property and themselves should events such as those that occurred from April 12, 2015 to May 3, 2015 ever occur again. Research was conducted through focus groups, surveys, signed statements, e-mails and phone calls from Baltimore City FOP Lodge #3 members who were deployed to the riots.

It should be noted that as part of this review, repeated requests, including a formal Maryland Public Information Act request, were made of the Baltimore Police Department to supply communications between commanders (both text and email), radio communications tapes and other documents to assist in the review. As of July 6, 2015, Baltimore City FOP Lodge #3 has only received one tape from April 27, 2015 and from only one channel — a small fraction of the information requested.

Proper law enforcement leadership plays a crucial role in the beginning stages of any civil disturbance, as events in Ferguson, Mo., Oakland, Ca. and New York City demonstrated. If

leaders are resolute, violence can be prevented; however, if leadership falters or delays in their decision making, chaos can result as it did in Baltimore. The ability to gather for peaceful protests is a constitutionally protected right afforded to each American citizen; however, history has shown that when police leadership allows protestors to grow violent, anarchy will surely follow unless quickly addressed.

Police commanders bear sole responsibility for the preparation and deployment of law enforcement assets. Their ability to recognize and react, swiftly, to unfolding events is critical. These riots were, without question, preventable; however, Baltimore Police commanders failed to meet professional standards on all levels. As a result, chaos and lawlessness ensued.

Baltimore City FOP Lodge #3 contends that the Baltimore Police Department's lack of concern for the health and welfare of its officers placed them in harm's way. Additionally, the community who relies on the Baltimore Police Department for their safety and security was placed in jeopardy.

The morale of the men and women of the Baltimore Police Department has suffered greatly. In addition to physical injury, officers feel a lack of support from the Department and report feeling "humiliated" and "dejected" as a result of what occurred and what they experienced during the riots. A significant percentage reported that they are considering resigning or retiring within the next one to two years.

Protesting Turns Violent – Officers Told Not to Intervene

On April 25, 2015 a planned peaceful protest march in downtown Baltimore escalated into unchecked rioting and violence. Orioles' baseball fans, pedestrians and motorists in the area of Camden Yards were attacked. According to information garnered from focus groups, surveys, e-mails and conversations with the After Action Review Committee, officers followed direct orders from command staff not to intervene or engage the rioters.



Photo credit: Jim Watson/AFP/GETTY IMAGES



Photo credit: screenshot from a video shot by Baltimore Sun Reporter Colin Campbell



Photo from CNN.com

Videos posted on YouTube:

<https://www.youtube.com/watch?v=4Ztgz6-yUHo> - about 2:30 into tape women asks “why are the police going the other way?”

https://www.youtube.com/watch?v=9qVF5_4FP1s – depicts chaos outside of Camden Yards

Starting on Thursday, April 23, 2015 and continuing through Sunday morning April 26, 2015, Baltimore City FOP Lodge #3 President Gene Ryan received multiple calls from officers and front line supervisors who reported that they were restricted in their response to the rioting and, as a result, the situation was spiraling out of control. Additionally, officers reported that they had suffered injuries from the lack of protective riot equipment and the constraints placed on them by commanding officers.

On Sunday, April 26, 2015, after hearing many horrific reports from the officers, President Ryan, a Baltimore Police Lieutenant with 32 years of experience, felt it necessary to contact the Police Commissioner with his many concerns. President Ryan called Commissioner Batts and relayed to him what he had heard from the officers who were deployed to Camden Yards, downtown Baltimore and the Western District. President Ryan then told Commissioner Batts that the officers were overwhelmed and that he should request the assistance of the National Guard in preparation for planned protests on Monday, the day of Freddie Gray’s funeral. Commissioner Batts replied that he did not think that was necessary.

On June 3, 2015, Commissioner Batts held a press conference to address the violence and rioting in Baltimore which occurred the last week of April 2015. During his press conference (approximately 10:15 mark in this video posted to YouTube: [https://www.youtube.com/watch?v=5TgI4hK\(Lo8I.\)](https://www.youtube.com/watch?v=5TgI4hK(Lo8I.))), Commissioner Batts stated that he had begun planning for the protests a week in advance. He sought assistance in the form of additional resources from other jurisdictions throughout Maryland and, as a result, had received an additional 200 officers to support the already deployed force of 1,000 Baltimore police officers.

He stated, “We had to take on a situation where we needed 2,500 [police officers] with 1,200.” Baltimore City FOP Lodge #3 now asks, if Commissioner Batts felt he had insufficient resources why did he not request the National Guard on Sunday, April 26, 2015, when President Ryan urged that he do so?

The information herein aims to provide a balanced report, and Baltimore City FOP Lodge #3 acknowledges that, without complete information, this document cannot completely address the response, deployment, and leadership from the Police Command. From its research, Baltimore City FOP Lodge #3 has been able to pinpoint six independent areas of focus, all of which will be addressed in this report: leadership, equipment, training, tactical, communications and Incident Command System (ICF) model. Additionally, this report will provide firsthand accounts from officers about what they were told — and not told — and what they experienced during the April 2015 riots.

To date, neither Mayor Stephanie Rawlings-Blake nor Commissioner Batts has done anything since the riots to investigate either the successes or failures of the leadership during the riots. Nor have they moved to better prepare officers for future civil disturbances. This is obviously of great concern to Baltimore City FOP Lodge #3 members, but should also greatly concern the citizens of the state of Maryland. The conditions that led to these riots are still present and any incident can serve, once again, as a flash point.

AREAS OF FOCUS AND RECOMMENDATIONS

Leadership

ISSUE: Orders were given not to engage protestors

In a press conference held during the riots, Mayor Rawlings-Blake made the following comment, “We also gave those who wished to destroy space to do that as well.” To view footage of her comments, visit https://www.youtube.com/watch?v=9_5KQC7k8Lc.

Commissioner Batts and command staff members addressed officers during a roll call on April 25, 2015 at Police Headquarters. Of those officers who were present, and with whom the After Action Review Committee spoke, each reported being given direct orders from Commissioner Batts and command staff members not to engage any protestors. Officers were ordered to allow the protestors room to destroy and allow the destruction of property so that the rioters would appear to be the aggressors. According to officers’ accounts, they were told “the Baltimore Police Department would not respond until they [the protestors] burned, looted, and destroyed the city so that it would show that the rioters were forcing our hand.” The officers were told their primary job was to deescalate any situation with no response rather than to escalate with action. This was confirmed by officers from other jurisdictions who attended that roll call.

