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**THESIS**

**POLITICAL DEMONSTRATIONS:  
A TERRORIST'S DREAM OPPORTUNITY**

by

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March 2020

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**POLITICAL DEMONSTRATIONS: A TERRORIST'S DREAM OPPORTUNITY**

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Submitted in partial fulfillment of the  
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## **ABSTRACT**

Political demonstrations occur frequently worldwide. The frequency of these events will surely increase with the upcoming U.S. presidential election. Law enforcement entities must prepare for these events from a variety of frameworks and be aware of current terrorist trends and the potential for attacks at demonstrations. This thesis presents case studies of two political demonstrations—the Unite the Right rally in Charlottesville, Virginia, and the yellow jacket protests in France—as well as three terror attacks—the Chelsea bombing, the Queens hatchet attack, and the Westside Highway ramming attack, analyzing them through the lens of the New York City Police Department (NYPD)’s political demonstration and counterterrorism policies. This thesis concludes with recommendations for the NYPD in improving its current policies and for urban police departments in applying the NYPD’s demonstration methodology to their own practices.

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## LIST OF ACRONYMS AND ABBREVIATIONS

AO	arresting officer
BC	borough commander
BWC	body-worn camera
CCTV	closed circuit television
CO	commanding officer
CPD	Charlottesville Police Department
CRC	Critical Response Command
CTD	Counterterrorism Division
DA	district attorney
DAS	Domain Awareness System
DI	deputy inspector
ESU	Emergency Service Unit
FDNY	New York City Fire Department
FTO	field training officer
IED	improvised explosive device
INTEL	Intelligence Bureau
ISIS	Islamic State of Iraq and Syria
JOC	Joint Operations Command Center
MU	Mounted Unit
NCO	neighborhood coordination officer
NYC	New York City
NYPD	New York City Police Department
OPS	Operations Unit
PA	Police Academy
PBMS	Patrol Bureau Manhattan South
PG	Patrol Guide
PSA	police service area
SG	<i>Student Guide</i>
SRG	Strategic Response Group
TB	Training Bureau

TARU	Technical Assistance Response Unit
UVA	University of Virginia
VSP	Virginia State Police

## EXECUTIVE SUMMARY

As the 2020 and 2024 U.S. presidential elections approach, an uptick in political protests is inevitable. Law enforcement agencies must fully prepare to police these political protests as well as secure them from any potential terrorist activity. Recent terrorist attacks, such as the vehicle ramming attacks in Charlottesville, Virginia, and on West Street in New York City, have demonstrated the forms of violence facing law enforcement at political protests.

### A. CASE STUDIES

This thesis presents case studies of two political demonstrations and three terror attacks. The political demonstrations include the Unite the Right rally in Charlottesville, Virginia, and the yellow jacket protests in Paris, France. The terror attacks analyzed include the Chelsea bombing, the Queens hatchet attack, and the Westside Highway attack. These case studies help to identify ways in which demonstrations have vulnerabilities to these styles of attack. Following the case studies, the researcher evaluated the New York City Police Department (NYPD)'s policing policies for political demonstrations.

The Unite the Right rally was held in Charlottesville, Virginia, on the weekend of August 11–12, 2017. The themes from this event included vehicle ramming attacks, active shooter situations, and tactical considerations.<sup>1</sup>

In 2018, French President Emmanuel Macron signed a bill raising the taxes on diesel fuel to help France become more environmentally friendly.<sup>2</sup> The themes from this event include fire as both a weapon and distraction, the use of hard-style policing, and the use of tear gas. After the protests became popular in fall 2018, the Islamic State of Iraq and Syria released images on Twitter of attacks against

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<sup>1</sup> Hunton & Williams, *Final Report: Independent Review of the 2017 Protest Events in Charlottesville, Virginia* (Richmond, VA: Hunton & Williams, 2017), 144, <https://www.huntonak.com/images/content/3/4/v4/34613/final-report-ada-compliant-ready.pdf>.

<sup>2</sup> Jake Cigainero, "Who Are France's Yellow Vest Protesters, and What Do They Want?," National Public Radio, December 3, 2018, <https://www.npr.org/2018/12/03/672862353/who-are-frances-yellow-vest-protesters-and-what-do-they-want>.

the yellow jacket protestors.<sup>3</sup> The image contained a quote in Arabic that translated to, “Oh lone wolves, exploit the demonstrations and kill the unbelievers in France.”<sup>4</sup> The images contained a vehicle with blood splattered on the hood and a hand holding a knife.<sup>5</sup>

On September 17, 2016, Ahmad Khan Rahami placed a series of pressure cooker–style improvised explosive devices in New York City and pipe bombs in New Jersey. The themes from this incident included active shooter protocols and terrorism trends.

October 23, 2014, was a rainy day in the commercial district of Jamaica, Queens. Rookie NYPD Officers Kenneth Healy, Joseph Meeker, Taylor Kraft, and Peter Rivera, were assigned to foot patrol in the area.<sup>6</sup> As the officers posed for a picture, Zale Thompson charged the officers with a hatchet and delivered a number of blows.<sup>7</sup> The element of distraction was a part of this case study.

Sayfullo Saipov entered the bicycle lane that runs north and south on the west side of West Street at Houston Street, approximately 20 minutes after entering New York.<sup>8</sup> He traveled southbound, killing eight people and injuring 11.<sup>9</sup> The themes from this case included ramming attacks, active shooter protocols, and enhanced training.

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<sup>3</sup> Annabel Murphy, “ISIS Calls on Fanatics to Kill Unbelievers at French Fuel Protests,” *The Sun* (London), November 26, 2018, <https://www.thesun.co.uk/news/7833132/isis-calls-lone-wolf-french-fuel-protests/>.

<sup>4</sup> Murphy.

<sup>5</sup> Murphy.

<sup>6</sup> Daniel Prendergast, “Cop Who Survived Hatchet Attack Gets NYPD’s Medal of Honor,” *New York Post*, June 14, 2016, <https://nypost.com/2016/06/14/cop-who-survived-hatchet-attack-gets-nypds-medal-of-honor/>.

<sup>7</sup> J. David Goodman, “New York City Police Kill Man Who Hit 2 Officers with Hatchet,” *New York Times*, December 21, 2017, <https://www.nytimes.com/2014/10/24/nyregion/new-york-police-fatally-shoot-man-who-attacked-officer-with-a-hatchet.html>.

<sup>8</sup> Sarah Almkhtar et al., “Trail of Terror in the Manhattan Truck Attack,” *New York Times*, October 31, 2017, <https://www.nytimes.com/interactive/2017/10/31/nyregion/manhattan-truck-attack.html>.

<sup>9</sup> Benjamin Mueller, William K. Rashbaum, and Al Baker, “Terror Attack Kills 8 and Injures 11 in Manhattan,” *New York Times*, October 31, 2017, <https://www.nytimes.com/2017/10/31/nyregion/police-shooting-lower-manhattan.html>.

## **B. NYPD UNITS AND POLICY**

The NYPD has numerous assets involved in the policing of political demonstrations. These include basic patrol units, advanced specialty units, and administrative support units. This thesis outlines what each unit's duties and responsibilities are and what it does during a political demonstration. The thesis then discusses what constitutes the NYPD's policies, including the Police Academy curriculum, Activity Log inserts, and Patrol Guide procedures. The most important policies for this thesis include rapid mobilization, active shooter protocols, Handschu guidelines, and the use of force. The Handschu guidelines, which stem from case law, determine how the NYPD conducts investigations of political organizations.<sup>10</sup>

## **C. CONCLUSION AND RECOMMENDATIONS.**

Overall, the research concluded that the NYPD is fit to handle demonstrations and terror attacks. The research identified numerous areas that could be improved to further strengthen current policy:

1. Regular patrol personnel who handle political demonstrations need the same disorder control training that specialty units receive. The researcher created an updated policy for how patrol personnel should initially handle political demonstrations.
2. The Operations Database must be rebuilt as a user-friendly tool, rather than a record. Operations Unit personnel and supervisors in the field need to open a dialogue about what information could be useful about a specific demonstration.

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<sup>10</sup> New York City Police Department, *Command Operations: Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities*, Patrol Guide Procedure No. 212-72 (New York: New York City Police Department, 2018), 24.

3. With the NYPD's shift to a more community-orientated strategy, all officers who interact with the community on a regular basis need to learn the Handschu guidelines and how they operate.
4. The NYPD's cell phone is a powerful tool for officers. Law enforcement personnel need to remain vigilant and avoid being distracted by the phones, realizing the repercussions of such distractions.
5. Policies regarding fire and body-worn cameras need to be reevaluated to include the content discussed in this thesis.

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## I. INTRODUCTION

As the 2020 and 2024 U.S. presidential elections approach, an uptick in political protests is inevitable. Law enforcement agencies must fully prepare to police these political protests as well as secure them from any potential terrorist activity. Recent terrorist attacks, such as the vehicle ramming attack in Charlottesville, Virginia, and on West Street in New York City, have demonstrated the forms of violence facing law enforcement at political protests.

One of the significant strengths of the New York City Police Department (NYPD) is its sheer size, nearing approximately 36,000 uniformed officers.<sup>1</sup> A police department the size of some countries' standing armies does not operate flawlessly. Political protests range from dozens of people to hundreds of thousands. These larger demonstrations create numerous challenges for law enforcement. At the scene of larger protests, many different specialty units and bureaus respond, bringing together officers who have never worked, trained, or met before. This impromptu meeting can result in drastic operational and intelligence flaws, so every officer at the scene must know the roles these units and bureaus play to police a situation as effectively and efficiently as possible. If redundancies occur, the potential for error greatly increases. For instance, if a specific group of officers performed traffic duties rather than oversaw force protection (overall site security) as expected, it might create an opportunity for a nefarious actor to attack.

Executive and frontline leadership play a critical role in how a protest is policed. These supervisors must oversee the construction and execution of an effective policing strategy. If any unforeseen events occur, such as a mass arrest situation or violent outbreak, supervisors must also have the wisdom, experience, and training to modify the plan accordingly. Likewise, they must know how to allocate their resources properly to achieve the highest level of order.

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<sup>1</sup> "About NYPD," New York City Police Department, accessed March 4, 2019, <https://www1.nyc.gov/site/nypd/about/about-nypd/about-nypd-landing.page>.

In the months and weeks preceding the 2020 U.S. presidential election, the number of protests will likely intensify to a daily occurrence. Leadership must guard against complacency in policing these repeated protests and reinforce constant vigilance. Frontline supervisors who first respond to a “pop-up” demonstration must possess the knowledge to supervise and carry out the NYPD’s plan. These supervisors are responsible for setting the tone of the event: establishing that the police will maintain everyone’s safety and protect the public’s rights.

**A. RESEARCH QUESTION**

How are political protests most vulnerable to current terrorist attack trends, and is the New York City Police Department prepared for these styles of attack from an intelligence, site security, tactical, operational, and training perspective?

**B. LITERATURE REVIEW**

Scholars use a variety of different frameworks to analyze terror attacks. From independent reviews, media accounts, and after-action reports, these tragic events are thoroughly examined. Nationwide, police departments have incorporated counterterrorism police work into their protocols. These counterterrorism fundamentals should be firmly cemented in an agency’s standard operating procedures for policing political protests. Preliminary research has not resulted in the discovery of any analysis of the NYPD’s strategy for policing political protests from a counterterrorism standpoint. Numerous media outlets have covered political protests and demonstrations with an emphasis on what the NYPD executed. This literature review first examines recent work on the link between terror events and large political protests and the challenges to law enforcement. Next, it reviews literature that highlights the importance of pre-event investigations of political organizations and intelligence, as well as the policing of mass gatherings.

## 1. Recent Terror Events and Large Political Protests

The final report of the events in Charlottesville, Virginia, by Hunton & Williams LLP illustrates the failures of law enforcement from a tactical and intelligence framework.<sup>2</sup> The report has numerous sub-sections entitled “What Went Wrong.” One of the sections outlines how the Charlottesville Police Department neither sought input from other law enforcement entities that have previously policed protests comparable to the “Unite the Right” event nor provided its members with adequate training or necessary intelligence about the event.<sup>3</sup> Multiple news outlets provided media coverage and supplemental information about the extent of the destruction.

In 2014, Major Stephen Geron of the Dallas Police Department completed his Naval Postgraduate School thesis entitled “21st Century Strategies for Policing Protest: What Major Cities’ Responses to the Occupy Movement Tell Us about the Future of Police Response to Public Protest.”<sup>4</sup> Major Geron conducted a case study of four U.S. cities’ responses to the “Occupy Wall Street” movement. Geron selected New York City to study and explained that the NYPD had the ability to use officers from different precincts without a spike in overall crime occurring. The Occupy protest in New York City was, for the most part, a planned event centralized at Zuccotti Park. Hundreds of officers had already been dedicated to policing and monitoring the group. This plan considered whether protestors had decided to march or demonstrate at any other location throughout the city. This thesis includes a similar researching strategy for policing unplanned or “pop-up” demonstrations. Geron concludes that the NYPD “placed an emphasis on intelligence collection, in keeping with their [sic] anti-terror stance in the wake of September 11.”<sup>5</sup> This thesis explores specifically what such an anti-terror stance encompasses at political demonstrations

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<sup>2</sup> Hunton & Williams, *Final Report: Independent Review of the 2017 Protest Events in Charlottesville, Virginia* (Richmond, VA: Hunton & Williams, 2017), <https://www.huntonak.com/images/content/3/4/v4/34613/final-report-ada-compliant-ready.pdf>.

<sup>3</sup> Hunton & Williams.

<sup>4</sup> Stephen Max Geron, “21st Century Strategies for Policing Protest: What Major Cities’ Responses to the Occupy Movement Tell U.S. about the Future of Police Response to Public Protest” (master’s thesis, Naval Postgraduate School, 2014).

<sup>5</sup> Geron.

whereas Geron focused on the overall police response with anti-terror tactics being somewhat incorporated.

In an article, author Michael T. Heaney studied multiple protests in 2017 on the National Mall in Washington, DC.<sup>6</sup> This study shows how crowded political protests can really become. Four of the featured events comprised an attendance of over 10,000 participants.<sup>7</sup> Heaney concludes that the election of President Trump was a large motivating factor for protest preparedness by the “liberal-progressive-democrats.”<sup>8</sup> He further surmises that President Trump’s tenure as president will be an interesting time for protests and social movements.<sup>9</sup>

Authors Gloria Boone, Jane Secci, and Linda Gallant discussed how the 2016 election of President Trump led to a swell in the number of physical political protests and active resistance in the online community.<sup>10</sup> Some political activists used social media to display their thoughts and feelings as well as coordinate physical demonstrations. The writers also reviewed the 2017 Women’s March and Black Lives Matter. The authors described what signs protesters physically displayed during the events, including many that were anti-President Trump.<sup>11</sup> This article further reinforces the logic that law enforcement needs to be ready for the 2020 presidential election and the legions of protestors who will come with it.

Further, Robert Futrell and Barbara Brents examined the threat of a terror attack by domestic protest groups in Nevada at a nuclear test site and waste repository.<sup>12</sup> This article

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<sup>6</sup> Michael T. Heaney, “Making Protest Great Again,” *Contexts* 17, no. 1 (February 2018): 42–47, <https://doi.org/10.1177/1536504218766550>.

<sup>7</sup> Heaney.

<sup>8</sup> Heaney, 47.

<sup>9</sup> Heaney.

<sup>10</sup> Gloria M. Boone, Jane Secci, and Linda M. Gallant, “Resistance: Active and Creative Political Protest Strategies,” *American Behavioral Scientist* 62, no. 3 (March 2018): 353–74, <https://doi.org/10.1177/0002764217735623>.

<sup>11</sup> Boone, Secci, and Gallant.

<sup>12</sup> Robert Futrell and Barbara G. Brents, “Protest as Terrorism?: The Potential for Violent Anti-Nuclear Activism,” *American Behavioral Scientist* 46, no. 6 (February 2003): 745–65, <https://doi.org/10.1177/0002764202239172>.

draws similarities with New York City protests in that they occur at high-value locations (e.g., nuclear power plants vis-à-vis Times Square or the Brooklyn Bridge). The writers conclude that violence tends to occur at the onset or conclusion of a movement.<sup>13</sup> A comparison once again can be drawn to presidential elections—at the beginning of 2016 and toward the end of 2020. The article further surmises that three elements help keep the potential for attacks to a minimum: the group is mostly pacifist in nature; there is a positive relationship between protestors and the authorities; and protestors want to bear witness, which requires few protestors.<sup>14</sup> When handling a political protest, the NYPD does attempt to create a relationship with the protestors to ensure peace, and this thesis discusses that relationship.

## **2. Investigation of Political Organizations and Pre-Protest Intelligence**

An investigation into specific groups provides the police department with the information needed to decide how many officers and what type of additional police resources are needed when groups decide to protest. Likewise, these investigations also aid in the discovery of whether a particular group has violent or terroristic tendencies. But a 1971 class-action lawsuit, *Handschu vs. New York City Police Department*, in the U.S. Southern District of New York challenged the police department’s legal authority to investigate political and religious organizations.<sup>15</sup> This lawsuit resulted in the creation of the “Handschu guidelines.”<sup>16</sup> The events of September 11, 2001, prompted a change to these guidelines to aid the NYPD in its never-ending fight to prevent future acts of terrorism.<sup>17</sup> Similarly, in 2011, a case was filed to investigate whether the NYPD had violated the Handschu doctrine in its surveillance of the Muslim community. This case is

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<sup>13</sup> Futrell and Brents.

<sup>14</sup> Futrell and Brents.

<sup>15</sup> David Kimball-Stanley, “Settling for More: The NYPD’s New Oversight Deal,” *Lawfare* (blog), March 8, 2017, <https://www.lawfareblog.com/settling-more-nypds-new-oversight-deal>.

<sup>16</sup> *Handschu vs. Police Dep’t of City of New York* (S.D.N.Y. 2016), <https://www1.nyc.gov/assets/doi/downloads/pdf/2016/Oct16/handschu-federal-decision.pdf>.

