



MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF POLICE

RESPONSE TO PUBLIC ORDER EVENTS

DIRECTIVE NO:

FC 0138

EFFECTIVE DATE:

08-25-2025

REPLACES:

Cancels HQ Memorandum 06-02

ACCREDITATION STANDARDS:

CALEA Standards: 6th Edition, 4.1.4, 4.1.5, 46.1.1, 46.1.2, 46.1.3, 46.1.4, 46.1.5, 46.1.6

PROPONENT UNIT:

Special Operations Division

AUTHORITY:

Marc R. Yamada, Chief of Police

If a regulation, departmental directive, rule, or procedure's provision conflicts with a contract provision, the contract prevails, except where the contract provision conflicts with State law or the Police Collective Bargaining Law (FOP Contract, Article 61).

I. POLICY

It is the policy of the Montgomery County Department of Police (MCPD) to facilitate the right of people peacefully assembled to exercise their First Amendment right to free speech.

Demonstrations are subject to reasonable restrictions on the time, place, and manner of expression while protecting individual rights related to all persons and groups to organize and participate in peaceful demonstrations, protests, and other First Amendment activities. The rights of those lawfully protesting must be balanced with the implicit right of the larger community to go about their daily lives.

II. PURPOSE

This policy establishes guidelines for managing crowds, protecting individual rights, and preserving the peace during demonstrations and civil disturbances.

III. DEFINITIONS

For purposes of this directive, the following terms have the meanings indicated.

- A. Active Resistance: Any action or evasive movements a subject takes to avoid or physically counteract an officer's attempts to detain or place them in custody and/or take control.
- B. Civil Disobedience: A nonviolent resistance to obeying a government's laws, lawful demands, or commands.
- C. Civil Disturbance: A gathering that constitutes a breach of the peace or any assembly of persons with the threat of collective violence, destruction of property, interference with traffic, or other unlawful acts may be considered or referred to as an unlawful assembly, riot, or civil unrest.
- D. Crowd Control: Techniques used to address civil disturbances.
- E. Crowd Intervention: Coordinated actions by an officer(s) to deter, isolate, and/or remove individuals engaging in unlawful behavior that impacts public safety.
- F. Crowd Management: Encompasses law enforcement management, intervention, and control strategies when responding to public assemblies and gatherings.
- G. Demonstration: Any protest, rally, march, vigil, gathering, assembly, or similar conduct to express political, social, religious, or other similar ideas, views, or concerns protected by the First Amendment of the United States Constitution. Planned or spontaneous demonstrations include, but are not limited to, the distribution of literature, displaying of banners, vigils, rallies, marches, strikes, or other similar activities (e.g., events, concerts, festivals, street theater, etc.).
- H. Event: A gathering of people that includes special events, demonstrations, or any other activity or incident likely to attract a crowd to include First Amendment activities.
- I. Exigent Circumstances: Circumstances which arise and create a need for immediate action to be taken.
- J. First Amendment, United States Constitution: Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
- K. Incident Action Plan (IAP): A concise and consistent proposal that captures and communicates overall incident priorities, objectives, and operational and support activities strategies.
- L. Incident Commander (IC): The senior ranking MCPD official with the overall responsibility for managing an incident, following the standardized Incident Command System (ICS) roles

- referenced under the National Incident Management System (NIMS). The IC has the overall authority and responsibility for conducting and managing all incident operations at the site.
- M. Incident Command System (ICS): The NIMS model for incident management. The ICS is a standardized on-scene emergency management organization tool designed to utilize common terminology and aid resource management during incidents.
 - N. National Incident Management System (NIMS): A standardized approach to incident management developed by the United States Department of Homeland Security (DHS) intended to facilitate coordination between all responders at the scene of an incident.
 - O. Non-Specific Crowd Control Agents (NSCA): Any chemical agent or large volume oleoresin capsaicin (OC) dispenser that affects more than one person at a time.
 - P. Passive Resistance: A refusal by an unarmed person to comply with an officer's verbal command or physical control techniques by non-active means.
 - Q. Response to Resistance: Any action other than compliant handcuffing.
 - R. Rules of Engagement: Standing orders that encompass an assessment of intelligence regarding potential or active unlawful activity.
 - S. Special Events Response Team (SERT): A specialized unit consisting of highly trained and equipped personnel whose mission is to maintain order or bring a situation under control during violent disorder, unlawful civil disturbances, law enforcement emergencies, and other critical situations that exceed the capabilities of the routine patrol officer or traditional crowd control techniques. SERT may assist other MCPD Bureaus or provide mutual aid to neighboring jurisdictions requiring personnel and/or equipment beyond their resources.

IV. FIRST AMENDMENT ACTIVITIES

First Amendment Assemblies

While the First Amendment provides broad protections for the expression of speech, it does not protect criminal acts including, but not limited to, riot, disorder, interference with traffic on the public streets, or other immediate threats to public safety, peace, or order.

- A. MCPD will treat all persons in a fair, equitable, and objective manner, in accordance with the law, and without consideration of their race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, language fluency, political beliefs, or other individual characteristics. MCPD's goal is for peaceful demonstrators to feel safe, including when asserting their First Amendment rights, and for the public to be protected against violence and the destruction of their property.
- B. A lawful assembly of persons organized primarily to engage in a First Amendment activity may be spontaneous or pre-planned (events that allow for law enforcement planning). They include but are not limited to marches, protests, and other assemblies intended to attract

attention. A lawful demonstration can become civil disobedience or civil disturbance that may necessitate law enforcement intervention and action.

- C. MCPD recognizes that demonstrations and events are dynamic.
- D. In the case of First Amendment assemblies, if the assembly is peaceful and adequate resources are available, efforts should be made to allow the protest to continue by redirecting vehicular and pedestrian traffic around the incident as needed.
- E. MCPD recognizes three tiers of public order response: crowd management, crowd intervention, and crowd control. Law enforcement response should be commensurate with overall crowd behavior.
- F. If a demonstration becomes a civil disturbance, MCPD is responsible for reasonably protecting public safety and restoring peace and order. The preferred police response is one of crowd management rather than crowd control. However, the behavior and actions of those engaging in civil disturbance will dictate if the police response must transition from crowd management to crowd control.

Note: Montgomery County does not require a permit to demonstrate, however some municipalities within the county (e.g. City of Rockville) do have a permitting process. The MCPD will protect the citizens' right to demonstrate while ensuring they do so peacefully and lawfully.