The following are a few examples of pertinent information that was relayed to the After Action Review Committee:

- On Saturday, April 25, 2015, an officer stated that a command staff member issued orders, over citywide radio, not to engage rioters and not to do anything that might provoke an incident.
- That same afternoon, the Central District had an occurrence and a command staff member responded on radio channel 11A that “looting is expected. Let it happen.”
- Several officers stated their units were ordered to allow the looting of stores on Howard Street even though it was occurring directly in front of them.
- On scene at a downtown CVS store, officers reported being told not to stop looters and to hold their position.
- Again, over citywide radio on April 25, 2015, officers were advised not to respond to a Signal 13 (Officer Needs Assistance call) in the vicinity of Camden Yards.
- One officer reported being praised by an on-scene commander for enduring the attack with no response despite being pummeled with bricks, rocks, bottles, etc.

On Monday, April 27, 2015, when less than lethal systems were acquired from outside agencies, officers were instructed to use the systems in the least effective manner and contrary to acceptable police practices. Heard on communication tape on multiple occasions is a high level commander instructing officers not to use the pepper ball system as it is intended to be used, which would be to aim center mass at the appropriate target. Instead, officers were ordered to deploy the systems at the feet of the rioters, which created ineffective results.

Commissioner Batts has, on numerous occasions, recounted his experience in responding to riots while employed with the Long Beach Police Department in California and as Chief of Police in Oakland, Ca. An article in *The LA Times* shows that Commissioner Batts used tactics in Oakland that he denies using in Baltimore.

“We allowed the protesters to start breaking into Foot Locker. They broke into Foot Locker and different places. But we had to do that because we didn’t want to look like this was a police action, where we were responding too soon. Then we had a very coordinated plan. It took us time to just kind of corral them, bring them in, and take them to jail. We didn’t have any complaints whatsoever, and the citizens said we did a good job.”

See more at: <http://www.latimes.com/nation/la-na-baltimore-police-chief-anthony-batts-20150427-story.html>.

Questions remain as to whether the Mayor and her staff inserted themselves into the Police Department's operations. An example of that interference is documented in a *Washington Post* article from May 10, 2015, that states, "Rawlings-Blake was receiving a number of calls about Mondawmin Mall, including one from her adviser, Gus Augustus Jr., who was at the mall. He told her of escalating violence and police officers being injured. At one point, Augustus became alarmed that police in paramilitary uniforms had arrived with what appeared to be rifles." The complete article can be found here: http://www.washingtonpost.com/local/in-the-crucial-hours-before-guard-was-called-in-a-communication-breakdown/2015/05/10/a7d7d47e-f57e-11e4-bcc4-e8141e5eb0c9_story.html.

After the Mayor instituted a citywide nighttime curfew of 10:00 p.m. on April 28, 2015, officers reported being ordered not to arrest for curfew violations. In fact, on that same evening, Baltimore City FOP Lodge #3 President Gene Ryan communicated with Commissioner Batts 45 minutes after the curfew went into effect and violators still had not been arrested.

RECOMMENDATION:

On-scene supervisors should have been empowered to do their jobs proactively. Proper command and response from top leadership could have prevented numerous injuries to officers and decreased the level of destruction and theft of public and private property during the riots.

ISSUE: All arrests had to be approved by civilians who work in the Baltimore Police Department's Legal Section

In the April 25, 2015 roll call held at Baltimore Police Headquarters and conducted by Police Commissioner Batts and other high ranking police commanders, several hundred police officers from the Baltimore Police Department and other jurisdictions were addressed. During this roll call, officers were ordered not to make any arrests until first approved by the Baltimore Police Department legal advisors. Before an arrest could take place, officers were told that they must notify command staff of the situation, give a description of the suspect and then maintain "eyes" on the suspect until they received permission to make the arrest. If approved by the legal advisors for an arrest, officers were told an arrest team would then engage. Officers reported these instructions were also given as early as the protests at the Army/Navy game on December 13, 2014 and the Ravens Super Bowl parade on February 5, 2013. This glaring departure from recognized police procedure endangered both suspects and officers.

During the focus groups, officers reported being ordered to release arrested suspects.

- On April 21, 2015, James McArthur, a local activist and blogger, along with Baltimore Bloc protestors, was ordered to be released from the Western District.
- In one case, Commissioner Batts himself ordered a sergeant to release two individuals who had assaulted officers by throwing rocks at Gay and Lombard Streets.
- Commissioner Batts also ordered the release of a reporter at the Western District who had been arrested for hindering police.
- Command staff reportedly ordered officers not to arrest at the Inner Harbor and not to pursue aggressors in the Western District.
- In yet another case, a request to make an arrest was made over the radio but no response was received within a reasonable time in order to effect an arrest.
- Through focus groups and phone calls, the Baltimore City FOP Lodge #3 After Action Review Committee encountered various stories with the same end: officers were frustrated, feeling unable to do their jobs.

This policy was noted by several officers who tried to make an arrest during the riot, only to be told to release the suspect. Perhaps the most notable instance involved the rioting near Camden Yards in which baseball fans were assaulted.



Photo Credit: Patrick Semansky/AP



Photo Credit: Stephen Yang

Bystanders can be heard in a video posted on YouTube of the scene asking why the police were walking the other way (<https://www.youtube.com/watch?v=4Ztgz6-yUHo>).

This policy requiring approval from legal advisors, created by Commissioner Batts and his command staff, severely slowed officers' ability to effect arrests and to prevent situations from escalating.

RECOMMENDATION:

Baltimore Police Department leadership should entrust the power to arrest to the on-scene commanders and front line supervisors. Restricting on-scene response to riots with bureaucratic "red tape" only slows the process of crowd control and emboldens rioters who see that on-scene officers have little power to arrest or detain. In addition, these decisions are better made on-scene with firsthand knowledge of the surrounding circumstances. A more effective and efficient response could have been achieved through respect for the judgment of on-scene commanders when making arrests.