<sup>17</sup> *Handschu v. Special Services Div.*, 273 F. Supp. 2d 327 (S.D.N.Y. 2003), <https://law.justia.com/cases/federal/district-courts/FSupp2/273/327/2340064/>.

known as *Raza vs. New York City*.<sup>18</sup> In 2016, the New York City Department of Investigation released a report that explored whether the NYPD had been adhering to the Handschu guidelines.<sup>19</sup> This report focused on the investigative function rather than the policing of specific events.<sup>20</sup> This report identified the extent to which the guidelines handcuff the NYPD from properly policing political protests.<sup>21</sup>

In another analysis, Dr. Erik Dahl explored how the NYPD's Intelligence Division performs its counterterrorism mission.<sup>22</sup> Dahl discusses the Handschu guidelines and how senior NYPD officials believe the organization has operated within them.<sup>23</sup> Regardless of whether the NYPD is interested in a political organization or a religious group, it must comply within the Handschu case law. Maintaining the balance between a protester's First Amendment rights and law enforcement's vigilance in keeping the peace is a challenge. All NYPD officers should become familiar with the Handschu doctrine and its importance in pre-operational intelligence for a demonstration.

Nina Eggert discusses the correlation between police response and the behavior of the group protesting.<sup>24</sup> Eggert analyzed the Brussels Police Department and its policing of protests over 10 years.<sup>25</sup> She concluded that the Brussels Police Department relied heavily on past knowledge of particular protest groups in its decision-making process to determine

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<sup>18</sup> "Landmark Settlement Protects American Muslims from Discriminatory NYPD Surveillance," New York Civil Liberties Union, January 7, 2016, <https://www.nyclu.org/en/press-releases/landmark-settlement-protects-american-muslims-discriminatory-nypd-surveillance>.

<sup>19</sup> New York City Police Department Office of Inspector General, *An Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity* (New York: New York City Department of Investigation, 2016), [https://www1.nyc.gov/assets/oignypd/downloads/pdf/oig\\_intel\\_report\\_823\\_final\\_for\\_release.pdf](https://www1.nyc.gov/assets/oignypd/downloads/pdf/oig_intel_report_823_final_for_release.pdf).

<sup>20</sup> New York City Police Department Office of Inspector General.

<sup>21</sup> New York City Police Department, *Command Operations: Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities*, Patrol Guide Procedure No. 212-72 (New York: New York City Police Department, 2018).

<sup>22</sup> Erik J. Dahl, "Local Approaches to Counterterrorism: The New York Police Department Model," *Journal of Policing, Intelligence and Counter Terrorism* 9, no. 2 (2014): 81–97, <https://doi.org/10.1080/18335330.2014.940815>.

<sup>23</sup> Dahl.

<sup>24</sup> Nina Eggert et al., "Preparing for Action: Police Deployment Decisions for Demonstrations," *Policing and Society* 28, no. 2 (2018): 137–48, <https://doi.org/10.1080/10439463.2016.1147565>.

<sup>25</sup> Eggert et al.

how many officers would respond and whether any specialized equipment would be ordered.<sup>26</sup> Eggert further articulates that proper planning and intelligence are vital for properly policing an event.

### **3. Tactical Policing of Soft Targets and Mass Gatherings**

The Department of Homeland Security has recently published reports discussing law enforcement’s strategy at populous and soft target locations.<sup>27</sup> These reports examine why these types of events have an increased vulnerability to a terrorist event. These reports discuss tactics to thwart a potential terror attack from a pre-operational and operational perspective. One of the reports contained in the “First Responder’s Toolbox” features protests, rallies, and demonstrations.<sup>28</sup> This report discusses the difficulty of planning these unique events from a security perspective and their attractiveness as a target. The section on protests and demonstrations takes up a brief portion of the report. This thesis elaborates on policing of such events. Vigilance is a common theme in these reports, further underscoring that safety is a shared responsibility among everyone attending protests.<sup>29</sup> The reports provide specific tips for event participators but does not address the law enforcement mindset.

In this context, Tore Bjoro discusses how counterterrorism and crime prevention run parallel.<sup>30</sup> One of Bjoro’s sections discusses the protection of vulnerable targets:

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<sup>26</sup> Eggert et al.

<sup>27</sup> Department of Homeland Security, *Soft Targets and Crowded Places Security Plan Overview* (Washington, DC: Department of Homeland Security, 2018), [https://www.cisa.gov/sites/default/files/publications/DHS-Soft-Target-Crowded-Place-Security-Plan-Overview-052018-508\\_0.pdf](https://www.cisa.gov/sites/default/files/publications/DHS-Soft-Target-Crowded-Place-Security-Plan-Overview-052018-508_0.pdf).

<sup>28</sup> Joint Counterterrorism Assessment Team, *First Responder’s Toolbox: Planning and Preparedness Can Promote an Effective Response to a Terrorist Attack at Open-Access Events* (Washington, DC: Department of Homeland Security, 2018), <https://www.dni.gov/files/NCTC/documents/jcat/firstresponderstoolbox/First-Responders-Toolbox---Planning-Promotes-Effective-Response-to-Open-Access-Events.pdf>.

<sup>29</sup> Cybersecurity and Infrastructure Security Agency, *Security of Soft Targets and Crowded Places—Resource Guide* (Washington, DC: Department of Homeland Security, 2019), [https://www.dhs.gov/sites/default/files/publications/Soft\\_Targets\\_Crowded%20Places\\_Resource\\_Guide\\_042018\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/Soft_Targets_Crowded%20Places_Resource_Guide_042018_508.pdf).

<sup>30</sup> Tore Bjørge, “Counter-Terrorism as Crime Prevention: A Holistic Approach,” *Behavioral Sciences of Terrorism and Political Aggression* 8, no. 1 (2016): 25–44, <https://doi.org/10.1080/19434472.2015.1108352>.

Some potential terrorist targets are especially attractive to terrorists because of what they represent (e.g. embassies, government buildings, symbols of “the system”) or because of the major adverse effects an attack could cause (e.g. on air traffic or other important infrastructure, or how many people might be hurt).<sup>31</sup>

Protests may be held in locations that are highly sensitive. For example, the Occupy Wall Street movement marched to Times Square and blocked the Brooklyn Bridge.<sup>32</sup> Bjoro’s conclusions further substantiates the concept that demonstrations represent an attractive target for terrorist activity.

But such events may call for special tactics. In early 2017, authors Chad Whelan and Adam Molnar published an article discussing hard and soft police tactics.<sup>33</sup> The authors conducted a case study on the 2014 G20 Summit in Brisbane to examine how the police maintained order for the event. The article outlines how hard police tactics involve intelligence gathering and typical counterterrorism techniques, such as target hardening and a large police response to any unrest.<sup>34</sup> Soft target tactics include relationship building with protest groups and limiting the number of visible officers with high-level personal protective police equipment so as not to agitate the crowd.<sup>35</sup> The authors conclude, “There is no standard template for securing political events.”<sup>36</sup> Political protests incorporate a large number of variables, many of which are difficult to predict. Knowing the level of compassion or passion an individual would have for an issue being protested is a difficult task for police. This article provides background regarding hard and soft police tactics. The tactics discussed in conjunction with the NYPD’s approach help to identify best practices.

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<sup>31</sup> Bjørge.

<sup>32</sup> “Hundreds Arrested after Protest on Brooklyn Bridge,” National Public Radio, October 1, 2011, <https://www.npr.org/2011/10/01/140983353/about-500-arrested-after-protest-on-brooklyn-bridge>.

<sup>33</sup> Chad Whelan and Adam Molnar, “Policing Political Mega-Events through ‘Hard’ and ‘Soft’ Tactics: Reflections on Local and Organisational Tensions in Public Order Policing,” *Policing and Society* 29, no. 1 (2019): 85–99, <https://doi.org/10.1080/10439463.2017.1282481>.

<sup>34</sup> Whelan and Molnar.

<sup>35</sup> Whelan and Molnar.

<sup>36</sup> Whelan and Molnar.

## **C. RESEARCH DESIGN**

This research used a case study and policy analysis methodology. The case studies included numerous recent terror attacks, such as the Chelsea bombing, the Queens hatchet attack, and the Westside Highway attack. An analysis of prominent political protests, including those in Charlottesville, Virginia, and the yellow jacket protests in France, identifies trends and examines the potential for a terror attack at a political protest. This phase of the research relied mainly on after-action reports and media coverage of the events, including video coverage whenever possible.

Additional guidelines and policy changes in the NYPD Patrol Guide, especially in the area of policing political protests, follow directly from the analysis. This thesis argues that current layers of information sharing and training should be expanded to fit the needed policy changes to ensure the highest level of efficiency. Large urban law enforcement agencies world-wide can position to adopt the expanded NYPD strategy or modify it accordingly, depending on the size of the agency. An additional result is uncovering whether political protests are a growing phenomenon and whether a particular style of attack manifests as the greatest threat to a political protest.

Because formal documentation of the duties and responsibilities of specific NYPD units is scarce or does not exist, a formal Institutional Review Board determination was submitted. The Institutional Review Board found that these interviews did not fall under human subject research and were exempt. This author is in a position to speak with various members of these units pertaining to this information, anticipating that if these conversations are needed, officers will request anonymity based on the policing culture of the NYPD. Ultimately, the research unearthed sufficient source material, so formal interviews were not needed.

## **D. THESIS OVERVIEW**

Event analysis offers an intelligence, tactical, site security, leadership, and operational framework. A policy analysis of the NYPD's protocols for policing political protest follows the case study chapter. Then, the thesis turns to flaws in the vast number of NYPD standard operating procedures (e.g., the Patrol Guide). Finally, the researcher

provides suggestions for how to fix vulnerabilities by creating new policies and training or by supplementing existing policy.

## **II. PROMINENT POLITICAL PROTESTS AND RECENT TERROR ATTACKS**

This chapter focuses on five events to analyze whether the issues that the police faced pose a high-level threat to political protests. All of the events analyzed gained national media attention, capturing images, videos, and a synthesis of the event for future demonstrators and terrorists to study. In all these events, someone was either critically injured or died. The chief vulnerabilities from each of the events are discussed and recommendations provided in Chapter V.

The case studies of the five events have been further broken down into two sections: political demonstrations and terror attacks in New York City. This separation provides a wider perspective and aids in a more comprehensive analysis. All the cases, except for the yellow jacket demonstrations, discuss the background of the attacker. In this way, each case provides further background for the Handschu guidelines and their application for the NYPD, which is discussed in Chapter IV. New York City stands as an attractive target because of the history of past terror events as well as being the most populous city in the United States.<sup>37</sup>

### **A. POLITICAL DEMONSTRATIONS**

Two political demonstrations are discussed and analyzed in this section: the Unite the Right rally in Charlottesville, Virginia, and the yellow jacket protests throughout France. Each demonstration is broken into two segments: 1) background and timeline and 2) law enforcement analysis.

#### **1. Unite the Right Rally**

This section breaks down the events of the Unite the Right rally in Charlottesville, Virginia. During this demonstration, a counter protester lost her life in a vehicle ramming attack.

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<sup>37</sup> Bjørgero, "Counter-Terrorism as Crime Prevention."

*a. Background and Timeline*

The Unite the Right rally was held in Charlottesville, Virginia, on the weekend of August 11–12, 2017. The rally protested the City of Charlottesville’s decision to take down a statue of Robert E. Lee in one of the municipality’s parks and sell it.<sup>38</sup> Jason Kessler, a pro-white activist and Charlottesville resident, organized the rally, which attracted such alt-right groups as neo-Nazis and the Ku Klux Klan.<sup>39</sup>

On Friday, August 11, at approximately 9:00 p.m., a group of nearly 250 supporters of the rally marched throughout the University of Virginia’s campus in Charlottesville.<sup>40</sup> Marchers, mostly white males, lit torches, chanting rally cries of “you will not replace us!” and “Jews will not replace us!”<sup>41</sup> The group proceeded from Nameless Field to a statue of Thomas Jefferson, the founder of the school. There, they were met by a group of counter-protesting students of mixed race who surrounded the circular statue. This meeting ultimately led to violence as only one University of Virginia (UVA) police officer had been assigned near the statue.<sup>42</sup> Eventually, the UVA police department asked for assistance.<sup>43</sup> The result of the march was one arrest and multiple people treated for exposure to pepper spray.<sup>44</sup> This clash was a foreshadowing of the next day’s events. The path of the march is further illustrated in Figure 1.

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<sup>38</sup> Dara Lind, “Unite the Right, the Violent White Supremacist Rally in Charlottesville, Explained,” Vox, August 12, 2017, <https://www.vox.com/2017/8/12/16138246/charlottesville-nazi-rally-right-uva>.

<sup>39</sup> Lind.

<sup>40</sup> Joe Heim, “How a Rally of White Nationalists and Supremacists at the University of Virginia Turned into a ‘Tragic, Tragic Weekend,’” *Washington Post*, August 14, 2017, <https://www.washingtonpost.com/graphics/2017/local/charlottesville-timeline/>.

<sup>41</sup> Heim.

<sup>42</sup> Heim.

<sup>43</sup> Pierre Thomas and Bill Hutchinson, “Hate Crime Charges Filed in Fatal Charlottesville Car Attack Case,” ABC News, June 27, 2018, <https://abcnews.go.com/US/hate-crime-charges-filed-fatal-car-attack-charlottesville/story?id=56204308>.

<sup>44</sup> Hunton & Williams, *Final Report*, 119.



Figure 1. Path of Marchers at UVA<sup>45</sup>

On Saturday, August 12, the rally was scheduled to be held in Emancipation Park from noon until 5:00 p.m., but participants started appearing hours before then. Participants and counter-protesters came with banners, shields, and clubs, and some even arrived with handguns and rifles, as Virginia is an open-carry state.<sup>46</sup> The Charlottesville Police Department (CPD) and the Virginia State Police (VSP) were present at the park but not on Market Street, one of the four blocks surrounding the park. Market Street would become the site of the first physical confrontations between the two groups, who exchanged barrages of punches, bottles, and water balloons filled with ink. A small number of people were injured and arrested at this point.<sup>47</sup>

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<sup>45</sup> Source: Hunton & Williams, 117.

<sup>46</sup> Heim, “Tragic, Tragic Weekend.”

<sup>47</sup> Heim.

Before the event could begin, state officials declared it an unlawful assembly.<sup>48</sup> Attendees began to disperse with the rally participants marching away from Emancipation Park without being followed by counter-protesters. Attendees headed north to McIntire Park—approximately one mile from Emancipation Park—where the City of Charlottesville attempted to move the rally. Earlier that week, a judge had ordered the city not to move the rally to McIntire Park and to allow it to take place in the original park with the statue of Robert E. Lee.<sup>49</sup>

At approximately 1:41 p.m., rally attendee James Alex Fields Jr. drove his Dodge Challenger at a high rate of speed into a crowd of pedestrians and two other vehicles.<sup>50</sup> Fields then placed the vehicle into reverse and fled for approximately one block. Fields then turned his vehicle around and fled the location. Police apprehended him a couple of blocks away. Fields had killed Heather Heyer, a counter-protester, before rescue resources could arrive.<sup>51</sup> Figure 2 shows the carnage that Fields caused. Charlottesville Fire Department rendered aid and transported 20 patients.<sup>52</sup> The block where this attack took place was at the intersection of Water and 4th Street. Immediately after the attack, approximately 400–500 counter-protesters massed in the intersection south of Emancipation and McIntire Park. An eye witness, Emily Gorcenski, stated she had been 15 feet away from the attack, and her original thought was that Fields was going to exit his car and open fire on the counter-protesters.<sup>53</sup>

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<sup>48</sup> Heim.

<sup>49</sup> Hunton & Williams, *Final Report*, 155.

<sup>50</sup> Hunton & Williams, 144.

<sup>51</sup> Hunton & Williams, 145.

<sup>52</sup> Hunton & Williams, 145.

<sup>53</sup> Hunton & Williams, 144.



Figure 2. Image of Fields Driving into Counter-Protestors<sup>54</sup>

Later that evening, a VSP helicopter policing the event crashed, killing VSP Troopers Lieutenant H. Jay Cullen and Trooper-Pilot Berke M. M. Bates.<sup>55</sup> These troopers had been providing aerial coverage of the event but then were reposted to watch over the motorcade bringing the governor of Virginia into Charlottesville.<sup>56</sup> All VSP personnel immediately responded to the crash site, essentially abandoning the command center.<sup>57</sup> Had the two tragic events of that day happened in reverse order, the response from VSP to the ramming attack would have been delayed.<sup>58</sup> Nonetheless, three people died as a result of the Unite the Right rally.

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<sup>54</sup> Source: Thomas and Hutchinson, “Hate Crime Charges Filed.”

<sup>55</sup> Hunton & Williams, *Final Report*, 147.

<sup>56</sup> Hunton & Williams, 147.

<sup>57</sup> Hunton & Williams, 147.

<sup>58</sup> Hunton & Williams, 147.

*b. Law Enforcement Analysis*

The official after-action report concluded that there were 10 categories of errors.<sup>59</sup> These blunders span not only law enforcement but also city officials and the public. This section highlights the law enforcement failures.

University of Virginia Police declined the assistance of the CPD twice during the afternoon of August 11 before the torch march.<sup>60</sup> Moreover, UVA did not ask for assistance from the CPD until after the disorder and violence erupted.<sup>61</sup> The campus did receive intelligence that the march was going to take place and that the proper precautions were necessary, but the UVA hierarchy did not want to saturate the area with police officers to appear overly oppressive.<sup>62</sup> Not having the appropriate number of police resources on the campus leading up to the torch march was a failure. Having both rally marchers and counter-protesters observe the lack of law enforcement invigorated the crowds for the larger demonstration the following day.<sup>63</sup>

The report concludes that the CPD had not trained its officers in how to properly police such an event. CPD officers had not been trained on such topics as crowd dispersal, moving as a group in formation, and using non-lethal weapons.<sup>64</sup> The lack of knowledge resulted in officers being unsure of their actions during the rally.<sup>65</sup> The CPD implemented a strategy of “soft” uniforms: officers wore their everyday police uniforms as not to incite the crowd further.<sup>66</sup> When the violence broke out, however, CPD officers donned their riot gear. For some of the officers, August 12 was the first time they had ever worn riot gear.<sup>67</sup> If officers are donning this style of equipment for the first time, it means that they have

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<sup>59</sup> Hunton & Williams, 153.

<sup>60</sup> Hunton & Williams, 189.

<sup>61</sup> Hunton & Williams, 190.

<sup>62</sup> Hunton & Williams, 158.

<sup>63</sup> Hunton & Williams, 158.

<sup>64</sup> Hunton & Williams, 153.

<sup>65</sup> Hunton & Williams, 153.

<sup>66</sup> Hunton & Williams, 160.