The Center for Domestic Preparedness, Field Force Operations Manual is very clear on this topic. It states, "A perceived under response by the protestors of the community can have a dramatic impact on law enforcement operations. Protestors will view an under response as a victory and an opportunity to increase their level of civil disorder. The community will view an under response that allows damage to occur as a lack of leadership. The result can lead to upper management personnel being terminated."

The predominant characterizations of Baltimore Police Department leadership during the riots by officers surveyed were that they seemed unprepared, politically motivated, uncaring and confused. Several survey respondents, as well as focus group participants, distinguished between on-site commanders and off-site, stating that the on-site commanders were ill prepared to lead. Many of the on-site commanders were unfamiliar with the tactics, personnel and equipment needed to handle the incidents they faced. Officers largely felt that the “hands” of on-site commanders were tied by orders from the top and, therefore, could not always act in the best interest of their officers. As a result, orders often conflicted.

Orders not to engage any protestor, not to wear protective equipment so as not to look intimidating, and orders not to arrest without permission from the legal advisors made officers question the motives of Baltimore Police Department command.

- Officers made comments that they felt like “clowns for the media” and that the Department did not care what happened to them.
- “A captain ordered us into a vulnerable position and let us sit there and get pelted,” stated one officer.
- Another cited several requests via radio to utilize less lethal weapons [related to orders given to not utilize certain equipment] as officers were being injured by the crowd, only to be ordered not to engage.
- Many felt as though the Baltimore Police Department command was frightened to make decisions because they were preoccupied with the Agency’s liability.

Most survey respondents who were injured felt that their injuries resulted from the lack of planning and the lack of leadership during the crisis. The majority of the officers realized rather quickly that they needed to look out for one another’s safety because it appeared that no one in leadership was able to do so. Many stated they knew they must take care of themselves and each other. The perception of weakness and/or conflicting interests at the top shook officers’ confidence in their abilities to successfully perform their duties.



Photo Credit: Getty Images

Strong, decisive central leadership at the head of the Baltimore Police Department is also crucial to an effective response during times of riot/civil unrest. Planning for the riots should have been completed well in advance. A standing civil disobedience plan should have been implemented and updated long before these events occurred. During the May 26, 2015 Baltimore City FOP Lodge #3 Membership Meeting, Commissioner Batts indicated that he knew riots would eventually occur in Baltimore; however, he admittedly failed to train and prepare the Baltimore Police Department. Each officer should have been apprised of mission objectives, deployment and tactical orders beforehand in order to ensure that all moving parts worked toward a common goal.

ISSUE: Commissioner Batts seeks to divide the BPD rather than unite it

Specifically, Mayor Rawlings-Blake and Commissioner Batts have pointed fingers and shifted blame in regard to what went wrong during the riots. When questions arose surrounding the management of the Baltimore Police Department, Rawlings-Blake and Batts issued scathing public attacks on the rank and file.

Commissioner Batts issued an order that no officer shall speak to the media. Later, Batts, in an Op-Ed to *The Baltimore Sun*, publicly shamed officers who appeared in a news interview with their identities concealed. Officers are forced to conceal their identities in

order to not be fired for exercising their right to free speech. To view the interviews which aired on CNN, visit: <http://www.cnn.com/videos/us/2015/06/10/baltimore-officer-speaks-out-intv-bladwin.cnn>.

In an Op-Ed piece for *The Baltimore Sun*, Commissioner Batts states that more police officers will likely be arrested as a result of the reforms he is undertaking at the Baltimore Police Department. He seems to vilify his officers stating that, "The cycle of scandal, corruption and malfeasance seemed to be continuing without abatement." To read the full op-ed, visit: <http://www.baltimoresun.com/news/opinion/oped/bs-ed-batts-0621-20150620-story.html#page=1>.

According to *The Baltimore Sun*, Commissioner Batts apologized to Baltimore officers for putting them in harm's way during unrest. The paper reported, and officers confirmed, that Commissioner Batts, while speaking at the May Membership meeting of the Baltimore City FOP Lodge #3 said that he failed to follow his intuition that problems were coming and officers were hurt as a result. "I'm apologizing that we didn't have a chance to do enough training," he said. For coverage by *The Baltimore Sun*, visit: <http://www.baltimoresun.com/news/maryland/crime/blog/bs-md-ci-batts-speaks-to-fop-20150527-story.html>.

The very next day, Commissioner Batts denied apologizing for his handling of the riots and recanted his statements in a press conference. To view his remarks, visit: <http://www.abc2news.com/news/crime-checker/baltimore-city-crime/batts-denies-claims-of-apologizing-to-police-over-riot-handling>.

Mayor Rawlings-Blake commented to the media that she had told officers that they needed to do their jobs or face internal discipline, following a perceived work slowdown by Baltimore Police officers, post-riot. "We know there are some officers who we have some concerns about," Rawlings-Blake told reporters at City Hall. "I've been very clear with the FOP that their officers, as long as they plan to cash their paycheck, my expectation is that they work." Baltimore City FOP Lodge #3 leadership reports that they and Mayor Rawlings-Blake never had this conversation. To view coverage by *The Baltimore Sun*, visit: <http://www.baltimoresun.com/news/maryland/bs-md-ci-comstat-meeting-20150616-story.html#page=1>.

RECOMMENDATION:

Mayor Rawlings-Blake and Commissioner Batts should show public support for the men and women of the Baltimore Police Department. Additionally, Mayor Rawlings-Blake and Commissioner Batts must take responsibility for their roles in managing the police response to the riots.

ISSUE: *The National Guard was not called in until April 27, 2015*

On Sunday April 26, 2015, Baltimore City FOP Lodge #3 President Ryan contacted Commissioner Batts and said that the officers were overwhelmed and ill equipped and that the Commissioner should request assistance from the National Guard. Commissioner Batts said, "We don't need them."

RECOMMENDATION:

The Baltimore Police Department, in planning and preparing for future demonstrations and civil disturbances, should have a decision matrix including the circumstances and the conditions where National Guard assistance would be requested. The National Guard was needed prior to its arrival. The situation was allowed to spiral out of control before taking appropriate action in requesting outside help. Mayor Rawlings-Blake should have requested the National Guard on Friday, April 24, 2015. Commissioner Batts stated he had insufficient law enforcement support from mutual aid law enforcement agencies. By calling in the National Guard, Commissioner Batts would have been able to meet the staffing levels that he, himself, believes is necessary to retain law and order while at the same time allowing for demonstrations.

In a public statement, Maryland Governor Larry Hogan stated:

"We declared a state of emergency and I issued the executive order less than 30 seconds after requested by the city of Baltimore. So it didn't take us very long at all. I signed an executive order almost immediately as soon as we received the call and called the President. There was no delay whatsoever. We've had this emergency operation center activated since Saturday. We've had hundreds of State Police on the ground. We've had every single state agency and local agency coordinated out of this operation already for the entire week.

I've been in daily communication with the Mayor and others in the city and our entire team has been involved from day one. Frankly, this was a Baltimore City situation. Baltimore City was in charge. When the Mayor called me, which quite frankly we were glad that she finally did, instantly we signed the executive order. We already had our entire team prepared.

We were all in a command center in the second floor of the State House in constant communication and we were trying to get in touch with the Mayor for quite some time. She finally made that call and we immediately took action."

Equipment

ISSUE: Officers were told not to wear protective gear during the riots

During the April 25, 2015 roll call held at Baltimore Police Headquarters, officers reported having received instructions from Commissioner Batts and other command staff members that they were not to wear gloves or sunglasses and that no one was to wear a helmet until advised to do so by a supervisor. During the same roll call, Commissioner Batts ordered officers to remove their gloves as there was no need for them to look “so Billy Badass.”

Additionally, Baltimore City FOP Lodge #3 President Gene Ryan had multiple communications with Commissioner Batts on April 23, 2015 and April 24, 2015 in which he was told that officers were not to wear their helmets and not to bring them to the scene. Helmets, the Commissioner stated, were to be left in vehicles or back at the station houses. After repeated requests by President Ryan, on April 25, 2015, Commissioner Batts finally stated officers would be allowed to carry their helmets, fastened to their belts, but they remained unable to wear them.

Focus group participants also mentioned similar instructions:

- On April 22, 2015, officers in the Western District were ordered to leave all riot equipment behind the front desk inside the district, despite the constantly growing protests directly outside.
- On April 24, 2015, Western District Command instructed officers that helmets were to be left in cars.
- On April 26, 2015, officers were advised that helmets were approved for possession, but had to be left in the lobby of the station house.
- Members of SWAT initially wore the full scale green tactical uniforms while positioned in front of the Western District Station House, but were shortly thereafter advised to switch to their less intimidating Class “B” uniforms.
- One officer reported the Pennsylvania State Police were told by a Baltimore Police Department Command Staff member to remove all of their riot equipment.

This policy of disallowing officers to wear protective gear left officers needlessly vulnerable to attack by aggressive crowds. One officer stated he felt like a “sitting duck,” while another felt he and his fellow officers were being paraded about for the media with no concern for their wellbeing.

RECOMMENDATION:

Proper equipment is vital to the health and safety of officers at all times; however, protective gear during riot situations is imperative.

From FEMA Field Force Operations manual, Gloves/Gauntlets section, "[gloves] protect the responders' hands and forearms from flying debris or other impact situations, and are usually cut resistant." Furthermore, the consistently stated concern that officers must not appear to be intimidating is a very much mistaken priority by the Department.

ISSUE: Officers did not have adequate equipment during initial deployment

The overwhelming majority of officers surveyed reported only having a helmet during their initial deployment in the beginning days of this event. Some focus group participants also had a departmentally issued baton and/or Espantoon. Very few reported having any other riot/civil disturbance equipment during the first days of the riots. Some of the officers even purchased their own equipment, feeling they were not adequately protected by the equipment provided by the Department. Others reported being handed equipment by other participating jurisdictions.

This lack of necessary equipment led to countless injuries to officers. Officers, in inappropriate gear, were told to hold the line as bricks, bottles, cinderblocks, rocks and other objects were being thrown at them. Multiple survey respondents reported bruising and lacerations that were never reported in Employment Incident Reports.

RECOMMENDATION:

The Baltimore Police Department should follow the FEMA Field Force Operations. Officers should have been supplied with helmets, goggles, shields, batons, groin protectors, turtle suits, gas masks and gloves before any rioting occurred.

ISSUE: Equipment provided to officers was widely ill-fitted, mismatched, expired, intended for training purposes and/or otherwise faulty

Survey respondents and focus group participants reported receiving gas masks with expired canisters, gas masks with papers stating "for lawn care only," expired helmets with no padding, helmets with scratched visors, equipment which was not fire-retardant, shields meant for someone whose other hand is dominant and shields intended for training which shattered easily (with as little impact as that from a full water bottle). In other instances, two pieces of equipment were incompatible with one another. For example, gas masks which would not close if worn along with the helmet provided, groin

protectors which were unable to be worn in conjunction with a duty belt, and so on. Officers were left to decide which pieces of equipment were most vital and sacrifice various others. Once turtle gear was obtained, officers reportedly received multiples of the same items and had to swap with other officers to try to compile what was needed. Officers stated there was no fitting of equipment and they simply got what they could.

Many of the issues with the equipment provided rendered it totally useless or severely impaired the protection intended. Officers were, again, left vulnerable by this lack of disregard for officer safety.

RECOMMENDATION:

The Baltimore Police Department should have ensured officers were supplied with unexpired equipment that fit properly, was compatible with all other equipment and was intended for use during riot/civil unrest situations. Equipment is currently being distributed from the Quartermaster; however, officers are directed to large boxes of equipment while fitting themselves with no relevant input on how the equipment should actually fit.

ISSUE: Officers did not receive adequate training on how to use equipment provided

Of those officers who did, in fact, receive additional equipment, most reported no training whatsoever. A few reported a one-to-two minute training session. Little or no training on the use of equipment further reduced the level of protection officers received from the equipment supplied.

RECOMMENDATION:

Officers should have received adequate instruction on how to properly utilize each piece of equipment they were given.

ISSUE: Officers do not have utility uniform pants and shirts, made of fire retardant material, for riot or civil unrest situations

The widespread sentiment of focus group participants was that these items would be highly beneficial for officers of the Baltimore Police Department. Officers stressed the importance of uniformity among the officers on the line. One officer stated that as the week went on, his unit was told “as long as you have a shirt with patches on the sleeves we don’t care what you’re wearing.” Additionally, officers stated that the larger pockets of the utility uniform would allow them to place food and water bottles in the pockets to ensure they were not on the front line for hours at a time with no provisions.