<sup>67</sup> Hunton & Williams, 154.

never had any type of formal training while wearing it. This detail shows an absolute police training failure in that police officers had never gone through simulations to understand how operating with this equipment in real life would feel.

Rally goers and counter-protesters both came to the rally with shields, batons, pistols, long guns, and—most importantly—a strong ideology. People on opposite sides of such a politically polarizing issue in which violence has already occurred should not be allowed to stand face to face, especially with tools of violence in their hands. One of the more catastrophic flaws of law enforcement on August 12 was allowing the groups to combine. In one instance, the police themselves merged the groups. After declaring the rally an unlawful assembly, the protesters and counter-protesters evacuated Emancipation Park. The CPD allowed attendees to exit the park haphazardly without attempting to separate the groups, essentially allowing them to collide.<sup>68</sup> Law enforcement also permitted the groups to leave via Market Street, which had no pre-positioned law enforcement at the time. The bulk of law enforcement massed inside Emancipation Park behind metal barricades. Having resources on the outside of the park would have deterred violence and could have separated the two groups.<sup>69</sup>

The ideology behind the Unite the Right rally was inherently violent. The City of Charlottesville had already lost one lawsuit by the American Civil Liberties Union involving the location of the rally and, thus, became too apprehensive and perhaps worried about lawsuits to cancel the event, which would have saved the lives of Heather Heyer and Troopers Cullen and Berke and stopped 20 others from being injured. The failures that day fall not solely on the leadership of the various police departments but also with the political leadership in Charlottesville.

There was no law enforcement in the intersection where the attack took place. Demonstrations can draw crowds of people to a confined area, which this event showed makes an attractive target.<sup>70</sup> Demonstrators can become mobile and march anywhere they

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<sup>68</sup> Hunton & Williams, 159.

<sup>69</sup> Hunton & Williams, 159.

<sup>70</sup> Joint Counterterrorism Assessment Team, *First Responder's Toolbox*.

choose, granted they do not break any laws. This mobility and ability to regroup poses a challenge for law enforcement.<sup>71</sup> At these types of large demonstrations, no small group should be left unattended.

The report concludes that certain elements of the protest were handled correctly, the sentiment being that they could have been worse. For example, numerous individuals present at the protest carried firearms, but no one was shot during the Unite the Right rally.<sup>72</sup> Moreover, there was no critical property or infrastructural damage.<sup>73</sup> Nevertheless, the mentality that it could have been worse is in itself a failure. The event was littered with flaws as previously shown. Law enforcement entities nationwide must understand these failures and prevent them from occurring in the future.

## **2. Yellow Jacket Protests**

This section discusses the events of the *gilets jaunes* (yellow jacket) protests that became a national phenomenon in France. Clashes between protesters and law enforcement became common place during the demonstrations.

### ***a. Background and Timeline***

In 2018, French President Emmanuel Macron signed a bill raising taxes on diesel fuel to help France become more environmentally friendly.<sup>74</sup> This new law sparked outrage among the French population, especially motorists who lived in remote parts of rural France and faced long daily commutes.<sup>75</sup> This protest led to a social movement that snowballed into a larger middle-class group that was anti-Macron.

The protesters mostly demonstrated by blocking roads and roundabouts. They wore the yellow jackets, the safety vests that all French motorists must have in their vehicles by

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<sup>71</sup> Joint Counterterrorism Assessment Team.

<sup>72</sup> Hunton & Williams, *Final Report*, 151.

<sup>73</sup> Hunton & Williams, 151.

<sup>74</sup> Jake Cigainero, "Who Are France's Yellow Vest Protesters, and What Do They Want?," National Public Radio, December 3, 2018, <https://www.npr.org/2018/12/03/672862353/who-are-frances-yellow-vest-protesters-and-what-do-they-want>.

<sup>75</sup> Cigainero.

law.<sup>76</sup> Yet, in contrast to the safety idea, protesters gradually became more violent, clashing with police more frequently. Protesters vandalized iconic locations such as the Champs Elysees, the Arc de Triomphe, and the Tomb of the Unknown Soldier.<sup>77</sup> Likewise, they also lit garbage cans on fire, looted shops, and vandalized buildings. The number of demonstrators reached as high as 300,000 in fall 2018.<sup>78</sup> Demonstrators in the spring of 2019 dropped to approximately 40,000. In response to such a nationwide outcry, President Macron amended parts of the fuel bill, but the end of March 2019 marked the 20th consecutive weekend of protests.<sup>79</sup> Thus, this social movement increasingly threatens social order in France as these protests are still occurring as of January 2020.<sup>80</sup>

Demonstrations have resulted in numerous injuries to both the protester and police sides. As of December 2018, 10 people have died as a direct result of the protest.<sup>81</sup> Often, clashes involve French police using a great deal of force including tear gas, rubber bullets, and water cannons. French police frequently cordon off areas to prevent protesters from vandalizing the location, including the Champs Elysees.<sup>82</sup> Figure 3 depicts a clash between police and demonstrators in which law enforcement used force.

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<sup>76</sup> Cigainero.

<sup>77</sup> Cigainero.

<sup>78</sup> Elizabeth Pineau and Laurence Frost, “‘Yellow Vest’ Numbers Down in 20th Week of French Protests,” Reuters, March 30, 2019, <https://www.reuters.com/article/us-france-protests-idUSKCN1RB0OX>.

<sup>79</sup> Pineau and Frost.

<sup>80</sup> Sudip Kar-Gupta, “Clashes Break Out at Paris Protest against Pension Reform,” Reuters, January 4, 2020, <https://www.reuters.com/article/us-france-protests-pensions-idUSKBN1Z30G1>.

<sup>81</sup> Antoine Cruin and Laura Smith-Spark, “10th Death Linked to France’s ‘Yellow Vest’ Protests,” CNN, December 22, 2018, <https://www.cnn.com/2018/12/22/europe/france-yellow-vest-protest-intl/index.html>.

<sup>82</sup> Pineau and Frost, “‘Yellow Vest’ Numbers Down.”



Figure 3. Police Clashing with Yellow Jacket Protestors<sup>83</sup>

After the protests became popular at the end fall 2018, the Islamic State of Iraq and Syria (ISIS) released images on Twitter attacking the yellow jacket protests.<sup>84</sup> The images, shown in Figure 4, contain a quote in Arabic that translates as follows: “Oh lone wolves, exploit the demonstrations and kill the unbelievers in France.”<sup>85</sup> The images contain a vehicle with blood splattered on the hood and a hand holding a knife.<sup>86</sup> ISIS was attempting to inspire an attack during these protests.

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<sup>83</sup> Source: Euan McKirdy and Saskya Vandoorne, “France to Suspend Fuel Price Hike after ‘Yellow Vest’ Protests,” CNN, December 5, 2018, <https://www.cnn.com/2018/12/04/europe/france-yellow-vest-protests-intl/index.html>.

<sup>84</sup> Annabel Murphy, “ISIS Calls on Fanatics to Kill Unbelievers at French Fuel Protests,” *The Sun* (London), November 26, 2018, <https://www.thesun.co.uk/news/7833132/isis-calls-lone-wolf-french-fuel-protests/>.

<sup>85</sup> Murphy.

<sup>86</sup> Murphy.



Figure 4. ISIS Propaganda on Twitter<sup>87</sup>

**b. Law Enforcement Analysis**

In France, these protests occurred on a weekly basis but primarily on the weekends. Similarly, climate change demonstrations in New York City have become a recurring issue as of 2019.<sup>88</sup> Police commanders must be cognizant of the energy that officers use when policing these groups. If the same groups of officers are constantly engaging in these physically and mentally draining demonstrations, problems will arise. Morale among the officers will diminish at a rapid pace, and their motivation to maintain the peace will evaporate. Police commanders need to ensure that as many officers as possible are trained in disorder techniques so that the same officers do not have to work these demonstrations every weekend. Clearly, ISIS is ready to take advantage of the frequent chaos at these

<sup>87</sup> Murphy.

<sup>88</sup> Anne Barnard, "Climate Change Protests: With Fake Blood, Extinction Rebellion Hits N.Y.," *New York Times*, October 7, 2019, <https://www.nytimes.com/2019/10/07/nyregion/extinction-rebellion-nyc-protest.html>.

demonstrations to carry out an attack. Officers need to be motivated and prepared to handle an attack if, unfortunately, one occurs.

French police cordoned off certain areas so that protesters could not vandalize important landmarks. Part of Trump Tower in New York City (NYC), which has turned into a protest hotspot, serves as a public park. All individuals who enter the tower still need to undergo a level of screening, but demonstrators could enter under false pretenses and initiate a demonstration. Police commanders need to be cognizant of all frequent demonstration locations and ensure that their resources are deployed in the area.

Larger urban police departments are adopting and implementing some level of the community policing model. This model attempts to use the community as a tool in the fight to quell crime and identify problems. Officers must be dedicated to outreach before a protest commences to gather as much intelligence as possible for the event, which helps police commanders make tactical decisions to maintain order and peace. The research for this case did not reveal whether the French police have implemented this tactic.

## **B. NEW YORK CITY TERROR ATTACKS**

Three terror attacks that occurred in NYC are discussed in this section: the Chelsea bombing attack, the Queens hatchet attack, and the Westside Highway attack. Each case is broken into three segments: 1) background and timeline, 2) background of attacker, and 3) law enforcement analysis.

### **1. Chelsea Bombing**

This section discusses the events of the Chelsea bombing attack. This attack spanned New York and New Jersey and involved the use of pressure cooker devices, pipe bombs, and firearms.

#### ***a. Background and Timeline***

On September 17, 2016, Ahmad Khan Rahami placed a series of pressure cooker–style improvised explosive devices (IEDs) in NYC and pipe bombs in New Jersey. Rahami’s first device was a pipe bomb that detonated at approximately 9:35 a.m. in a

garbage can at a charity race for U.S. Marine Corps.<sup>89</sup> The race started late, which led to no one being in the vicinity of the device during the time of detonation. At approximately 8:30 p.m., a pressure cooker device detonated inside a dumpster in the Chelsea neighborhood of Manhattan, injuring 31 people.<sup>90</sup> The pressure cooker device had a cell phone trigger packed with ball bearings and steel nuts. Later that same night, a second, undetonated device was discovered a few blocks away by a homeless person rummaging through garbage. Figure 5 provides a map of where the devices were found in Manhattan. The next evening, police were involved in the detection of a backpack containing numerous pipe bombs in the vicinity of the Elizabeth, New Jersey, train station.<sup>91</sup> Law enforcement was able to link the unexploded bomb in New York City and the pipe bombs in New Jersey through Rahami's fingerprints.<sup>92</sup>



Figure 5. Location of the Two Devices in Manhattan<sup>93</sup>

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<sup>89</sup> “Ahmad Khan Rahami,” Counter Extremism Project, accessed February 27, 2020, <https://www.counterextremism.com/extremists/ahmad-khan-rahami>.

<sup>90</sup> Counter Extremism Project.

<sup>91</sup> Counter Extremism Project.

<sup>92</sup> Counter Extremism Project.

<sup>93</sup> Source: “New York Bombs ‘Both Pressure Cookers,’” BBC News, September 19, 2016, <https://www.bbc.com/news/world-us-canada-37402130>.

At approximately 10:30 a.m. on September 19, local law enforcement discovered Rahami sleeping in a doorway at a bar in Linden, New Jersey.<sup>94</sup> It was only when police officers tried to wake the man that they realized he resembled the suspect in a wanted poster for the attacks and ordered him to show his hands.<sup>95</sup> At this time, Rahami shot one of the officers, striking him in the chest, which was protected by his bullet-proof vest.<sup>96</sup> Rahami then fled the location, firing the handgun wildly.<sup>97</sup> Police shot and captured Rahami shortly thereafter. Another officer suffered an injury from shattered glass during the gun fight that led to Rahami’s capture.<sup>98</sup>

***b. Background of Attacker***

Rahami was born in Afghanistan and first came to the United States in 1995.<sup>99</sup> Rahami traveled back to the Middle East for a year from 2013 to 2014, where he spent time in both Pakistan and Afghanistan, allegedly to visit his wife and family who were refugees living in Pakistan.<sup>100</sup> When Rahami was apprehended, law enforcement personnel found paperwork on him including references to Anwar al-Awlaki—a leader for Al Qaeda whose preaching has been implicated in numerous terror plots nationwide, including the San Bernardino and Fort Hood attacks.<sup>101</sup> Rahami was on the radar of the Federal Bureau of Investigation in 2014, but the background check concluded there were no ties to terrorism at the time. Rahami was not placed on a watch list, and he returned to the Middle East multiple times between 2014 and 2016.<sup>102</sup> People speculate that Rahami radicalized

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<sup>94</sup> Counter Extremism Project, “Ahmad Khan Rahami.”

<sup>95</sup> Counter Extremism Project.

<sup>96</sup> Counter Extremism Project.

<sup>97</sup> Counter Extremism Project.

<sup>98</sup> Counter Extremism Project.

<sup>99</sup> Brian Ross et al., “Details Emerge about NYC Bomb Suspect Ahmad Khan Rahami,” ABC News, September 19, 2016, <https://abcnews.go.com/US/source-suspect-wanted-nyc-area-bombing/story?id=42190675>.

<sup>100</sup> Ross et al.

<sup>101</sup> Marc Santora and Adam Goldman, “Ahmad Khan Rahami Was Inspired by Bin Laden, Charges Say,” *New York Times*, December 21, 2017, <https://www.nytimes.com/2016/09/21/nyregion/ahmad-khan-rahami-suspect.html>.

<sup>102</sup> Counter Extremism Project, “Ahmad Khan Rahami.”

because of these overseas trips, becoming more religious, growing a beard, changing his wardrobe, and praying more frequently.

*c. Law Enforcement Response and Analysis*

The first device exploded in a trash receptacle. At highly populous events, law enforcement agencies must recognize that these closed items are a lucrative target to conceal an IED. Law enforcement in the area should have removed the trash receptacles or conducted continuous sweeps of them throughout the race to ensure no devices or suspicious material had been placed in one. This race benefitted military families, so it made an attractive target for Rahami, a chance to eliminate the infidels who had killed Muslims.

Rahami traveled undetected between New York and New Jersey with the IEDs and possibly the pipe bombs. The criminal complaint filed by New York states that Rahami had traveled by vehicle through the Lincoln Tunnel between these states.<sup>103</sup> One might speculate that Rahami chose to avoid public transportation to reduce the chance of being caught before the attack. Rahami did run the risk of being pulled over by law enforcement when traveling in a vehicle on surface streets. This behavior suggests that Rahami thought that law enforcement conducted enough counterterrorism efforts on public transportation not to risk using one of those services.

The events at the military race and in Chelsea occurred in two different states. Law enforcement successfully linked the events through Rahami's fingerprints in a short period. This coordination shows that the intelligence protocols in place functioned properly.

**2. Queens Hatchet Attack**

This section outlines the details of the Queens Hatchet attack. This event highlights the role of distraction for law enforcement in unpredictable scenarios.

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<sup>103</sup> Ellen Nakashima, Mark Berman, and William Wan, "Ahmad Rahami, Suspected New York Bomber, Cited al-Qaeda and ISIS, Officials Say," *Washington Post*, September 21, 2016, <https://www.washingtonpost.com/news/post-nation/wp/2016/09/20/new-york-bombing-suspect-charged-with-using-weapons-of-mass-destruction/>.

*a. Background and Timeline*

October 23, 2014, was a rainy day in the commercial district of Jamaica, Queens. Rookie NYPD police officers Kenneth Healy, Joseph Meeker, Taylor Kraft, and Peter Rivera were assigned to foot patrol in the area.<sup>104</sup> Dominick Williams a freelance photographer, approached the four officers.<sup>105</sup> Williams asked the officers to pose for a photo with him. As NYPD officers pose for pictures routinely, this request was by no means farfetched. The officers obliged the request and focused their attention on taking the picture. The officers did not know that Zale Thompson was looming near a bus stop overhang, stalking the officers, waiting for the opportune moment to strike.<sup>106</sup>

Thompson charged the officers with a hatchet. Thompson struck Meeker in the arm and delivered a devastating blow to Healy, striking him in the head.<sup>107</sup> The two other officers discharged their firearms, ending Thompson's terror attack. Meeker suffered injuries to his arm and was discharged from the hospital later that afternoon. Healy was temporarily paralyzed and critically injured. Healy was released from the hospital two weeks after the attack but sustained a permanent injury.<sup>108</sup> Figure 6 shows images of Thompson, his charging the officers, and the immediate aftermath of the attack.

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<sup>104</sup> Daniel Prendergast, "Cop Who Survived Hatchet Attack Gets NYPD's Medal of Honor," *New York Post*, June 14, 2016, <https://nypost.com/2016/06/14/cop-who-survived-hatchet-attack-gets-nypds-medal-of-honor/>.

<sup>105</sup> James Nye, "Hatchet-Wielding Man Who Attacked Rookie NYPD Cops Was Motivated by Radical Islam and 'Jihad against the Police' Reveal New Report," *Daily Mail*, November 12, 2014, <https://www.dailymail.co.uk/news/article-2831567/Hatchet-wielding-man-attacked-rookie-NYPD-cops-motivated-radical-Islam-jihad-against-police-reveal-new-report.html>.

<sup>106</sup> Shimon Prokupecz and Kevin Conlon, "Police: Hatchet Attack an Act of Terror," CNN, November 5, 2014, <https://www.cnn.com/2014/10/24/us/new-york-police-attacked/index.html>.

<sup>107</sup> Prokupecz and Conlon.

<sup>108</sup> Prokupecz and Conlon.



Figure 6. Images of Zale Thompson Charging NYPD Officers and the Aftermath<sup>109</sup>

**b. Background of Attacker**

Zale Thompson was a self-radicalized Islamic extremist who had spent the weeks and months preceding the attack living in the online world reading jihadist material.<sup>110</sup> Thompson researched material related to ISIS, Al Shabab, and Al Qaeda.<sup>111</sup> Likewise, Thompson posted comments on various online platforms discussing the support of a violent jihad and his hatred for whites and Christians.<sup>112</sup> NYPD detectives discovered a manifesto on his personal computer in which he discusses his hatred of the government and his desire to attack government workers.<sup>113</sup> Altogether, Thompson had conducted 277 online searches related to the attack, searching such topics as “jihad” and “lone wolf.”<sup>114</sup>

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<sup>109</sup> Nye, “Hatchet-Wielding Man Who Attacked Rookie NYPD Cops.”

<sup>110</sup> Michael Schwartz and William K. Rashbaum, “Attacker with Hatchet Is Said to Have Grown Radical on His Own,” *New York Times*, October 24, 2014, <https://www.nytimes.com/2014/10/25/nyregion/man-who-attacked-police-with-hatchet-ranted-about-us-officials-say.html>.

<sup>111</sup> Schwartz and Rashbaum.

<sup>112</sup> Schwartz and Rashbaum.

<sup>113</sup> Nye, “Hatchet-Wielding Man Who Attacked Rookie NYPD Cops.”

<sup>114</sup> Catherine Herridge, “Intel Memo Shows NYC Ax Attacker’s Online Obsession with Radical Islam,” *Fox News*, March 24, 2015, <https://www.foxnews.com/politics/intel-memo-shows-nyc-ax-attackers-online-obsession-with-radical-islam>.

Thompson was discharged from the Navy in 2003.<sup>115</sup> Thompson had been arrested six times previously in Oxnard, California, but never in NYC.<sup>116</sup> His family described him as a recluse who had mental health issues.<sup>117</sup>

*c. Law Enforcement Analysis*

When officers pose for photos with tourists and other members of the community, it helps to foster a positive relationship with the neighborhood. However, it can also distract officers and cause them to lose sight of the overall scene. This acute focus is similar to how officers at the scene of a protest become overly engaged with the protesters and neglect the entirety of their surroundings.

The concept of an attacker with an edged weapon disguising oneself as a protester at a demonstration is an alarming one. Edged weapons can be easily concealed, allowing the attacker to wait for the precise moment when law enforcement is not visible or in proximity to inflict critical damage. A terrorist might use the loud noise of chants or rally cries to hide the relative quietness of a stabbing or slashing. Multiple targets could be struck before law enforcement or the group around a victim would know that a terror attack was underway. Officers must always be vigilant and careful about allowing someone to come into their immediate personal space.

**3. Westside Highway Ramming Attack**

This section outlines the events of the ramming attack that took place on NYC's Westside Highway, which killed multiple people. This section further portrays that vehicle ramming attacks are becoming more common.

*a. Background and Timeline*

The Westside Highway bike path in New York City was certainly the most frightful place to be on Halloween 2017. Sayfullo Saipov rented a pick-up truck at a Home Depot

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<sup>115</sup> Schwirtz and Rashbaum, "Attacker with Hatchet."

<sup>116</sup> Schwirtz and Rashbaum.

<sup>117</sup> Prokupecz and Conlon, "Hatchet Attack an Act of Terror."

in Passaic, New Jersey.<sup>118</sup> He traveled into Manhattan via the George Washington Bridge approximately 40 minutes later, continuing south down the West Side Highway.<sup>119</sup> Saipov entered the bicycle lane, which runs north and south on the west side of West Street at Houston Street, approximately 20 minutes after entering New York.<sup>120</sup> He traveled southbound, killing eight people and injuring 11.<sup>121</sup> The attack ended outside Stuyvesant High School, where Saipov crashed into a school bus. Figure 7 illustrates the route he took down Westside Highway. He exited his vehicle with a pellet and paintball gun, shouting “Allahu akbar,” which translates to “God is Great.” NYPD Officer Ryan Nash, who was in the vicinity of the attack on an unrelated call for service, heard the commotion and ran toward Saipov. Nash discharged his firearm, striking Saipov in the stomach, wounding him, and ending the attack.

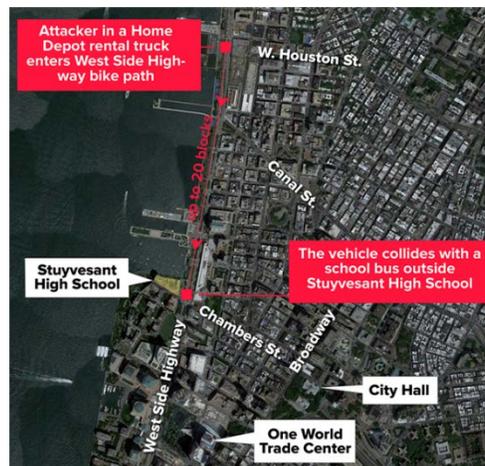


Figure 7. Map of the Westside Highway Attack<sup>122</sup>

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<sup>118</sup> Sarah Almukhtar et al., “Trail of Terror in the Manhattan Truck Attack,” *New York Times*, October 31, 2017, <https://www.nytimes.com/interactive/2017/10/31/nyregion/manhattan-truck-attack.html>.

<sup>119</sup> Almukhtar et al.

<sup>120</sup> Almukhtar et al.

<sup>121</sup> Benjamin Mueller, William K. Rashbaum, and Al Baker, “Terror Attack Kills 8 and Injures 11 in Manhattan,” *New York Times*, October 31, 2017, <https://www.nytimes.com/2017/10/31/nyregion/police-shooting-lower-manhattan.html>.

<sup>122</sup> Source: “Truck Driver Kills Eight in Lower Manhattan Terrorist Attack,” *Levant News*, November 1, 2017, <https://the-levant.com/truck-driver-kills-eight-in-lower-manhattan-terrorist-attack/>.

**b. Background of Attacker**

Saipov was an immigrant from Uzbekistan who moved to Ohio in 2010.<sup>123</sup> Saipov then moved to Florida, where he worked as a truck driver, before ultimately settling in New Jersey. There, he worked as an Uber driver, but the company received no negative safety reports against him.<sup>124</sup> However, Saipov was on law enforcement's radar through an unrelated terror investigation, which was unfounded. As a sign of his commitment to radical Islam, Saipov requested the ISIS flag be hung in his hospital room because he was proud of what he had done.<sup>125</sup>

**c. Law Enforcement and Analysis**

As seen in New York and around the world, vehicles of all sizes have the potential to become deadly weapons in a terrorist's plot.<sup>126</sup> Yet law enforcement agencies can harden specific locations. Sports venues, airports, museums, and numerous other high-density locations have numerous counterterrorism mitigation tools in place. These devices include cement bollards, closed circuit television, metal barriers, and metal detectors. Unfortunately, on the day of the attack, there were too few mitigation devices to prevent the attack. As a result of Saipov's attack, cement barriers were placed along the bike path on the Westside Highway, as seen in Figure 8, making it impossible for another attack to occur.<sup>127</sup>

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<sup>123</sup> Corey Kilgannon and Joseph Goldstein, "Sayfullo Saipov, the Suspect in the New York Terror Attack, and His Past," *New York Times*, October 31, 2017, <https://www.nytimes.com/2017/10/31/nyregion/sayfullo-saipov-manhattan-truck-attack.html>.

<sup>124</sup> Kilgannon and Goldstein.

<sup>125</sup> "NYC Installing Barrier Walls along West Side Highway Bike Path after Terror Attack," NBC News, November 2, 2017, <https://www.nbcnews.com/nightly-news/video/nyc-installing-barrier-walls-along-west-side-highway-bike-path-after-terror-attack-1087412803881>.

<sup>126</sup> Joint Counterterrorism Assessment Team, *First Responder's Toolbox*.

<sup>127</sup> NBC News, "NYC Installing Barrier Walls."



Figure 8. Image of Cement Barriers Placed along the Westside Highway after the Attack<sup>128</sup>

### C. SYNTHESIS

Through the analysis of the five events, numerous lessons can be learned in the application to political demonstrations. The vehicle ramming attacks in both NYC and Charlottesville would have been almost impossible to stop once commenced. The two looming failures were the lack of bollards in NYC and the lack of law enforcement in the area in Charlottesville. The analysis shows the trend of attackers looking for little bangs as opposed to big bangs, like on 9/11. Items in all of the events were easily obtainable and cheap, as shown with the hatchet in Queens and the pipe bombs and pressure cooker devices in Chelsea. The terrorism component exacerbates the challenges that law enforcement faces during political demonstrations.

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<sup>128</sup> Source: Dan Rivoli, “Cyclists Complain about Concrete Barriers Installed on Hudson River Bike Path after Terror Attack That Killed 8,” *New York Daily News*, November 3, 2017, <https://www.nydailynews.com/new-york/manhattan/new-barriers-block-bikers-hudson-river-path-users-complain-article-1.3610151>.

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### **III. POLICE DEPARTMENT RESOURCES**

This chapter discusses the numerous units that compose the NYPD. Like the federal government, the NYPD has myriad resources at its disposal that aid in the policing of political demonstrations.<sup>129</sup> The units discussed in this chapter have been identified for their potential in policing a political demonstration both physically and in a support capacity. The aim is to synthesize the duties and responsibilities of each unit to highlight its role in political demonstrations, for which specific policies are discussed in Chapter IV. Units are further categorized as either field or support units. Helping to clarify parts of this chapter, a summary of each rank within the NYPD appears in Appendix B.

#### **A. FIELD UNITS**

The units discussed in this section have the potential to be physically on scene of a political demonstration. The chapter begins with patrol officers and then discusses specialty units.

##### **1. Precinct Patrol Personnel**

Patrol officers are the frontline contact officers in the community. Officers respond to 9-1-1 calls and are assigned to specific details that occur within one's precinct or patrol bureau. They are the first responding officers to pop-up protests or are assigned to planned demonstrations in conjunction with other various units. Officers are assigned to one of the three patrol platoons, each of which has a squad sergeant. Each platoon has three squads and is supervised by the platoon commander, who is a lieutenant. Police officers, sergeants, and lieutenants are used to police political demonstrations.

Patrol officers are the first line of response. They are in regular patrol vehicles and answer 9-1-1 calls in a specific geographical area. Currently, this author is assigned to the Midtown Precinct North, which is a patrol command with officers assigned to site security at Trump Tower around the clock. At a planned demonstration, patrol officers are assigned

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<sup>129</sup> Cybersecurity and Infrastructure Security Agency, *Security of Soft Targets and Crowded Places*.

in the greatest number because they have basic training in crowd control. Patrol officers wear a police uniform with basic equipment, including a body-worn camera, handcuffs, a flashlight, a baton, a bullet-resistant vest, a firearm, and a conductive energy device—if properly trained to carry one.

## **2. Neighborhood Coordination Officers**

Recently, the NYPD has gone through a fundamental police strategy change. This change lies both in philosophy and the deployment of resources. The tragic events involving Freddy Grey in Baltimore, Eric Garner in New York City, and Michael Brown in Ferguson, Missouri, have led to increased tensions between police officers and the public they serve. The NYPD implemented the neighborhood coordination officer (NCO) strategy to help ease these tensions and foster a positive relationship with the public to fight crime more effectively.

Before the implementation of NCO police precincts, transit districts and police service areas (PSAs) were broken down into numerous sectors based on geographical size, population, and criminal activity of an area. With the NCO model, these sectors were dramatically reduced. For example, before the change to the NCO framework, Midtown Precinct North in Manhattan had 12 sectors, but since the change, it has five. This reduction in size allows a more intimate relationship with the community.

Each sector has two dedicated NCOs whose sole mission is to work with the community to solve problems of all shapes and sizes. They do not answer traditional 9-1-1 calls. In conjunction with NCOs, each sector has “steady sector” officers, who work daily in their dedicated sector and may not be used for any other police function within the precinct. These officers also spend two hours and 40 minutes each day interacting with the community they serve.

## **3. Community Affairs Officers Assigned to Precincts**

Supplementing the NCOs are community affairs officers, who pre-date the NCO paradigm shift. These officers have a bond with the entire community, ranging from religious groups, to community leaders and politicians, to business owners. Depending on

the specific demographics of each precinct, community affairs officers have different responsibilities. These officers communicate with groups who wish to demonstrate and are involved in the permit for the demonstration. Developing relationships with the groups protesting is meant to promote peaceful demonstrations from all perspectives.<sup>130</sup> These officers offer the first step in educating the public that political demonstrations are a type of soft target and that security is a joint responsibility.<sup>131</sup>

#### **4. Anti-crime Personnel Assigned to Precincts**

Anti-crime officers focus on proactive policing, operating in plain clothes (not in uniform) and focusing on felonious crimes in progress (e.g., burglaries and robberies). These officers do not answer calls for service, which is a reactive style of policing, and they typically work during hours that crime is the highest for their respective precinct. These officers are not typically assigned directly to police-specific demonstrations. They are notified of an event and may choose to conduct operations in the area due to the influx of population.

#### **5. Scooter Task Force, Patrol Bureau Manhattan South**

These officers operate on two-wheel scooters and have received extensive training in effectively negotiating traffic at an increased pace. These officers are deployed throughout Patrol Bureau Manhattan South (PBMS) to help enforce Vision Zero initiatives, including issuing citations for failure to yield to pedestrians and improper turns through intersections.<sup>132</sup> At the scene of a protest, these officers follow groups who decide to march. These duties include escorting the group from all angles as well as creating a safe passage for the group to traverse an intersection.

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<sup>130</sup> Whelan and Molnar, “Policing Political Mega-Events through ‘Hard’ and ‘Soft’ Tactics.”

<sup>131</sup> Department of Homeland Security, *Soft Targets and Crowded Places*.

<sup>132</sup> “Vision Zero in New York City,” City of New York, accessed March 3, 2020, <https://www1.nyc.gov/content/visionzero/pages/>.

## 6. Strategic Response Group

The Strategic Response Group (SRG) consists of specialty trained officers who respond to specific calls in progress as well as remain ubiquitous. These officers traditionally do not answer 9-1-1 calls. SRG officers respond to mobilizations and civil disorder and are tasked with maintaining order by implementing crime and crowd control strategies.<sup>133</sup> Table 1 lists the devices used by SRG officers.

Table 1. Strategic Response Group Equipment<sup>134</sup>

<b>Traditional</b>	<b>Intrusive</b>
Helmets and Protective Equipment	Irritants
Batons	Less Lethal Grenades and Pepper Ball Systems
Loud Speakers and Bullhorns	Millimeter Sound Wave Systems
Fire Suppression Devices	Conductive Energy Devices (TASERS)
Flex Cuffs	

Like the Critical Response Command, the SRG deploys to vulnerable locations to further project a high level of police presence besides responding to any catastrophic event citywide. SRG officers operate 24 hours per day in every borough.<sup>135</sup> SRG training school lasts approximately 20 days.<sup>136</sup> Officers are trained in disorder control, long guns, hazardous materials, and victim extraction at catastrophic events. SRG officers collaborate with the NYPD's Emergency Service Unit, which operates in a similar fashion to traditional SWAT teams.<sup>137</sup> If a crime has been committed at a demonstration, and the executive in charge orders arrests be made, the SRG would effect the arrests. SRG executives frequently conduct mobilization drills to keep personnel vigilant.

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<sup>133</sup> New York City Police Department Strategic Response Group, "NYPD Strategic Response Group" (presentation, New York City Police Department, 2017).

<sup>134</sup> Adapted from New York City Police Department Strategic Response Group.

<sup>135</sup> New York City Police Department Strategic Response Group.

<sup>136</sup> New York City Police Department Strategic Response Group.

<sup>137</sup> New York City Police Department Strategic Response Group.

## 7. SRG Bicycle Unit

These highly trained, highly visible officers are deployed for crowd management and, in some cases, parade escorts.<sup>138</sup> Members of this unit work in conjunction with officers on foot. Officers on bicycle can redeploy or follow a march faster than officers on foot. The unit stresses a team mentality: no officer takes independent action. Officers are trained to use multiple formations to redirect or stop a crowd from moving.<sup>139</sup> The bicycle is frequently used as a barrier. Officers are assigned specific roles within the platoon such as linebacker, point officer, and line officer.<sup>140</sup> The following figure shows members of the team in formation.



Figure 9. SRG Bicycle Unit Members<sup>141</sup>

## 8. Disorder Control Unit

This unit was created in the early 1990s in response to riots in Tompkins Square Park, Crown Heights, and Washington Heights.<sup>142</sup> The mission of the unit is to assess how

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<sup>138</sup> New York City Police Department Strategic Response Group.

<sup>139</sup> New York City Police Department Strategic Response Group, “Tactical Bicycle Rapid Response Training” (presentation, New York City Police Department, 2016).

<sup>140</sup> New York City Police Department Strategic Response Group.

<sup>141</sup> Source: Larry Celona, “Bike Cops Deployed for Crowd Control during Protests,” *New York Post*, January 23, 2017, <https://nypost.com/2017/01/22/bike-cops-deployed-for-crowd-control-during-protests/>.

<sup>142</sup> New York City Police Department Disorder Control Unit, “Disorder Control – Public Order: Tactical, Logistical, and Operational Considerations” (presentation, New York City Police Department, 2019).

the NYPD handles civil disorder.<sup>143</sup> Members of the unit assist commanders in decision making regarding political demonstrations from operational, tactical, and logistical frameworks.<sup>144</sup> Table 2 further elaborates these frameworks. The unit holds training sessions, mobilization drills, and tabletop exercises.<sup>145</sup> The unit stresses protecting life and critical locations, restoring order, apprehending violators, and maintaining everyone’s constitutional rights.<sup>146</sup> The NYPD credits the creation of the Disorder Control Unit with the absence of large-scale riots in the city.

Table 2. DCU Considerations at Demonstrations<sup>147</sup>

<b>Operational</b>	<b>Tactical</b>	<b>Logistical</b>
<ul style="list-style-type: none"> <li>• Devise a plan and ensure it is communicated throughout the chain of command.</li> <li>• Ensure all supervisors are briefed and updates are regularly provided.</li> <li>• Ensure all proper support units and resources are notified, available, or staged as appropriate.</li> <li>• Establish a relief plan with reserve officers.</li> <li>• Identify where arrests will be processed and the mass arrest plan is in effect.</li> <li>• Attempt liaison with group leaders to establish a working relationship, gather intelligence, and develop cooperation.</li> </ul>	<ul style="list-style-type: none"> <li>• Rapid response and show of force—psychology</li> <li>• Over-response/under-response, “Act/don’t act”—proper level of force based on crowd dynamics and political considerations</li> <li>• Do not engage until adequate resources are available.</li> <li>• Contain/isolate v. disperse</li> <li>• Secure critical and sensitive locations.</li> <li>• Survey affected areas for debris.</li> <li>• Maintain high-ground observation.</li> <li>• Checkpoints to isolate affected area</li> <li>• Target crowd agitators where possible.</li> <li>• Team tactics—no independent actions</li> <li>• Span of control</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure appropriate and necessary equipment is readily available</li> <li>• Ensure appropriate and necessary personnel are readily available</li> <li>• Ensure appropriate and necessary vehicles are readily available</li> <li>• Mobile field forces?</li> <li>• Arrest teams?</li> <li>• Extraction teams?</li> <li>• Undercovers?</li> <li>• Community affairs?</li> </ul>

<sup>143</sup> New York City Police Department Disorder Control Unit.