RECOMMENDATION:

The Department should provide utility uniform pants and shirts for all officers for use in riot or civil unrest situations. FEMA standards require the clothing to be fire retardant/resistant. Besides the arson committed by looters, there were several incidents in which burning trash cans were tossed at police officers. Additionally, a number of improvised flammable devices were discovered during the rioting.

Training

ISSUE: Officers had little to no training in riot/civil unrest situations

The vast majority of survey respondents and focus group participants reported having only one day's worth of riot/civil unrest training in the Police Academy and/or half an hour of such at In-Service Training sessions. Several officers reported a comment by Commissioner Batts at an April 25, 2015 roll call in which he stated that he had experienced several riot situations and the officers he was addressing had "no idea" what was about to take place. Yet, the Department does not appear to have provided the level of specialized training required to prepare Baltimore Police Department officers for such a situation.

Although Baltimore experienced civil disorders during the 2013 Ravens Super Bowl parade, nothing was done by the Department to better prepare for future situations. No After Action Review was conducted, no policies were changed, no best practices adopted, and no additional training initiated.

Despite Command level knowledge of the special challenges presented by riot situations and the large amount of foreshadowing intelligence warning that Baltimore was primed for riots to erupt, the Baltimore Police Department leadership failed to adequately prepare its officers for what they would face.

RECOMMENDATION:

The Baltimore Police Department should provide its officers with advanced relevant training in situations of riot or civil unrest. Training should conform to national best practices that mirror the Center for Domestic Preparedness. The Department should create and maintain a Mobile Force Operations Unit that is comprised of, at minimum, a division-sized field force of officers per FEMA standards. These officers could be utilized in an on-call status.

ISSUE: Officers who receive advanced training do so as individuals rather than squads

Officers stressed the importance of training as a squad rather than as individuals in order to ensure cooperative functioning in a highly stressed situation such as a riot.

RECOMMENDATION:

Each District should have a mobile field force squad and training sessions should be conducted with entire squads so that officers have experience working with those with whom they will be deployed.

ISSUE: The Baltimore Police Department's Education and Training Division lacks adequate personnel and resources to properly train the Department

RECOMMENDATION:

The Baltimore Police Department should fully staff the Education and Training Division with qualified/credentialed personnel and maintain these staffing numbers at all times. The Department should also partner with outside agencies who have greater expertise, including participation in joint exercises.

Tactical

ISSUE: The riots revealed many intelligence gaps

As the result of a poorly staffed Criminal Intelligence Section, the Baltimore Police Department Field Commanders had neither timely nor adequate information about the demonstrators and planned protests. The Department's intelligence gathering was severely hampered by the understaffing of trained detectives.

Even before the September 11, 2001 attacks on our nation, the Baltimore Police Department had a robust Criminal Intelligence Section. The Criminal Intelligence Section was once one of the premier law enforcement intelligence gathering units in the country. Its assistance and expertise was sought after by other local, state and federal law enforcement agencies, large and small. Sadly, the Baltimore Police Criminal Intelligence Section has lost personnel and has been allowed to weaken. Ironically, as gangs like the Black Guerilla Family (BGF) continued to grow in Baltimore, the Criminal Intelligence Section continued to shrink. In January 2015, the continued downsizing of the Criminal Intelligence Section resulted in a veteran Detective Sergeant, recognized as one of the foremost intelligence experts, being transferred to patrol.

On April 27, 2015, the commanding officer of the Criminal Intelligence Section was deployed as a commander of a Mobile Field Force to Mondawmin Mall. This deployment

raises serious organizational and operational questions as it occurred at the time of perhaps the greatest intelligence needs the Baltimore Police Department had ever faced.

RECOMMENDATION:

The Intelligence Commander would be better utilized coordinating and directing the work of his subordinate detective staff whose work in this situation would have been better spent investigating and analyzing the “purge” information that was received relative to Mondawmin Mall. Then, based upon the information developed, he could have provided that information to the Baltimore Police commanders.

The Police Executive Research Forum (PERF)’s *Police Management of Mass Demonstrations* manual recognizes that Intelligence and Information Management are a crucial component in preparing for demonstrations. Page 31 of the manual states “Information processing is another component of effective planning. Mass demonstration management demands careful attention to managing information before, during, and after the event. Gathering and thoroughly analyzing information or intelligence about the activities of demonstrators can dramatically strengthen a police department’s demonstration management plan.” To view the manual, visit: http://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf.

ISSUE: Officers were ordered to advance and then retreat repeatedly

Several focus group participants reported this occurrence, noting both the physical toll this took on officers as well as the level of respect they commanded from rioters. Officers seemed uncertain of the reason behind this tactic. Many felt it was the result of ineffective command decisions and/or conflicting orders from Police Headquarters.

This tactical error was ineffective and put officers in a dangerous position as violent crowds were able to advance repeatedly against the Baltimore Police Department line, rearmed, growing increasingly emboldened with each occurrence.

RECOMMENDATION:

Baltimore Police Department front line supervisors must plan ahead and properly communicate strategy to officers. The Department needs a comprehensive plan to handle riots in which specifics are addressed. This “line in the sand” plan should outline possible occurrences and the corresponding appropriate response.

ISSUE: Officers were not given a chance to rest or come off the line as the situation began to slow

According to some focus group participants, much-needed reprieve was never granted.

RECOMMENDATION:

On any given day, the Baltimore Police Department is unable to specify the number of officers/detectives deployed throughout the city. A deployment plan must be put in place for scheduling during incidents where a large number of officers are needed for long periods of time. As required by the Incident Command System (ICS), the planning section is required to develop deployment needs and can only operate effectively if an accurate daily deployment number is available.