<sup>144</sup> New York City Police Department Disorder Control Unit.

<sup>145</sup> New York City Police Department Disorder Control Unit.

<sup>146</sup> New York City Police Department Disorder Control Unit.

<sup>147</sup> Adapted from New York City Police Department Disorder Control Unit.

## **9. Emergency Service Unit**

When members of the public need help, they call the police. When police officers need help, they call the Emergency Service Unit (ESU). ESU officers are the most highly trained officers in the department, having completed a comprehensive nine-month school to hone their skills.<sup>148</sup> ESU officers respond daily to calls for emotionally disturbed persons, evidence searches, ongoing scenes involving weapons, and car accidents in which a person is pinned inside a vehicle, just to name a few. ESU officers also conduct operations that other departments' SWAT units handle. Typically, these officers are not assigned to a planned demonstration at the onset. They are made aware of the demonstration and respond to the scene when their assistance and expertise is needed.<sup>149</sup>

## **10. ESU Canine**

Officers assigned to this unit perform regular patrol duties alongside a canine. These officers and canine partner may be assigned to numerous details in NYC including baseball games and concerts. Like regular ESU personnel, they are not assigned directly to a demonstration but are made aware of the event and respond if their skills are needed.<sup>150</sup>

## **11. Aviation Unit**

Members assigned to the Aviation Unit conduct search and rescue operations, respond to the site of natural disasters, conduct counterterrorism and critical infrastructure site surveys, and assist patrol units in perpetrator searches.<sup>151</sup> The NYPD Aviation Unit is the largest law enforcement unit of its kind in the region. The Aviation Unit works in conjunction with federal partners to aid during presidential visits to NYC. During a large demonstration, the Aviation Unit conducts crowd surveys to provide officers on the ground with proper intelligence to police the group successfully.<sup>152</sup> They also monitor the dispersal

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<sup>148</sup> New York City Police Department, "P.O.S.T. Unit Descriptions" (unpublished document, February 6, 2020).

<sup>149</sup> New York City Police Department.

<sup>150</sup> New York City Police Department.

<sup>151</sup> New York City Police Department.

<sup>152</sup> New York City Police Department.

of demonstrations to ensure that the group does not decide to protest again without the NYPD's knowledge. The unit operates around the clock but cannot be used in regions too close to the city's two major airports or when weather conditions prohibit it. Pilots have a direct link to executives managing the protest via department radio.<sup>153</sup>

## **12. Mounted Unit**

Officers assigned to the Mounted Unit (MU) conduct patrol functions on horseback. A major component of the MU is the crowd control aspect. MU officers are assigned to mass gatherings including political demonstrations, parades, sporting events, and concerts.<sup>154</sup> The mere image of an officer on horseback is an asset to the NYPD in maintaining and regaining order. MU personnel work in a team concept under the direct supervision of an MU supervisor. MU officers work in the morning and evening shifts but do not deploy during extreme weather conditions to maintain the health of the horses.<sup>155</sup>

## **13. Harbor Unit**

The Harbor Unit is the lead law enforcement entity for the hundreds of miles of shoreline and waterways that encompass NYC. The Harbor Unit works closely with New York City Fire Department (FDNY) and Coast Guard personnel to ensure the safety of all who traverse New York Harbor.<sup>156</sup> Officers assigned to the unit conduct counterterrorism efforts around the clock including infrastructure inspections, checkpoints, radiological sweeps, and ferry escorts. If a political demonstration were to occur along the shoreline of a location, the Harbor Unit would be notified of the event. If a demonstration was also in the immediate vicinity of a ferry terminal, the harbor unit might be tasked with escorting the ferries to provide further surveillance of a group. The Counterterrorism Bureau maintains a small number of launches of their own to supplement in maritime counterterrorism efforts.<sup>157</sup> The sole mission of these vessels and officers is

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<sup>153</sup> New York City Police Department.

<sup>154</sup> New York City Police Department.

<sup>155</sup> New York City Police Department.

<sup>156</sup> New York City Police Department.

<sup>157</sup> New York City Police Department.

counterterrorism, and no other maritime function. These launches have a higher level of counterterrorism equipment on board.

#### **14. Technical Assistance and Response Unit**

The Technical Assistance Response Unit (TARU) is composed of officers who train in surveillance technology.<sup>158</sup> TARU responds to demonstrations to properly record the event. These recordings are used in prosecutions of any arrested individuals and civil lawsuits that stem from the demonstrations. An original goal of Occupy Wall Street was flooding the legal system with court cases by having members subjected to arrest and file numerous civil lawsuits against the NYPD. The video that TARU obtains is a crucial resource in adjudicating cases in which an officer is the subject of a frivolous lawsuit.<sup>159</sup>

#### **15. Community Affairs Bureau**

The purpose of these officers is to speak directly to members of the community at the scene of a demonstration, hear their concerns, and attempt to mediate any issues that arise between the police and citizens. These officers do not work directly to police demonstrations.

#### **16. Legal Bureau**

The NYPD Legal Bureau also sends representatives to the scene. The members of the Legal Bureau consist of police officers who are lawyers and civilian lawyers.<sup>160</sup> The Legal Bureau assists the police executives at the scene in determining the proper course of action. These representatives ensure the legality for both the members protesting as well as the officers policing the demonstration. Demonstrators, too, typically have lawyers to observe from their perspective. These lawyers are trained in civil liberties infractions, a field in which regular police officers may not have a strong background. Having the NYPD's legal team at a demonstration has become more of a necessity than a support unit.

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<sup>158</sup> New York City Police Department.

<sup>159</sup> New York City Police Department.

<sup>160</sup> New York City Police Department.

This multi-unit approach helps to maintain a high level of professionalism as well as protect the rights of all those present at the protest.<sup>161</sup>

### **17. Counterterrorism Division**

The Counterterrorism Division (CTD) implements a multi-stage approach for enhancing counterterrorism efforts and effectively managing initiatives.<sup>162</sup> The CTD conducts thorough risk assessments of highly vulnerable targets citywide. CTD officers deliver expansive counterterrorism training for both members of the NYPD and members of the community. The CTD is responsible for hardening specific targets against a variety of terrorist attacks, including traditional, chemical, nuclear, and radiological. The division briefs the police commissioner and various other high-level executives of the department with analysis of both classified and open-source data. The CTD produces media to further train NYPD members as well as other counterterrorism stakeholders.<sup>163</sup>

### **18. Hostile Surveillance**

Officers assigned to this unit operate in plain clothes and monitor large gatherings and other events.<sup>164</sup> For example, these officers might be stationed inside the public pens on New Year's Eve in Times Square. Any further discussion of this team would be law enforcement sensitive.

### **19. Critical Response Command**

Officers assigned to the Critical Response Command (CRC) are strategically placed throughout NYC at high-population locations and other areas deemed to have a high potential for terror attacks. These highly visible officers wear full tactical gear including a long gun to provide a sense of omnipresence. These officers would also rapidly deploy to an ongoing terror or mass causality event. CRC officers are not assigned directly to a

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<sup>161</sup> New York City Police Department.

<sup>162</sup> New York City Police Department.

<sup>163</sup> New York City Police Department.

<sup>164</sup> New York City Police Department.

planned demonstration nor do they respond to pop-up style events. They respond only in the event of a violent terror attack.<sup>165</sup>

## **20. Joint Terrorism Task Force**

NYPD detectives work with a number of other law enforcement agencies, including the Federal Bureau of Investigation, on all terror investigations with implications on the NYC area. Topics included in the Joint Terrorism Task Force's purview include intelligence analysis, surveillance, weapons of mass destruction, and domestic and international terrorism.<sup>166</sup>

## **21. Bomb Squad**

The Bomb squad is responsible for safely disarming, transporting, and disposing of all devices capable of exploding, including bombs, IEDs, and incendiary devices. If a patrol officer identifies a suspicious package that could be an explosive, he will request the ESU and a supervisor to the scene. If ESU personnel decide further analysis of the item is needed or conclude that the item is an explosive device, they will request the Bomb Squad. Bomb Squad members are not assigned to demonstrations but are made aware of planned events and respond if their skills are needed.<sup>167</sup>

## **22. Intelligence Bureau**

The NYPD's Intelligence Bureau rivals large federal institutions such as the Federal Bureau of Investigation and various agencies under the Department of Homeland Security. It is argued that the NYPD's Intelligence Bureau (INTEL) is the gold standard for domestic counterterrorism.<sup>168</sup> The purpose of INTEL is to incorporate effective intelligence-led policing strategies to safeguard NYC residents, tourists, and critical infrastructure from terrorism and violent crime. Officers assigned to INTEL operate in plain clothes and have

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<sup>165</sup> New York City Police Department.

<sup>166</sup> New York City Police Department.

<sup>167</sup> New York City Police Department.

<sup>168</sup> Dahl, "Local Approaches to Counterterrorism."

expertise in such areas as law, international affairs, financial investigations, counterterrorism, foreign languages, and computer science.

INTEL is also responsible for dignitary protection in conjunction with federal partners when a foreign diplomat visits NYC. This bureau also oversees all issues that might be regulated under the Handschu guidelines, which are discussed in the next chapter. Members of INTEL are assigned around the world through the international liaison program.<sup>169</sup> The officers work closely with local, state, and federal police entities to gather intelligence relevant to NYC.<sup>170</sup> Currently, the NYPD has officers assigned in London, Paris, and the Dominican Republic, among other locations.<sup>171</sup> INTEL uses the size and diversity of the NYPD to its advantage by using strong community ties to gather intelligence and conduct counterterrorism operations.<sup>172</sup>

### **23. Barriers Section**

The Barrier Section is responsible for deploying, storing, and maintaining the NYPD's barriers. The NYPD owns approximately 13,500 metal interlocking barriers and 1,800 wooden barriers. The Barrier Section has 11 trucks to deploy barriers, and each patrol borough has its own truck. Damaged metal barriers are brought to the Harbor Unit Launch Repair Shop, where boat mechanics double as welders and repair the damage.

When a large demonstration is scheduled, the borough chief and his staff coordinate with the commanding officer of the Barrier Section in deciding where the barriers will be placed. The barriers will be placed in their respective locations in the hours before the demonstration. Then, officers assigned to police the demonstration assemble the barriers immediately before the event. Because the Barrier Section has few officers, officers from precincts, transit districts, and PSAs are assigned to the section for the field deployment.

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<sup>169</sup> Dahl.

<sup>170</sup> Dahl.

<sup>171</sup> Dahl.

<sup>172</sup> Dahl.

## **B. SUPPORT UNITS**

The units discussed in this section are not on scene of political demonstrations. These behind-the-scene units aid the field units in policing the demonstration.

### **1. Criminal Justice Bureau**

The mass arrest processing site is located at One Police Plaza to streamline the procedure. If a large number of demonstrators engage in civil disobedience and executives deem it necessary to effect arrests, they will be brought to the mass arrest processing site. A dedicated number of officers will assist the arresting officers in completing the necessary paperwork to properly document the arrests. Officers on the scene of the demonstration are permitted to effect the arrest of five perpetrators at once.

### **2. Operations Division**

The Operations Division is split into two parts, the Operations Unit (OPS) and the Detail Section. The Operations Division is tasked with operating the Joint Operations Command Center (JOC). OPS is the parent command for NYPD officers who are assigned to work with other city agencies such as the Office of Emergency Management and the FDNY. During large planned events, such as the ball dropping in Times Square and the fireworks on Independence Day, the JOC is activated. During an activation, representatives from myriad city, state, and federal agencies are physically present to expedite intelligence sharing and resource movement.

#### ***a. Operations Unit***

OPS is a notification and informational unit that works 24 hours per day, seven days a week, and is aware of everything occurring citywide. OPS personnel monitor ongoing situations, such as demonstrations, police-involved shootings, or other major newsworthy catastrophes, and notify the proper NYPD executives.

The OPS is responsible for disseminating certain information about events going on throughout NYC. This task is completed by generating an OPS page. When a pop-up demonstration, mobilization, shooting, newsworthy incident, fatal car accident, or power

outage occurs, the OPS dispatches an email about the event. The email is distributed to all executives of the rank of captain and above while the page is disseminated to all other members of the NYPD whose commanding officer (CO) or the CO of the Operations Division deems have a need to know.

Members of OPS are also responsible for the upkeep of the Demonstration Database. This “demo” database was first implemented on November 1, 2007. Its purpose has been to keep a record and running log of both pop-up and planned demonstrations. Figure 10 depicts the number of demonstrations entered into the database since 2012. Included in the database are various events, such as parades or other mass gatherings, that the operations desk supervisor (lieutenant or sergeant) deems necessary. Factors in deciding whether to add the event to the database include the likelihood there will be counter-protesters, crowd size, newsworthiness, location, and the possibility of a mass arrest situation. For example, a New York Yankee game would not qualify for the database.

Each demonstration added to the database has two components. The first is the pre-operational intelligence, which is entered the day before the event. On the day of the demonstration, INTEL analyzes the list and can add to, concur with, or delete the event from the list. INTEL is responsible for the investigation of political groups under the Handschu guidelines. The pre-operational part includes the start and end times, date, precinct and borough of occurrence, actual address, type of location, specific group if known, purpose for demonstration, and number of officers assigned. After the demonstration, the second part is completed. This portion includes the actual start and end times, the number of protesters at its peak, field command post information if applicable, the name of the incident commander (can be the patrol supervisor), the officer who relayed information to OPS, the OPS police officer or detective who entered the information, the OPS supervisor notified of the event, and general remarks. In the remarks field, a final summary is written in chronological order and documents any arrests, the pedigree of the perpetrators, the unit that effected the arrests (typically the SRG or patrol), and the location where the arrests were processed.

In the event of a pop-up or unplanned demonstration, the patrol supervisor immediately responds and notifies the respective patrol bureau and OPS, which completes

the demonstration data to the best of its ability and generates a page. OPS immediately notifies the SRG regardless of whether the patrol supervisor activates a Level 1 mobilization.

From its inception to August 6, 2019, the database captured 18,034 events (Figure 10). Internal sources relay information regarding specific protests if arrests are planned or made. Planned arrests do not usually occur at pop-up protests. Further analysis of this database is discussed in Chapter VI.

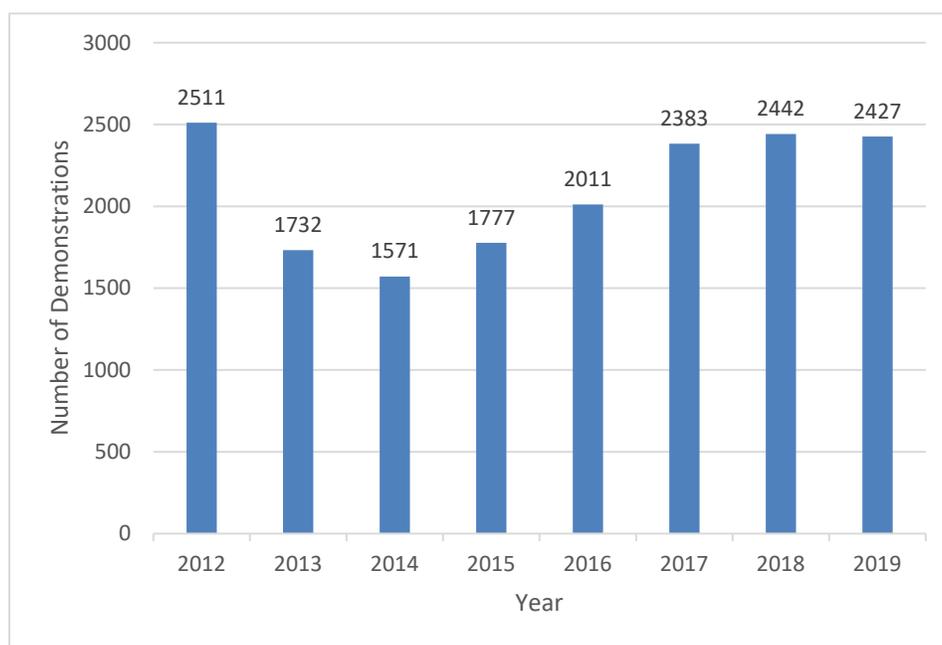


Figure 10. Number of Demonstrations in OPS Database 2012–2019<sup>173</sup>

***b. Detail Section***

As previously highlighted, one of the greatest strengths of the NYPD is its sheer size. When large planned events require additional resources from the onset, the Detail Section is tasked with assigning officers. For example, the Macy’s Thanksgiving Day Parade draws hundreds of thousands of spectators along the route. The parade takes place

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<sup>173</sup> Adapted from New York City Police Department Demonstration Database, unpublished data, August 6, 2019.

in two patrol boroughs, Manhattan South and Manhattan North. These two boroughs do not have the adequate resources to police the event, so the Detail Section deploys officers from the outer boroughs and the Detective Bureau to fully staff the event.

Larger political demonstrations may require the Detail Section to assign resources from precincts away if large crowds are expected. During the Women’s March, for example, the Detail Section had to go to work because of the anticipated large crowd.<sup>174</sup> Another function of the Detail Section is assigning resources in real time. September 20, 2019, saw a climate change demonstration in the vicinity of NYC City Hall. While the event had been issued a permit for 5,000 people, the turnout was much greater than that.<sup>175</sup> The Mayor’s Office estimated that 60,000 people attended while event organizers had the number at 250,000.<sup>176</sup> It was clear to executives on the scene that the number of officers assigned to the climate strike would not suffice. The Detail Section mobilized additional resources from precincts, PSAs, and transit districts citywide. If the Detail Section is not working and time is an overwhelming factor, NYPD executives can transmit a rapid mobilization, which is discussed in the next chapter.

### **3. Lower Manhattan Security Initiative**

The NYPD’s Domain Awareness System (DAS) is a crucial piece of technology for all NYPD officers. The DAS closed circuit television (CCTV) component rivals that of the Iron Ring in London.<sup>177</sup> This application aggregates real-time data from counterterrorism sensors and law enforcement databases, providing members of the service with a comprehensive view of potential threats and criminal activity. The DAS aggregates and correlates information from counterterrorism sensors deployed around the NYC, such

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<sup>174</sup> Dale W. Eisinger, Rikki Reyna, and Denis Slattery, “NYC Women’s March Sets More Than 400,000 Protesters upon Trump Tower,” *New York Daily News*, January 24, 2017, <https://www.nydailynews.com/new-york/nyc-women-march-sets-400g-protesters-trump-tower-article-1.2952401>.