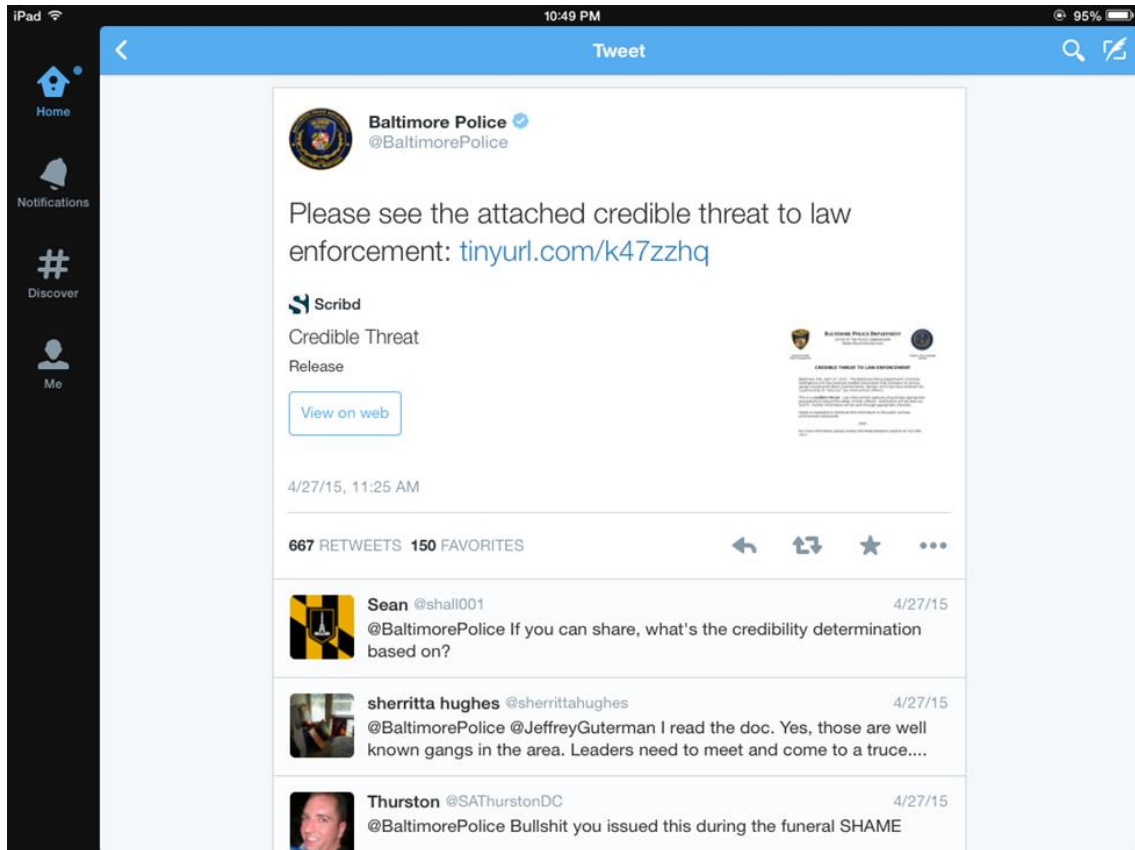
Communications

ISSUE: On Monday April 27, 2015, at 11:25 a.m., the Office of the Police Commissioner, Media Relations Section, committed a serious error. The Baltimore Police Media Relations Section sent the media an unconfirmed report that there was a “credible threat to law enforcement”

The credible threat was, in fact, an unconfirmed rumor. Circulating this rumor undermined the credibility of law enforcement and unnecessarily inflamed tensions. In a June 25, 2015 article in *The Baltimore Sun*, Baltimore Police Department spokesperson Captain Eric Kowalczyk said in a statement, "Due to the exigency of the circumstances, the credibility of the threat at the time it was received, extraordinary action was taken. The department acted out of an abundance of caution rather than see an officer injured or killed and would do so again."

The troubling portion of Captain Kowalczyk's statement is that the Baltimore Police Department "would do so again." This is another example of how the Baltimore Police Command is not committed to fixing the problems exposed by the riots. When it is clear that the Baltimore Police Command made an error, a lesson must be learned so that a different protocol may be followed moving forward. Certainly, any mistake made in an effort to protect officers should be forgiven. However, the lack of introspection by Baltimore Police Command is a grave mistake. In After Action Reviews, there is a non-judgmental concept of "lessons learned" which allows that performance can be improved upon. This uncorroborated report (rumor) should have never been released to the media.

The following is the tweet posted on the Department's Twitter account as well as the press release by the Department regarding the "credible threat to law enforcement":



Anthony W. Battis
Police Commissioner

BALTIMORE POLICE DEPARTMENT
OFFICE OF THE POLICE COMMISSIONER
MEDIA RELATIONS SECTION



Captain J. Eric Kowalczyk
Director

CREDIBLE THREAT TO LAW ENFORCEMENT

Baltimore, Md., April 27, 2015 – The Baltimore Police Department / Criminal Intelligence Unit has received credible information that members of various gangs including the Black Guerilla Family, Bloods, and Crips have entered into a partnership to “take-out” law enforcement officers.

This is a **credible threat**. Law enforcement agencies should take appropriate precautions to ensure the safety of their officers. Notification will be sent via NLETS. Further information will be sent through appropriate channels.

Media is requested to distribute this information to the public and law enforcement nationwide.

-END-

For more information please contact the Media Relations Section at 410-396-2012

The following is a link to the article in *The Baltimore Sun* about the release of the credible threat alert:

<http://www.baltimoresun.com/news/maryland/freddie-gray/bs-md-credible-threat-documents-20150625-story.html>.

RECOMMENDATION:

The correct procedure for disseminating this uncorroborated threat would not involve the Baltimore Police Media Communications Section. The Baltimore Police Criminal Intelligence Section would be responsible for disseminating this information. The communications would be restricted to law enforcement and designated “law enforcement sensitive” and the threat would be characterized as uncorroborated. The term “credible,” when used in connection with intelligence, has a specific meaning, including that certain criterion have been met. If Captain Kowalczyk acknowledges that this is the law enforcement best practice, it would be a start in restoring confidence to the rank and file in the commanders of the Baltimore Police Department.

The Police Executive Research Forum (PERF)’s *Police Management of Mass Demonstrations* manual recommends establishing a Joint Information Center (JIC). On page 66, it states, “In keeping with the primary objective of the Joint Information Center — to collect and disseminate accurate and timely information — it is critical to develop procedures to facilitate the release of information.” To view the manual, visit: http://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf.

ISSUE: Some officers did not know to whom to report during the riots

For example, on Monday, April 27, 2015, at approximately 3:00 p.m., Police Communications issued a citywide broadcast for all available units to respond, Code 1 (lights and sirens), immediately, to Police Headquarters, leaving only two (2) units behind in each District in order to respond to all citizen calls for service.

RECOMMENDATION:

Clear communication and proper planning from leadership is vital. A communication plan should have been established using ICS and should have been specific as to how the incident action plan and contingency plans were to be communicated to a decentralized agency.

ISSUE: In many instances, officers were not provided a safe route of travel and/or staging area

Safety was a serious issue throughout the riots:

- In many cases, no transportation was provided, so officers walked to new deployments.
- Focus group participants reported sitting in buses for hours in the midst of crowds feeling like “sitting ducks.”
- Officers were in vehicles which were hit with objects that caused the windows to shatter and sent glass flying inside the vehicle, striking some officers and causing injury.
- A group of officers had to barricade themselves in a business to escape the rioters.
- Officers stated that the staging area at North and Pennsylvania Avenues was not secured.
- A group of MTA officers needed to be evacuated from the subway station at North and Pennsylvania Avenues as the result of being overwhelmed by attacking rioters, who then burned the officers’ vehicles.



Photo Credit: Getty Images

RECOMMENDATION:

Clear communication from leadership is vital. Leadership must have a plan for transportation and a staging area set so officers' safety is not compromised. Clear plans should have been communicated to all members who were assigned roles during riots.

ISSUE: Instructions to officers were unclear, indecisive and/or conflicting throughout the riots

Survey respondents and focus group participants largely felt on-site commanders' hands were tied by orders from the top and therefore could not always act in their squads' best interests. As a result, orders often conflicted. At times, off-site command would arrive and take over control from on-site command, giving conflicting orders without knowing the full context of the situation. Repeatedly, officers were ordered to advance the line only to be told to retreat back to their original position.

RECOMMENDATION:

Again, clear communication and proper planning from leadership would address this. A communication plan should have been established using Incident Command System (ICS).

ISSUE: A plan for injured officers was not effectively communicated

Some focus group participants commented that Baltimore Police Department Command did not know where to take injured officers. For example, one supervisor was never informed where his officers had been taken or the extent of their injuries. This situation delayed medical treatment for injured officers.

RECOMMENDATION:

A plan for medical treatment and injuries must be put in place before officers are deployed into an event of this magnitude. The ICS provides for a medical unit under the Logistics Section to have the responsibility for a Medical Plan (ICS Form 206) and to track the information on injured officers (ICS Form 214).

Incident Command System (ICS) Model

ISSUE: Many officers were deployed for 18 or more hours at a time with inadequate food, water or relief

Surveys and focus groups reported squads were left on the line for upwards of 24 hours straight without relief. The majority of the officers reported relying on businesses, bystanders and other jurisdictions for food and water while on duty. Reacting to complaints from the membership, on April 28, 2015 Baltimore City FOP Lodge #3 President Ryan attempted to secure food and water logistics for officers as it had not yet been accomplished by the Baltimore Police Department.

The basic needs of officers went unmet for long periods of time, putting strain on them physically and damaging the response effort. This is not a new issue for the agency. The Baltimore City FOP Lodge #3 hears from its members that at nearly every event to which the Department deploys, officers are left to fend for themselves for simple basic needs such as food, water and relief.

RECOMMENDATION:

A proper plan needs to be put in place to meet the basic needs of officers on the ground: a supply of food and water and a schedule so officers have time to rest when needed for long periods of time.

ISSUE: Squads were split up during riots

Commands did not act as a cohesive unit to supply the appropriate number of officers to handle the riots. Officers reported that squads who were familiar with one another and had experience working together were often split up. This type of deployment left officers working with others with whom they had no experience, making them less effective than they would have been if deployed with their existing squads and shifts.

RECOMMENDATION:

Officers should be deployed with the same supervisors and officers with whom they regularly work and train.

ISSUE: The Incident Action Plan (IAP) was not communicated to officers

Roles and responsibilities were not defined to designated persons. No focus group participant reported being privy to such a plan. Most were unaware if one existed.

RECOMMENDATION:

FEMA articulates the essential nature of the IAP, stating its operations and providing a basis for evaluating performance in achieving incident objectives. The IAP identifies incident objectives and provides essential information regarding incident organization, resource allocation, work assignments, safety and weather. A well-communicated IAP is vital for the safety of officers.

ISSUE: Little action has been taken by the Baltimore Police Department since the riots to ensure the health and welfare of officers

Officers report it has been “business as usual” since the riots and they have received no time off to rest after multiple 18-hour deployments. One focus group participant reported Commissioner Batts’ tone, since the riots, has been threatening of officers at roll call.

RECOMMENDATION:

One plausible solution would be a replacement shift to relieve a squad for relief or training.

A SAMPLING OF FIRSTHAND OFFICER ACCOUNTS

- A command member, appointed by Commissioner Batts, reported being given orders from executive command members not to engage rioters, even while officers on the line were being assaulted with rocks and bottles.
- Officers from other agencies confirmed that Baltimore Police Department command staff told officers in Baltimore City FOP Lodge #3’s offices that they should allow rioters to “flip and burn cars and to not take action against property crimes, only if death or personal injury occurs.”
- An officer, while deployed at Mondawmin Mall, reported orders given for no helmets, even after being hit by rocks. Command was aware officers had no helmets and reportedly expressed concern about being outflanked. The officer reports an outside agency present with the group had gas but was told not to deploy.