<sup>175</sup> Anne Barnard and James Barron, “Climate Strike N.Y.C.: Young Crowds Demand Action, Welcome Greta Thunberg,” *New York Times*, September 20, 2019, <https://www.nytimes.com/2019/09/20/nyregion/climate-strike-nyc.html>.

<sup>176</sup> Barnard and Barron.

<sup>177</sup> Dahl, “Local Approaches to Counterterrorism.”

as CCTV, license plate readers, and environmental sensors, with dozens of law enforcement and public safety data sources.

Officers assigned to the Lower Manhattan Security Initiative are responsible for the information flow within the DAS application. These administrative officers also supply intelligence to frontline officers or those conducting ongoing investigations. These officers assist in detecting threats and conducting pre-operational surveillance.<sup>178</sup>

#### **4. Information Technology Bureau**

This bureau is responsible for issuing and maintaining NYPD iPhones, body-worn cameras (BWCs), and hardware that powers the DAS, among other pieces of technology.

#### **5. Communications Division**

This division dedicates specific radio frequencies for all units, regardless of their location. Typically, two or three precincts share a radio frequency. When officers are flown in from various commands to help police a demonstration under one command, they are instructed to switch their radio frequency bandwidth to a citywide one.

#### **6. Life Safety Systems Division**

This division maintains and deploys the mobile command posts for large events, for example, large demonstrations, Independence Day festivities, presidential visits, and United Nations events.

#### **7. Training Bureau**

The Training Bureau (TB) is responsible for providing members of the NYPD with the knowledge and skillset to best serve NYC. The TB is responsible for both the Police Academy and all in-service training, which includes education in firearms, tactics, plainclothes procedures, basic life support, and fair and impartial policing. The following TB units have been identified as important in the realm of political demonstrations:

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<sup>178</sup> New York City Police Department, "P.O.S.T. Unit Descriptions."

**a. *Tactical Training Unit***

Design and facilitate a wide range of in-service training programs designed to educate the uniformed patrol force on how to make sound legal and tactical decisions when faced with stressful and dynamic investigative encounters, utilizing effective physical instruction on defensive team tactics under the Department's use of force guidelines.<sup>179</sup>

**b. *Advanced Training Unit***

Design and facilitate a wide range of in-service training programs, encompassing the most relevant, current, and comprehensive information on such topics as effective community relations vigilant pursuit of crime reduction, and professional development. These programs are geared to the uniformed patrol force, and include routine unit training delivered via the Command Level Training Program.<sup>180</sup>

**c. *Leadership Development Section***

Design and facilitate high-quality promotional training for captains, lieutenants, sergeants, and civilian supervisors. Provide practical, job-relevant promotional and in-service leadership training and management-skills training to lieutenants, sergeants, and civilian supervisors. Research, present, and evaluate training sessions for supervisors, managers, and other populations, as required.<sup>181</sup>

**d. *Uniform Promotions Unit***

Develop and facilitate promotional training for captains, lieutenants, and sergeants. Provide practical and relevant promotional and in-service leadership training and management-skills training.<sup>182</sup>

**e. *Executive Development Unit***

Develop a program of course offerings that is responsive to the operational and developmental needs of in-service captains and above, as well as equivalent-level civilian managers. Responsible for ensuring that

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<sup>179</sup> New York City Police Department, 5.

<sup>180</sup> New York City Police Department, 5.

<sup>181</sup> New York City Police Department, 6.

<sup>182</sup> New York City Police Department, 6.

executives participate in the Executive Development program and tracking their promotion.<sup>183</sup>

***f. Citywide Incident Management System Unit***

Provide uniformed members of the service with principles and tactics regarding mobilizations, crowd control, and command-post operations, according to the guidelines of the Citywide Incident Management System. . . . Develop and evaluate training exercises for the NYPD and for multi-agency participation.<sup>184</sup>

***g. Specialized Training Section***

Provide up-to-date, relevant training to in-service uniformed members of the service. Provide hands-on training in self-defense and less-lethal tactics. Conduct computer training for computer software and mainframe applications in the Department. Conduct and coordinate entry-level and in-service training for civilian members of the service.<sup>185</sup>

***h. Special Weapons Unit***

Conduct all special weapons training and requalification of designated units and personnel, including, but not limited to, ESU, Harbor, Aviation, Highway, SRG, CRC, Canine, and undercover officers.<sup>186</sup>

***i. Advanced Tactical Firearms Training Course Unit***

This two-day program is designed to emphasize the use of proper tactics and improve shooting skills. It is a reality-based firearms training aimed at exposing plainclothes anti-crime personnel to scenarios that simulate situations which they will likely encounter on patrol. This training is available to Patrol, Transit, and Housing Bureau anti-crime teams.<sup>187</sup>

***j. Firearms and Tactics Section***

Develop skills required for the safe and proficient used of firearms. Instruct and re-qualify uniformed members of the service with firearms. Provide

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<sup>183</sup> New York City Police Department, 6.

<sup>184</sup> New York City Police Department, 6.

<sup>185</sup> New York City Police Department, 5.

<sup>186</sup> New York City Police Department, 5.

<sup>187</sup> New York City Police Department, 5.

entry-level training for newly-hired officers. Provide strategy and tactics training to minimize firearm use and improve firearm safety.<sup>188</sup>

***k. Field Training Coordination Unit***

Responsible for initial training of all Field Training Officers. Collaborate with the Office of the Chief of Department to manage the overall operation of the FTO [field training officer] program. Produce annual program for FTOs to participate in to identify program strengths.<sup>189</sup>

***l. Community Liaison Unit***

Serve as the main outreach component to the community in order to exchange ideas and information and provide transparency to the development of NYPD training curricula in partnership with community organizations.<sup>190</sup>

***m. Recruit Training Section***

Provide a recruit training program of instruction to prepare recruit officers to perform effectively in their field assignments. Coordinate all logistical and administrative tasks associated with recruit officer training.<sup>191</sup>

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<sup>188</sup> New York City Police Department, 4.

<sup>189</sup> New York City Police Department, 1.

<sup>190</sup> New York City Police Department, 2.

<sup>191</sup> New York City Police Department, 6.

## **IV. NYPD CURRICULUM, POLICIES, AND PROCEDURES**

Previous chapters demonstrated how police officers confronted political protests that spiraled out of control and for which they were unprepared. To explain the NYPD's training for such events, this chapter analyzes three training aspects in which officers learn how to police political demonstrations. Topics appear in the order that police cadets and then officers encounter them in training: The Police Academy curriculum, Activity Log inserts, and Patrol Guide procedures. Officers start their police careers learning at the Police Academy and then use the Activity Log inserts for their time out in the field. Officers then gain an intimate knowledge of the Patrol Guide as they study for the civil service promotional examinations and use specific guide procedures more frequently throughout their careers. In order to clarify parts of this chapter, a summary of each rank in the NYPD appears in Appendix B.

### **A. POLICE ACADEMY CURRICULUM**

The NYPD Police Academy (PA) spans six months and teaches newly sworn officers the necessary skills for a successful career with the department. The academy presents both physical tactics and traditional classroom learning. The classroom portion has three parts: police science, social science, and law. The PA's *Student Guide* (SG) forms the training material for the PA. The following procedures have been identified as relevant for policing political demonstrations as well as counterterrorism efforts.

#### **1. Police Science: Maintaining Public Order (Chapter 11)**

First Amendment rights are foremost and provide the framework for this policy because all Americans have the right to assemble and discuss topics regardless of whether the concept is "right" or "wrong." Examples of this right include protesting in City Hall Park and disseminating literature supporting a cause. The parameters for permits are outlined as well. Demonstration is defined as "including organized groups comprised of many persons as well as the individual or small groups of individuals who utilize free

speech and assembly to further their cause.”<sup>192</sup> New York City’s Administrative Code requires that one must obtain a permit before hosting a street parade or demonstration.<sup>193</sup> The NYPD issues such permits for sound amplification devices and has discretion in issuing them based on variables including time and location.

Officers are provided with regulations for policing demonstrations. “To the extent possible, the job of the police is to protect both the demonstrators’ right of assembly and the right of non-demonstrators to peaceful and unobstructed passage.”<sup>194</sup> Officers should use police barricades to aid in this task. In this way, officers can create areas for demonstrators to rally while safely allowing non-participants to continue along their path. If demonstrators begin to obstruct pedestrian or vehicle traffic, they must be warned that continuing to do so will result in arrests. When issuing a permit for a demonstration, the NYPD uses the “sight and sound” ideology. Demonstrators are entitled to be as near the target of their demonstration as safely possible. However, if the NYPD deems that a specific location has the potential for violence or a riot, it is permitted to move the demonstration to a safer area. This discretion is not a violation of the rights of the demonstrators.

This chapter of the SG also surmises the difference between intentional and incidental blocking of a street, sidewalk, and entryways into a building. To reach a level of criminality, an individual or group must create a serious annoyance and intend to inconvenience the public.<sup>195</sup> An example would be blocking the entrance of a store front so that patrons are unable to enter. The ranking NYPD supervisor on the scene of a demonstration decides where barriers are to be placed as well as the location to which the demonstrators will march. If a reasonable request is made by police, and demonstrators refuse the request, they will be subject to arrest or summons. No set standard determines

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<sup>192</sup> New York City Police Department, “Maintaining Public Order,” in *Police Student’s Guide* (New York: New York City Police Department, April 2019), 11.

<sup>193</sup> New York City Police Department.

<sup>194</sup> New York City Police Department, 12.

<sup>195</sup> New York City Police Department.

the number of demonstrators allowed at specific demonstrations. Depending on the exact location, the protest may generate more problems as the number of demonstrators rises.

Demonstrations frequently target commercial and civic districts of New York City. This choice aids in the demonstrators' reaching the largest number of listeners, and most likely, the cause of their frustration falls within one of these two parameters. Demonstrators rarely occur in residential areas, but no specific laws prohibit demonstrations there. In neighborhoods, demonstrators violate laws such as unreasonable noise that cause public inconvenience, annoyance, or alarm. One example in the SG describes a group chanting in the early morning hours in a residential area when citizens are trying to sleep vis-à-vis in a more commercial area.

Police officers are an extension of the government that employs them. Demonstrators frequently harass police officers through offensive language and personal insults, a type of language protected by the First Amendment. Often, such slang intends to cause police officers to overreact, yet officers must remain calm and use a high level of restraint in these situations. Officers must understand that freedom of speech is an inalienable right and cannot be violated based on the officer's personal opinions of the subject. Verbal abuse of a police officer alone does not satisfy an official charge of harassment because it must be accompanied by physical contact.

In certain cases, demonstrations do become violent. If officers observe demonstrators physically assaulting other people or destroying property, an arrest should be made. The ranking supervisors on scene, however, may decline to immediately arrest the guilty parties. This decision is based on variables such as manpower, further crowd agitation, endangerment of officer safety, and the overall safety of the public. Police officers must remain objective throughout a demonstration. If officers fail in their objectivity, tensions with the group can escalate. Such a failure could endanger fellow officers, bystanders, and non-violent protestors. If demonstrators are non-violent but obstruct pedestrian or vehicular traffic intentionally, officers must warn them that failing to move will result in arrests. At demonstrations, onlookers can observe both the demonstrators and police officers but must not interfere with the administration of police duties. Spectators can photograph and videotape the demonstration including the officers,

who may use force only as necessary to prevent a crime, make an arrest, or protect a fellow officer or member of the public. Force is never to be used as a punishment.<sup>196</sup>

Civil disorder and rioting involve a population engaging in lawlessness. These extremely dangerous situations are the most challenging for police officers. A key solution for disrupting lawlessness is rapid mobilization, which is discussed later in this chapter. The NYPD learned from such riots as the Crown Heights riot in 1991 and the Rodney King Riots in Los Angeles in 1992 to help formulate plans to best police these situations. Communication between the police and the public, especially with community leaders, is key in maintaining the peace and ending chaotic scenes. At the scene of civil disorder, demonstrators may engage in the use of homemade weapons, small arms, or explosives.<sup>197</sup> Demonstrators may also use regular household items such as bottles, bricks, and rocks against police officers. Officers must not panic and act within the “general plan of action,” even when demonstrators use fireworks or other loud noises to disorient them. Officers must use the utmost caution in deciding to discharge their firearms at the scene of civil disorder because doing so may endanger innocent bystanders and only further agitate protestors.<sup>198</sup>

## **2. Law: Civil Disorder Offenses (Chapter 14)**

This SG chapter outlines for the reader the laws that pertain to civil disobedience, but at no point does it discuss the vulnerability of mass demonstrations to terrorist events. This chapter outlines the rights protected by the First Amendment, but expression of such rights does not allow individuals to violate overall public safety or diminish the quality of life for others.<sup>199</sup> The first criminal crime discussed is the charge of disorderly conduct:

A person commits disorderly conduct when he or she: intentionally or recklessly creates a risk of public inconvenience, annoyance or alarm by one of the following seven methods:

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<sup>196</sup> New York City Police Department.

<sup>197</sup> New York City Police Department, 18.

<sup>198</sup> New York City Police Department.

<sup>199</sup> New York City Police Department, “Civil Disorder Offenses,” in *Police Student’s Guide* (New York: New York City Police Department, April 2019), 9.

1. Fighting or violent or threatening behavior
2. Unreasonable noise
3. Obscene language or gesture
4. Disrupts a lawful assembly
5. Obstructs vehicular or pedestrian traffic
6. Refusal to comply with a lawful order to disperse (3 or more people)
7. Hazardous or physically offensive condition<sup>200</sup>

Frequently at political demonstrations, individuals purposely choose to become subject to arrest to drive home their statement. Such behavior was seen in France during the yellow jacket protests. This SG chapter continues by providing examples of the above seven charges. The example for the fifth offense discusses protesters positioning themselves on the street so that vehicles cannot pass. For the sixth offense, the following example is given:

A group of people gather outside City Hall to protest tax increases. They have no intention of causing public inconvenience, annoyance, or alarm. However, because of their reckless actions, pedestrians are inconvenienced and annoyed. If they refused to move after being directed by a police officer, they would be charged with disorderly conduct. If their actions caused interference with vehicular or pedestrian traffic, then they would also be charged with subdivision 5 as well as subdivision 6.<sup>201</sup>

Intent to cause inconvenience, alarm, and annoyance must also exist if an officer is to arrest an individual for these charges.

Part II of this SG chapter discusses loitering. Subdivision 4 discusses the wearing of masks:

Being masked or in any manner disguised by unusual or unnatural attire or facial alteration, loiters, remains or congregates in public place with other person so masked or disguised, or knowingly permits or aids persons so masked or disguised to congregate in a public place; except that such conduct is not unlawful when it occurs in connection with a masquerade party or like entertainment if, when such entertainment is held in a city which has promulgated regulations in connection with such affairs,

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<sup>200</sup> New York City Police Department, 2.

<sup>201</sup> New York City Police Department, 4.

permission is first obtained from the police or other appropriate authorities.<sup>202</sup>

Part III outlines factors that constitute a charge of unlawful assembly. The act of unlawful assembly should be considered a precursor to a possible riot. There are two scenarios that qualify for this charge:

1. “He or she assembles with four or more people for the purpose of engaging or preparing to engage with them in tumultuous (loud, agitated behavior) and violent conduct likely to cause public alarm.”<sup>203</sup>
2. “Being present at an assembly with four or more other people which either has or develops the purpose of engaging in or preparing to engage in tumultuous and violent conduct and he or she remains there with the intent to advance that purpose.”<sup>204</sup>

Part IV discusses offenses regarding riots and inciting riots. The charge of inciting a riot is established when an individual “urges ten or more person to engage in tumultuous and violent conduct likely to create public alarm.” There are two different degrees to this charge: misdemeanor or felony.<sup>205</sup> To establish the misdemeanor charge, a person

- Simultaneously with four or more other persons;
- Engages in tumultuous and violent conduct; and
- Intentionally or recklessly causes or creates a grave risk of causing public alarm.<sup>206</sup>

The SG cites the following example: “Five radical students enter Grand Central Station carrying protest signs attached to heavy wooden sticks. As they march through the station, they begin to shout obscenities and wave their signs in a menacing manner, thereby causing the commuters to flee the area.”<sup>207</sup>

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<sup>202</sup> New York City Police Department, 5.

<sup>203</sup> New York City Police Department, 6.

<sup>204</sup> New York City Police Department, 6.

<sup>205</sup> New York City Police Department.

<sup>206</sup> New York City Police Department, 8.

<sup>207</sup> New York City Police Department, 8.

The factors that would raise the charge to inciting a riot in the first degree would be when a person

- Simultaneously with ten or more persons;
- Engages in tumultuous and violent conduct; and
- Intentionally or recklessly causes or creates a grave risk of causing public alarm; and
- A person other than a participant suffers a physical injury or substantial property damage occurs.<sup>208</sup>

The SG provides the following example:

A group of 11 people are demonstrating in front of a courthouse inside which a controversial criminal case is being tried. As the defendant appears, the group begins to scream obscenities and throw debris. During this activity, a non-participant is struck by a rock and injured, numerous windows are broken and other property is damaged.<sup>209</sup>

This section concludes by conveying the point that the recruit will be policing large crowds during one's career. Those large crowds do include "demonstrations, public events, civil disorder and strikes."<sup>210</sup> The SG reiterates the point that members of the NYPD take an oath to protect the lives of all citizens and enforce the law impartially. NYPD officers must strike a balance between respecting someone's rights and safeguarding property and people.

### **3. Social Science: Neighborhood Policing and Problem Solving (Chapter 4)**

The neighborhood policing model is the NYPD's backbone in serving the citizens of NYC. The mission statement for this model is as following: "Enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve the peace protect the people, reduce fear and maintain order."<sup>211</sup> The model strives to accomplish three goals: prevent and investigate crime, promote trust and respect, solve

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<sup>208</sup> New York City Police Department, 8.

<sup>209</sup> New York City Police Department, 8.

<sup>210</sup> New York City Police Department, 9.