- An officer deployed on April 25, 2015 reported being instructed to notify the command center to see if he could make an arrest.
- A sergeant reported working riot detail at E. Fayette and Gay St. on April 25, 2015. “I was in uniform and standing behind metal barricades. At that time I was involved in an arrest for disorderly conduct. I took the arrestee behind the metal barricades and sat him on the bus stop bench. I was then approached by a command staff member who told me ‘this is what we are going to do, we are going to un-handcuff him and let him go.’ I replied, ‘Sir, he is my arrest and he is not being released.’ Command replied, ‘Sergeant, you were not at the meeting before, you did not get permission from the 9th floor to make an arrest.’ I replied that I would not release the suspect as it was a legal arrest. At that time I was told I was ‘relieved from here go to the atrium and stay there.’ I then grabbed my riot helmet and went to the atrium. Approximately 5-10 minutes passed and I received a call from a lieutenant who told me to come back to the line. I informed him I was just relieved to which he replied the command member had ‘made a phone call’ and I should come back and charge the suspect appropriately, which I did.”
- An officer reported that a sergeant “dug into his own pocket to buy food for us” when none was provided for more than 18 hours.
- An officer reported that, while trying to disperse a crowd throwing rocks and bottles, Commissioner Batts walked up and “told us to ring our sticks; we looked aggressive on national television.” This officer reported Commissioner Batts was not in uniform at the time.
- An officer reported not being allowed to leave the Western District to help tired officers on the front line: “I asked to have the officers come to Western District and let us go out.”
- An officer on the front line at the Western District on April 25, 2015 reported being told to repeatedly move forward then pull back. “No commander knew how to run the scene.”
- An officer reported: “On Saturday, April 25, 2105, I attended a roll call with Commissioner Batts and a member of his command staff. During that roll call, Commissioner Batts told us to take our gloves off and not wear sunglasses because it looks intimidating. He further stated that we were not ready or prepared for what was about to happen. We were told to not wear our helmets until the on-scene supervisor told us to put them on. We were told our job was to deescalate. Command staff told us that we were not allowed to make an arrest unless it was approved by the legal team in unified command.”
- An officer reported: “During this roll call we were advised by Commissioner Batts that we were not ready for what is about to happen. He stated that he has been involved in five full-scale riots and knows firsthand. We were then advised to give space to the protestors and not follow as we had done in prior events. He then stated that we were not

to act until they began to loot and burn property in this city. We were told not to wear black gloves and/or sunglasses during any of these events.”

- An officer reported: “During the afternoon hours of April 25, 2015 while monitoring police radio, I heard command staff give orders over the radio that we were not to engage the rioters and not to do anything that might provoke an incident.”
- An officer reported: “I heard command staff on 11A — ‘Looting expected, let it happen.’ At CVS officers were told ‘do not stop looters’ and ‘hold your position.’ Police just watched the looting and destruction. I heard ‘hold the line’ and ‘don’t move forward’ and was praised by the on-scene commander for enduring the attack with no response.”
- An officer reported that a member of the command staff eventually authorized pepper balls, but only at feet, which is “not training protocol.”
- An officer reported an encounter with Commissioner Batts while going to pick up gear on April 27, 2015. The officer reported that Commissioner Batts addressed the officers picking up riot gear: “he said that he never knew that we were not issued any riot gear” and that “he said he had been through many of riots and knew Baltimore was going to have one soon” and “he said he had no idea that the city did not have any riot gear and that he ordered the best gear and money was no issue.” This officer also indicated receiving only one minute of training on how to use the just-issued mask.
- An officer reported: “On the evening of April 27, 2015, I was one of the officers deployed to the Mondawmin Mall area in reference to the civil unrest/looting that was taking place. We were basically marched out in the street and lined up in front of the increasingly angry mob of people. The manner in which we were lined up left us exposed and out flanked and this basically continued for an extended period of time. We were just pulled back and forth by supervisors yelling to form lines in random patterns and places with no real purpose. On one instance, a member of upper command was making an arrest. The crowd began to move forward to disrupt the process at which time the upper command staff officer retrieved mace and deployed some, not only spraying the crowd but spraying officers down wind, myself included. I began to tear and violently cough. After this incident, we formed another line in the street and at this point, I believed that we were now going to do something to try and control or disperse the crowd. This is when the crowd began to throw rocks, bricks and chunks of concrete. At first, there were just a few objects being thrown. But when the crowd realized that we were not moving forward and not engaging them, they began to throw more and more objects/rocks, all getting bigger in size. I had never in my 14-year career been as afraid as I was at that moment. I was struck with a piece of concrete that I did not see coming. The blow buckled me to my knees. I can recall Commissioner Batts addressing the officers at headquarters prior to going out on the street. He pretty much patted himself on the back making statements like. ‘I have been in five riots and I will assure you that this is the real deal.’ With a potential riot looming, command staff was more concerned with officers not wearing black gloves and looking intimidating. With all this ‘experience’ and beforehand knowledge at Commissioner Batts’ disposal, he still led us officers to slaughter. We were

ill equipped, overwhelmed and sent out with no less lethal crowd control weapons or real secondary plan. We were given the order to stand down, yet we could not retreat or defend ourselves. It wasn't until after all of the officers were injured that we received riot equipment.”

CONCLUSION

The unrest and riots that occurred in Baltimore were preventable. The injuries suffered by more than 200 police officers, both those from within the Baltimore Police Department and outside agencies, could have been avoided or at least minimized. The injuries sustained by civilians who were assaulted, as well as the destruction of private and public property, also could have been avoided.

This After Action Review came about because the police officers, sergeants and lieutenants of the Baltimore Police Department do not want to see Baltimore burn again. The sworn men and women who comprise Baltimore City Fraternal Order of Police Lodge #3 believe in Baltimore and we are committed to continuing to make this city a safe place to live and work. We cannot however sit back and allow certain leaders to abdicate their responsibility to lead while placing blame on the police officers who stood strong in the face of adversity. For these reasons, it was the Baltimore City FOP Lodge #3 that first called for an After Action Report and solicited the input and experience from the police officers who saw firsthand what worked, and what did not work, during the rioting that took place in April 2015.

Before and during the riots, Police Commissioner Batts and his top commanders adopted a passive stance that put the image of themselves and City Hall ahead of the safety of its citizens and public servants. This tentative posture allowed the destruction of personal property and needless injury to first responders. The question begs now, is the Baltimore Police Department prepared for the next potential unrest? Does Commissioner Batts have the leadership skills necessary to get the job done?

The overwhelming sentiment of officers is that the Baltimore Police Department's response to the riots was lacking in many areas. Decisions implemented by top commanders of the Baltimore Police Department left officers in harm's way, making them vulnerable and susceptible to attack. The majority of officers we spoke to felt the Baltimore Police Department did not give them the necessary support to do their jobs effectively. Finally, our After Action Review shows that steps to prepare officers for future unrest have still not been implemented.

It is our hope that these recommendations will be considered by the leadership of the Baltimore Police Department in an effort to better protect the safety of the citizens of Baltimore and of our police officers.

REFERENCES

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