<sup>211</sup> New York City Police Department, "Neighborhood Policing and Problem Solving," in *Police Student's Guide* (New York: New York City Police Department, April 2019), 3.

problems, and address quality-of-life conditions collaboratively.<sup>212</sup> Patrol officers are deployed in three roles to work within the neighborhood framework: NCOs, steady sectors, and response autos. NCOs, as previously discussed, work in conjunction with the steady sectors to solve crimes and other issues that plague the community. The rest of the chapter discusses the model officers should employ in their community-serving efforts.

## **B. ACTIVITY LOG INSERTS**

Every officer below the rank of captain must maintain an “Activity Log,” a chronological summary of what the officer did during his tour of duty. This log includes what his or her assignment was for the day, all radio runs assigned, and a brief synopsis of any paperwork completed (e.g., arrests, complaints, and aided cards). Officers carry their Activity Logs in a leather binder, along with summonses and inserts, which they can fit in their back pocket. Activity Log inserts are tips, summaries, and best practices for certain situations: 23 inserts are required to be with officers at all times. In early 2020, activity logs were transitioned to a digital application that officers access through their department iPhones. The inserts appear as a separate publication on the phone.

The following Activity Log inserts most pertain to demonstrations: the active shooter response protocol reference card, the body-worn camera reference guide, and possible indicators of terrorist activity. Activity Log inserts are a quick reference that officers can digest instantaneously.

### **1. Active Shooter Response Protocol Reference Card**

This card provides the NYPD’s definition of an active shooter and reinforces the priority that the officer is to “make contact with the suspect and stop the killing.”<sup>213</sup> The card further provides a 23-step process for properly policing the shooter within NYPD guidelines. The card contains further subtleties as the steps progress including the procedure for gaining entry, tactical considerations, and post-threat elimination. Immediate

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<sup>212</sup> New York City Police Department, 3.

<sup>213</sup> New York City Police Department, “Active Shooter Response Protocol Reference Card,” PD 624-112 (New York: New York City Police Department, 2015), 1.

entry, teamwork, and communication are key elements stressed throughout the progression.<sup>214</sup>

## **2. Body-Worn Camera Reference Guide**

This insert is broken down into four categories: mandatory activations, prohibited recordings, categories, and tag options. One of the tag options listed is demonstrations/civil disobedience. Mandatory activations pertaining to demonstrations include persons suspected of criminal activity, use-of-force encounters, and arrests.<sup>215</sup>

## **3. Possible Indicators of Terrorist Activity**

Of the three Activity Log inserts mentioned, this is the most relevant and the only one law enforcement sensitive. The procedure breaks down various indicators of potential terrorist activity and provides officers with a set of questions to help further their investigation. Political demonstrations are not mentioned, but a note instructs officers not to interfere with constitutionally protected rights.<sup>216</sup>

## **C. PATROL GUIDE PROCEDURES**

The NYPD Patrol Guide (PG) provides the standard operating procedures for the agency. A careful analysis of the Patrol Guide has resulted in identifying the following procedures as relevant in policing protests and demonstrations. Likewise, this thesis treats procedures that discuss terrorist attacks. Most procedures begin with the purpose followed by key definitions for the procedure and then describe by officer rank how the procedure should be carried out. “Notes” and “additional data” are frequently used throughout the procedure to further clarify key points. This author has analyzed those procedures identified as needing clarity or supplemental instruction. The PG is broken down into 21

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<sup>214</sup> New York City Police Department.

<sup>215</sup> New York City Police Department, “Body-Worn Camera Reference Guide,” PD 620-181 (New York: New York City Police Department, 2018).

<sup>216</sup> New York City Police Department, “Possible Indicators of Terrorist Activity,” PD 378-111, (New York: New York City Police Department, 2011).

sections. The remainder of this chapter explores the sections on mobilizations/emergency incidents, command operations, and tactical operations.

## **1. Mobilizations/Emergency Incidents (213)**

The procedures included in this section of the PG involve large-scale and emergency incidents. The sections discuss ways to mobilize additional personnel and guidelines for mass arrest situations.

### ***a. Emergency Incidents (Procedure 213-02)***

Emergency incidents are defined as “a serious accident, vehicle collision, explosion, civil disorder, demonstration, or similar incident.”<sup>217</sup> The initial police officer on scene should take appropriate police action, request additional personnel and equipment if necessary, and request that the patrol supervisor “respond all” via the communications section. (Numerous procedures describe responding via the communications section, which simply means using one’s NYPD radio through the dispatcher.)

The first supervisor on scene, typically the patrol supervisor or platoon commander, is tasked with the following:

1. Evaluating the previous action
2. Determining whether a Level 1 mobilization is required (as discussed in this chapter). If a patrol supervisor call for a mobilization, he or she must select a location able to accommodate a Level 3 or 4 mobilization.
3. Notifying the following of all pertinent details: the precinct desk officer, OPS, and the respective patrol borough
4. Assigning duties and responsibilities under the Citywide Incident Management System model

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<sup>217</sup> New York City Police Department, *Mobilization/Emergency Incidents: Emergency Incidents*, Patrol Guide Procedure No. 213-02 (New York: New York City Police Department, 2013), 1.

5. Preparing a detail roster of current resources
6. When the CO, executive officer, and deputy chief respond, inform them of all actions taken, details of the event, and who and what is already on scene.

When the CO, executive officer, or duty chief arrive on scene, they will take command of the incident. They will thoroughly analyze the steps taken by the patrol supervisor or platoon commander. They will then determine whether further mobilization is required beyond Level 1. As the incident concludes, they will also develop a plan to return to normal and return all officers assigned to the incident back to their assigned patrol functions.

The additional data portion of the procedure discusses the chain of command if higher executives arrive on scene based on the severity of the incident. The notes also reiterate that Harbor, Scuba, and Aviation Unit personnel are available 24 hours a day if their services are needed.<sup>218</sup>

***b. Rapid Mobilization (Procedure 213-03)***

This procedure outlines how to request additional personnel to the scene of an unusual disorder or emergency situation and how they should respond. The initial supervisor on scene will activate the mobilization process. Table 3 breaks down the four levels of mobilization:

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<sup>218</sup> New York City Police Department, 3.

Table 3. Levels of Mobilization<sup>219</sup>

	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
<b>Can Authorize</b>	Patrol Supervisor and Above	Captain or Above	Captain or Above	Captain or Above
<b>Who Responds</b>	<ul style="list-style-type: none"> <li>• SRG, 1 sergeant and 8 police officers</li> </ul>	<ul style="list-style-type: none"> <li>• ESU</li> <li>• Aviation</li> <li>• Command post vehicle</li> <li>• Decontamination truck</li> <li>• Barrier truck</li> <li>• TARU</li> <li>• Arrest processing vehicle</li> <li>• Additional SRG as determined by OPS</li> </ul>	<ul style="list-style-type: none"> <li>• 1 sergeant and 8 police officers from each patrol precinct and PSA in the borough concerned</li> <li>• 3 lieutenants based on the borough of the activation</li> <li>• 1 sergeant and 8 police officers from the Transit Bureau</li> <li>• 2 sergeants and 20 police officers with vehicles from the Highway District</li> <li>• 2 sergeants and 10 police officers from the Mounted Unit</li> <li>• 1 sergeant and 2 police officers from TARU if not already present</li> <li>• Peacekeeper vehicle</li> </ul>	<ul style="list-style-type: none"> <li>• 3 additional lieutenants per the borough conference</li> <li>• 1 lieutenant from the transit borough concerned</li> <li>• 1 lieutenant from the housing borough concerned</li> <li>• 1 sergeant and 8 police officers per precinct and housing borough mobilized</li> <li>• 1 sergeant and 8 police officers from transit borough concerned based on their bureau plan</li> <li>• 1 additional sergeant and 10 police officers with vehicles from the highway district</li> <li>• 2 additional sergeants and 10 police officers from the Mounted Unit</li> <li>• Additional arrest processing vehicle</li> <li>• 1 sergeant and 4 police officers from the Police Academy Firearm and Tactics Section</li> <li>• Additional peacekeeper vehicle</li> <li>• Help car</li> <li>• Command post vehicle</li> <li>• Patrol wagon</li> </ul>
<b>Additional Supervisors</b>	<ul style="list-style-type: none"> <li>• Duty captain/CO/ executive officer and command staff</li> </ul>	<ul style="list-style-type: none"> <li>• Duty inspector (borough concerned)</li> <li>• Traffic operations supervisor</li> </ul>	<ul style="list-style-type: none"> <li>• ESU supervisor</li> </ul>	<ul style="list-style-type: none"> <li>• Citywide duty chief</li> <li>• Executives from housing and transit to serve on command staff</li> </ul>

<sup>219</sup> Adapted from New York City Police Department, *Mobilization/Emergency Incidents: Rapid Mobilization*, Patrol Guide Procedure No. 213-03, (New York: New York City Police Department, 2017), 13.

The authorizing executive can activate a Level 2 or higher mobilization en route. He or she must confirm with one of the following when transmitting a Level 2 mobilization or higher when not physically present: the patrol supervisor, platoon commander, patrol borough concerned, or the Operations Unit.<sup>220</sup> Mobilization levels do not have to be transmitted in numerical order.<sup>221</sup> Caution must be used, however, when skipping a specific mobilization level because personnel from the previous level will not respond.<sup>222</sup>

***c. Mobilization Readiness Levels (Procedure 213-04)***

Readiness levels parallel their corresponding mobilization levels. The purpose of a readiness level is to alert all corresponding units that a mobilization has been initiated. When a mobilization occurs, it automatically initiates a readiness level. OPS and Communications transmit most notifications. The procedure concludes with various definitions of duties in the Citywide Incident Management System structure, such as incident commander and operations officer.<sup>223</sup>

***d. Duties at an Unusual Disorder (Procedure #213-05)***

This procedure underlines the duties and responsibilities in response to an unplanned or pop-up protest or when a planned protest becomes too populous or violent. If a demonstration is preplanned, police assets will already be assigned to the location of the event.

In this procedure, the CO, executive officer, duty inspector, duty captain, or any other applicable NYPD member of higher rank should instruct all supervisors (sergeant and above) of the following: the nature of the disorder, the mission and objectives, the team mentality (no individual action will be tolerated), and the need to report important or

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<sup>220</sup> New York City Police Department.

<sup>221</sup> New York City Police Department.

<sup>222</sup> New York City Police Department.

<sup>223</sup> New York City Police Department, *Mobilization/Emergency Incidents: Mobilization Readiness Levels*, Patrol Guide Procedure No. 213-04 (New York: New York City Police Department, 2019), 5.

unusual events immediately to the command post.<sup>224</sup> It does not state that these executive officers should disseminate intelligence known of the group such as any vital history.<sup>225</sup>

***e. Large Scale Arrest Processing Procedure (Procedure 213-06)***

Often at political demonstrations, participants practice civil disobedience to further their point, with perhaps dozens of demonstrators simultaneously participating. If 20 or more individuals become subject to arrest, this procedure outlines how to process all perpetrators at one time.

Borough commanders (BCs) ensure that there is a list of priority precinct stationhouses that have the capability of properly housing the arrested. The factors detailed in this order include the number of prisoners the precinct can house close to the arrest scene. Yet an arresting officer should not process more than five prisoners at once, should have an intimate knowledge of the situation, and clearly articulate all factors of the charge to the respective assistant district attorney who will draw up the formal complaint.

The arresting officer (AO)'s supervisor will ensure that a photograph is taken of the AO and the perpetrator he or she processes. This photograph will take place before the AO and perpetrator board the patrol wagon, which takes them to the arrest processing site. AOs will follow all standard arrest procedures.<sup>226</sup>

***f. Policing Special Events/Crowd Control (Procedure 213- 11)***

The guiding purpose behind this procedure is to outline how police conduct crowd control at special events. Political protests and demonstrations fit the criteria of this procedure due to media coverage, the propensity to draw large crowds, and the notoriety of the demonstration's location. The procedure starts with three key definitions: the incident commander, places of public assembly, and special events.

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<sup>224</sup> New York City Police Department, *Mobilization/Emergency Incidents: Duties at an Unusual Disorder*, Patrol Guide Procedure No. 213-05 (New York: New York City Police Department, 2016), 9.

<sup>225</sup> New York City Police Department.

<sup>226</sup> New York City Police Department, *Mobilization/Emergency Incidents: Large Scale Arrest Processing Procedure*, Patrol Guide Procedure No. 213-06 (New York: New York City Police Department, 2014), 2.

The incident commander at an event fitting these parameters will be the highest-ranking uniformed police supervisor. The incident commander is defined as follows:

The highest-ranking uniformed police supervisor responsible for the command, control and coordination of all incident operations. For planned events such as parades, demonstrations, and similar situations, the precinct commanding officer will ordinarily be designated as incident commander. If the event occurs in two or more commands within the same patrol borough, the patrol borough commander will be designated as incident commander, and in cases where the event affects more than one patrol borough, the Chief of Patrol will be designated as incident commander.<sup>227</sup>

A place of public assembly is defined simply as the location of the event. Examples include theaters, arenas, gymnasiums, and ballrooms. Political protests and demonstrations tend to occur on public sidewalks and parks and at popular sites such as Union Square, Trump Tower, and Dag Hammarskjold Park (adjacent to the United Nations).

The precinct's commanding officer determines whether an event requires special police coverage.<sup>228</sup> These listed factors help to determine whether additional police presence is necessary:

- Size and demographics of crowd expected to attend event
- Size and layout of the event facility
- Past critiques of similar events
- Criminal history of location
- Availability of alcohol
- Presence of notables/personalities, live music or entertainers
- Previous history of disruption or problems associated with or due to reputations of, or specific issues related to speaker or performers,
- Manner of ticket sales (box office, advance tickets, door sales, mail, lottery, outlets, etc.)
- Manner of admission (advance tickets, door sales, free admission etc.)

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<sup>227</sup> New York City Police Department, *Mobilization/Emergency Incidents: Policing Special Events/Crowd Control*, Patrol Guide Procedure No. 213-11 (New York: New York City Police Department, 2018), 1.

<sup>228</sup> New York City Police Department.

- Nature or sensitivity of the event
- Presence of private security
- Presence or possibility of opponents or counter demonstrators.<sup>229</sup>

Once knowledge is gained of the event, notifications must be made to the Operations Unit, Intelligence Bureau, and the precinct's community affairs officer. The incident commander will determine whether a pre-event conference will be conducted. If a large crowd is expected or the need for medical assistance likely, a member of the FDNY will be notified to attend. The procedure re-affirms that the police department will not engage in investigations of political activity unless conducted by the Intelligence Division, as specified in Procedure 212-72, which involves the Handschu guidelines. If the incident commander determines that the use of the Mounted Unit is necessary for crowd control, he or she must ensure that the crowd has a way to leave the area: "When notified that a demonstration is to occur, incident commander will cooperate with persons in charge to the extent possible, balancing their right to free expression with the need to maintain public safety. The Legal Bureau should be contacted as soon as possible to assist in planning and arrange for response of a Department attorney if needed."<sup>230</sup>

If the location of a demonstration is public, it will be difficult for the police department to convey to the group that it is not allowed to demonstrate. The police determine the suitability of a demonstration venue based on the following factors:

- Time and date
- Volume of vehicular and pedestrian traffic
- Proximity of any other related or unrelated events
- Schools, hospitals, houses of worship, or large public or business facilities nearby
- Any other condition which may create a hazard or serious inconvenience to the public or participants.<sup>231</sup>

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<sup>229</sup> New York City Police Department, 1.

<sup>230</sup> New York City Police Department, 5.

<sup>231</sup> New York City Police Department, 5.

## **2. Command Operations (212)**

This section of the PG is one of the longest and most diverse content wise. The topics discussed in this section include fire, body-worn cameras, and the procedure dictating the Handschu guidelines.

### ***a. Fire (Procedure 212-58)***

The main mission of the NYPD at the scene of a fire is to facilitate the FDNY's response in any way possible. The procedure dictates that "uniformed members are not trained in, or equipped for, fire suppression or fire rescue operations and should avoid entering any building that is on fire."<sup>232</sup> Responding officers should not park their vehicles in a way that interferes with FDNY operations. Patrol supervisors will ensure that fire hydrants are accessible and that a clear and open route is available for emergency medical services. The desk officer will notify OPS and the parent command of such factors as deaths or injuries, three alarms or more, suspicious fires, and the relocation of tenants.<sup>233</sup>

### ***b. Use of Body-Worn Cameras (Procedure 212-123)***

The main purpose behind the NYPD's decision to implement this piece of technology is to build a positive, transparent relationship with the community and successfully prosecute criminals. Creating and implementing a policy concerning the use of cameras for a department this large is extremely complex. This eight-page procedure explains the regulations that every officer who is assigned a camera must follow. The procedure highlights instances of mandatory activation, deactivation of the camera, prohibited recordings, and supervisory and administrative functions. The most vital part of this document describes when an officer is obligated to activate his or her camera. These instances include but are not limited to any potential in progress assignments, disorderly persons or groups, calls of assistance from another officer, any incident involving any type of weapon, arrest situations, and the issuing of a summons.

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<sup>232</sup> New York City Police Department, *Command Operations: Fire*, Patrol Guide Procedure No. 212-58 (New York: New York City Police Department, 2016), 1.

<sup>233</sup> New York City Police Department.

The procedure has a dedicated section for demonstrations and civil disobedience. For example, officers can only record interactions if they become involved in one of the cases listed in the mandatory activation section. It also reiterates that “TARU remains solely responsible for documenting protests, demonstrations, political events, etc., by means of photos and/or video.”<sup>234</sup>

**c. *Investigations Involving Political Activities (Procedure 212-72)***

The basis and history for this procedure were discussed early in the literature review. The procedure itself is brief. The two appendices are lengthy and extremely detailed regarding the caselaw agreements. INTEL is responsible for the following:

investigations of possible unlawful or terrorist related activity that involve political activity, including the collection, analysis processing, retention, and dissemination of information concerning person, groups, or organizations involved in political activity investigative inquires that involve political activity.<sup>235</sup>

The Handschu guidelines form the parameters for investigations. The procedure provides five key definitions:

- “Political Activity: The exercise of a right of expression or association for the purpose of maintaining or changing governmental politics or social conditions.”<sup>236</sup>
- “Investigation: A police activity which is undertaken to obtain information or evidence.”<sup>237</sup>

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<sup>234</sup> New York City Police Department, *Command Operations: Use of Body-Worn Cameras*, Patrol Guide Procedure No. 212-123 (New York: New York City Police Department, 2018), 3.

<sup>235</sup> New York City Police Department, *Investigations Involving Political Activities*, 1.

<sup>236</sup> New York City Police Department, 1.

<sup>237</sup> New York City Police Department, 1.

- “Lead: Information submitted to or obtained or developed by the Intelligence Bureau concerning an ongoing investigation or, that may be used to initiate a new investigation.”<sup>238</sup>
- “Investigative Statement: A detailed written request submitted under this procedure to obtain approval for the initiation of a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation.”<sup>239</sup>
- “Authorized Officials: The Intelligence Bureau official (specifically, the Chief of Intelligence, Executive Officer of the Intelligence Bureau, or the Commanding Officer of the Criminal Intelligence Section) authorized to approve request to initiate or extend a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation.”<sup>240</sup>

Under the Handschu guidelines, there are three levels of investigation, each bound by its own set of rules and timelines. Table 4 further explains each level.

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<sup>238</sup> New York City Police Department, 1.

<sup>239</sup> New York City Police Department, 1.

<sup>240</sup> New York City Police Department, 1.

Table 4. Levels of Handschu Investigation<sup>241</sup>

First Level	Second Level	Third Level (Two Parts)	
<p><b>Checking of Leads</b></p> <ul style="list-style-type: none"> <li>• Baseline inquiry</li> <li>• Verification of the intelligence</li> <li>• This step should be conducted with the sentiment of determining whether one of the proceeding levels of inquiry should be conducted.<sup>242</sup></li> </ul>	<p><b>Preliminary Inquiry</b></p> <ul style="list-style-type: none"> <li>• At this level, there is not enough intelligence to warrant a full investigation, but further investigation may yield the necessity to conduct one.</li> <li>• An authorizing official must authorize a preliminary inquiry, which will be submitted in writing.</li> <li>• The inquiry will last 180 days from the origin of the investigation, which may not be the same day as the written request was submitted.</li> <li>• Requests can be made for a 90-day extension.</li> <li>• If an investigation lasts longer than 18 months, the Handschu Committee and the deputy commissioner of INTEL will review the investigation.</li> <li>• At this level, all investigative techniques are authorized including conducting undercover operations except mail openings, eaves dropping, and certain situations of video surveillance (if warrant is needed).<sup>243</sup></li> </ul>	<p><b>Full Investigation</b></p> <p>A full investigation will be authorized when:</p> <ul style="list-style-type: none"> <li>• Circumstances reasonably indicate that an unlawful act has been, is being, or will be committed. A full Investigation may be conducted to prevent, solve, or prosecute such unlawful activity.<sup>244</sup></li> <li>• The term reasonable indication has a lower criminal threshold than that of probable cause.</li> <li>• Full investigations allow all lawful investigative techniques and are authorized for one year.</li> <li>• Extensions are granted only for another year.</li> <li>• Investigations should not last more than 3 years. Typically, if the planning for a future act is occurring, that planning is usually a violation under certain provisions of state law.</li> <li>• Full inquiries end with the decision whether to prosecute the group of individuals.<sup>245</sup></li> </ul>	<p><b>Terrorism Inquiry</b></p> <p>This type of investigation:</p> <ul style="list-style-type: none"> <li>• Must determine the identity and nature of the individual group or organization involved, its geographic dimensions, its past acts and intended goals, including unlawful goals, and its capacity for harm, among other factors. While a standard investigation of unlawful conduct terminates with the decision whether to prosecute, a terrorism enterprise investigation does not necessarily end, even though one or more of the participants may have been prosecuted.<sup>246</sup></li> <li>• This type of investigation warrants more investigative skills.</li> <li>• Detectives piece together a mass of information that standing on its own may have no investigative value.</li> </ul>

<sup>241</sup> Adapted from New York City Police Department, *Investigations Involving Political Activities*.

<sup>242</sup> New York City Police Department.

<sup>243</sup> New York City Police Department.

<sup>244</sup> New York City Police Department, 10.

<sup>245</sup> New York City Police Department.

<sup>246</sup> New York City Police Department, 11.

### **3. Tactical Operations (221)**

This section of the PG is the newest as it was created within the last 10 years. The topics discussed in this section include the NYPD's force guidelines and active shooter protocols.

#### ***a. Force Guidelines (Procedure 221-01)***

In response to the growing number of vehicle ramming attacks worldwide, the NYPD amended its force guidelines. This change has enabled officers to end a potential attack more quickly. Under Patrol Guide Procedure 221-01, "members of the service SHALL NOT: Discharge their firearms at or from a moving vehicle unless deadly force is being used against the member of the service or another person present, by means other than a moving vehicle" (original emphasis).<sup>247</sup> To clarify, if a motor vehicle approached an officer at a high rate of speed that put the officer's safety in danger, the officer would not be authorized to discharge a firearm to impede the person from striking him or her. The officer would be allowed to use his firearm only if the driver of the motor vehicle were also using another form of deadly physical force to supplement the vehicle. Essentially, the driver would have to be firing a firearm at the officer, throwing a Molotov cocktail, or using another form of deadly physical force against that officer.

The new change allows an officer to discharge their firearm at a vehicle that they reasonably believe is being used in a vehicle ramming attack. The new amendment explains that "a 'vehicle ramming attack' is the type of extraordinary event that this clause is intended to address. The objectively reasonable use of deadly physical force to terminate a mass casualty terrorist event would be legally justified and within department guidelines."<sup>248</sup>

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<sup>247</sup> New York City Police Department, *Tactical Operations: Force Guidelines*, Patrol Guide Procedure No. 221-01 (New York: New York City Police Department, 2017), 3.

<sup>248</sup> New York City Police Department, 4.

**b. Use of Force (Procedure 221-02)**

The overarching goal of this PG procedure is to convey that the use of force is part of being a police officer, but the appropriate force is the minimum to gain compliance. Police officers should use de-escalation techniques to avoid using force, such as requesting additional police officers, a supervisor, or the ESU. If force is necessary, officers should avoid such actions as sitting or standing on a subject's back or chest, thus restraining the individual's ability to breathe properly. The procedure offers definitions that apply to demonstrations:

- “Passive Resistance: Minimal physical action to prevent a member from performing their lawful duty. For example, a subject failing to comply with a lawful command and stands motionless and/or a subject going limp when being taken into custody.”<sup>249</sup>
- “Resisting Arrest (NYS Penal Law): A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorize arrest of himself or another person.”<sup>250</sup>
- “Active Resisting: Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.”<sup>251</sup>

**c. Use of Tear Gas (Procedure 221-09)**

Tear gas is described as a substance that can be used judiciously by the ESU to minimize the potential for serious physical injury. The procedure outlines the possibility of tear gas causing injury, making care and planning necessary for its use. When a ranking

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<sup>249</sup> New York City Police Department, *Tactical Operations: Use of Force*, Patrol Guide Procedure No. 221-02 (New York: New York City Police Department, 2019), 1.

<sup>250</sup> New York City Police Department, 1.

<sup>251</sup> New York City Police Department, 1.

supervisor at the scene of an incident believes that tear gas may be needed to help further control the area, he or she will forward the request to the CO, executive officer, duty captain, BC, the ESU, and an ESU supervisor. The BC makes the ultimate decision whether tear gas is deployed. The ranking ESU officer will determine the tactical factors in its use. If it is permissible, before the tear gas is deployed, the BC in conjunction with the ESU will establish a mobilization point, tactically place officers a safe distance as not to be contaminated, request a decontamination truck be deployed to the mobilization point, and request a patrol wagon and emergency medical services. The procedure does not provide the initial supervisor with guidelines for determining when tear gas may be warranted.<sup>252</sup>

***d. Use of Department Canine Teams (Procedure 221-18)***

Canines are a tool that law enforcement agencies use around the world. This procedure outlines the times when canines are authorized. It is clearly stated in the procedure that the use of canine teams is not authorized for crowd control “or as a deterrent for peaceful demonstrations.”<sup>253</sup> If a demonstration falls out of the peaceful realm, a request has to be made directly to the chief of patrol for their use.<sup>254</sup>

***e. Active Shooter Response Protocol (Procedure 221-12)***

During the process of writing this thesis, three major active shooter tragedies occurred in the United States. Twenty-two people were killed in a Walmart in El Paso, Texas.<sup>255</sup> Nine people were killed and 27 others injured in a nightclub in Dayton, Ohio.<sup>256</sup> Seven people were killed and 21 more injured after a man randomly opened fire after being

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<sup>252</sup> New York City Police Department, *Tactical Operations: Use of Tear Gas*, Patrol Guide Procedure No. 221-09 (New York: New York City Police Department, 2016), 2.

<sup>253</sup> New York City Police Department, *Tactical Operations: Use of Department Canine Teams*, Patrol Guide Procedure No. 221-18 (New York: New York City Police Department, 2019), 2.

<sup>254</sup> New York City Police Department.

<sup>255</sup> Phil Helsel, “Suspected Gunman in El Paso Walmart Mass Shooting Pleads Not Guilty,” NBC News, October 10, 2019, <https://www.nbcnews.com/news/us-news/suspected-gunman-el-paso-walmart-shooting-pleads-not-guilty-attack-n1064876>.

<sup>256</sup> Jay Croft and Darran Simon, “The Dayton Shooter Wore a Mask, Bulletproof Vest and Hearing Protection as He Fired, Police Chief Says,” CNN, August 5, 2019, <https://www.cnn.com/2019/08/04/us/dayton-ohio-active-shooter/index.html>.

stopped by police for a traffic infraction outside Odessa, Texas.<sup>257</sup> All three scenes have a number of different variables proving that active shooter protocols are relevant in any situation where people are in a mass gathering environment.

The procedure begins with an explanation about the importance of the procedure and the fluidity of an active shooter environment. The procedure defines multiple terms, including active shooter, hostage situation, and rescue task force, and delineates threat zones. The key concept of the procedure is that officers should not wait for more tactical units or officers to arrive; they should engage the threat immediately. The procedure assumes that the shooter is inside a building. Active shooters situations that occur at a demonstration have the possibility of the shooter fleeing into a building. The initial supervisor on scene, before engaging the threat, should ensure through the Communications Division that the ESU, SRG, CRC, Hostage Negotiation Team, TARU, Bomb Squad, the CO or duty captain, and EMS are all notified and responding.

The second supervisor on scene will become the incident commander until the next highest rank arrives. The incident commander has multiple tasks to accomplish such as establishing a cold zone and incident command post, a perimeter, and a casualty collection point, as well as creating a rescue task force to remove wounded persons from the scene. A cold zone in the procedure is defined as follows: “Areas where there is normal risk due to geographic distance from the threat, or the area has been secured by police personnel. The command post, operations post, staging areas, and medical triage, treatment, and transportation areas shall be located within [the] designated Cold Zone.”<sup>258</sup> Force protection is neither discussed as one of the incident commander’s duties nor defined. Incident commanders need to deploy a group of officers whose sole responsibility is the protection of assets arriving on scene. Officers may become hyper-focused on the situation and lose sight of the overall scene.

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<sup>257</sup> Manny Fernandez, Neil Vigdor, and Christopher Mele, “Texas Shooting Leaves 7 Dead and at Least 21 Injured Near Odessa,” *New York Times*, August 31, 2019, <https://www.nytimes.com/2019/08/31/us/odessa-shootings.html>.

<sup>258</sup> New York City Police Department, *Tactical Operations: Active Shooter Response Protocol*, Patrol Guide Procedure No. 221-12 (New York: New York City Police Department, 2016), 2.

The procedure also highlights that armed security and off-duty law enforcement agents may already be involved before police arrive. Acknowledging this situation reduces the possibility of friendly fire. All off-duty law enforcement agents are required to call 9-1-1 and clearly identify themselves including what they are wearing. Likewise, if plainclothes officers are first on scene, they also must notify communications of exactly what they are wearing. However, such officers cannot enter the scene once uniformed members of the service have arrived.

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## **V. NYPD CASE STUDY ANALYSIS FOR TERRORISM IMPLICATIONS**

This chapter focuses on the lessons learned from the five events discussed in the case studies chapter. This chapter reviews the critical concepts for the analysis of the five case studies and sets the approach for their discussion. Key findings appear in the order of the case study chapter—demonstrations and then terror attacks. The lenses of the NYPD units and procedures provide the framework for analysis and specific suggestions for improving current policy.

### **A. PRE-DEMONSTRATION INTELLIGENCE**

Officers who are policing a demonstration should be afforded all knowledge about the group or persons demonstrating. As shown in Charlottesville, having two groups of demonstrators on opposite sides of the issue led to catastrophe. The policing of special events and crowd control procedures in the Patrol Guide discuss demonstrations at length.<sup>259</sup> However, the bulk of the discussion highlights tasks primarily for the incident commander. It neglects to mention that the incident commander should inform middle management such as lieutenants and sergeants about the group protesting. Such factors include previous arrests of demonstrators, the number that have typically participated, any violent tendencies, and a history of marching to another location. All are vital tools that should be conveyed if known to all officers, regardless of rank, at the demonstration. As discussed before, all NYPD officers have department-issued cell phones that need to be used to their advantage. Incident commanders can send a Domain Awareness System message to all officers in the vicinity that contains vital information about the demonstration.

Before large protests the NYPD attempts to meet with event organizers to discuss the event and maintain peace. In some of these meetings, protesters may disclose their intention to be arrested. This prior knowledge allows police commanders to properly staff

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<sup>259</sup> New York City Police Department, *Policing Special Events/Crowd Control*.

the demonstration with officers who are trained in mass arrests and disorder control. Yet, regarding the yellow jacket protests, nothing in the literature says whether French authorities conducted outreach before a demonstration.

## **B. ACTIVE SHOOTERS**

Numerous demonstrators at the Unite the Right rally carried firearms, making the potential for an active shooter situation quite high. The PG procedure that discusses active shooters is clearly written and very detailed. As relevant to demonstrations, a terrorist could enter a protest pen under false pretenses with a concealed firearm and inflict carnage from within. He or she may also simply start firing into a pen of protesters from the outside. NYPD patrol officers complete firearms qualification training twice a year. Select officers also receive active shooter training based on availability. Officers must also attend in-service tactical training once every two years. The 2019–2020 curriculum cycle includes moving while shooting and shooting at moving targets. This training is conducted with laser-sighted firearms, not actual firearms. A terrorist may flee into a subway station or building, which will create even more challenges for officers than in an open-air environment. Officers need to engage the threat immediately to prevent future loss of life. Supervisors at the deployment of personnel before a demonstration should discuss the key points of this procedure before the officers take their posts.

## **C. FIRE**

The unfortunate death of NYPD Police Officer Dennis Guerra spurred an update to the PG’s fire procedure. Officer Guerra and his partner, Officer Rosa Rodriguez, responded to a fire inside a housing development on the 13th floor.<sup>260</sup> The officers rode the elevator to that floor and smoke immediately overtook them.<sup>261</sup> Guerra died of smoke inhalation, and Rodriguez was critically injured.<sup>262</sup> The updated policy instructs officers in properly

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<sup>260</sup> J. David Goodman, “Fire Death Leads Police to Codify Protocols,” *New York Times*, April 10, 2014, <https://www.nytimes.com/2014/04/11/nyregion/after-an-officer-dies-police-receive-orders-on-fire-response.html>.

<sup>261</sup> Goodman.

<sup>262</sup> Goodman.

entering a building on fire should they choose to do so in an effort to save lives. The policy does, however, have some glaring weaknesses regarding fires in other arenas.

Traditionally, at either a planned or pop-up demonstration, FDNY personnel and equipment do not respond. The FDNY learns of the event through the FDNY lieutenant assigned to OPS. Most NYPD vehicles carry a small fire extinguisher. Fire itself is an element of concern because of its versatility. One of the images contained within the ISIS propaganda poster discussed in the yellow jacket case study was a Molotov cocktail. Fire can be used both as a weapon and as a distraction technique.<sup>263</sup> At the scene of a demonstration, participants are not searched. Concealable items such as knives and handguns are already a concern for officers operating in proximity to protestors. As discussed in his capture, Ramani had a concealed firearm and used it against law enforcement. Items of recent concern are reusable plastic and aluminum water bottles due to their growing popularity. A terrorist could fill one of these vessels with gasoline or another accelerant, attend a demonstration with Molotov cocktails in one's possession, and not elevate an officer's suspicion.<sup>264</sup>

Tactically, officers are on foot at demonstrations and may be a distance away from their vehicles. If fire were used as a distraction or weapon, police officers already on scene would need to retreat to their vehicles to obtain the fire suppression tool and return to the scene. This exit would remove manpower from the scene and require that police officers become firefighters, which is not what they are trained to do. The PG's fire policy needs to be updated to discuss fire in this non-traditional form.

In France, during a May Day demonstration, demonstrators pelted French police officers with Molotov cocktails.<sup>265</sup> Demonstrators also set items ablaze in a shopping cart and rolled them toward police formations.<sup>266</sup> Protestors also began to light property on

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<sup>263</sup> Jason Mazeski, "Counterterrorism Briefing" (presentation, New York City Police Department Police Academy, September 28, 2018).

<sup>264</sup> Mazeski.

<sup>265</sup> Sophie Louet and Sudip Kar-Gupta, "Police Injured in Clashes with Paris May Day Protesters," Reuters, May 2, 2017, <https://www.reuters.com/article/us-may-day-france-idUSKBN17X1VT>.

<sup>266</sup> Ruptly, "France: Molotov Cocktails Strike Police Officers amid Clashes at Paris Protest," May 1, 2017, YouTube, video, 3:35, [https://www.youtube.com/watch?v=pHZ9gOfmY\\_k](https://www.youtube.com/watch?v=pHZ9gOfmY_k).

fire.<sup>267</sup> In a video of this event, no firefighters appeared to be working with police officers.<sup>268</sup> An obvious recommendation for such demonstrations is not for firefighters to work with police officers on the frontline but for better lines of communication to be put in place for firefighters to respond more rapidly to scenes. The NYPD needs to apply lessons learned from events like this in France. If a scene were to unfold on the streets of Manhattan where fire was used as a weapon or distraction, it would provide a golden opportunity for a terrorist to strike during all the confusion that followed. Rahami could have accompanied his pressure cooker devices with cannisters of a flammable substance to cause further devastation. Moreover, Saipov, instead of running away from the vehicle after it crashed into the school bus, could have attempted to blow up the car by igniting the fuel tank.

#### **D. MOBILE DEMONSTRATIONS AND RAMMING ATTACKS**

As was discussed in the Unite the Right demonstration case study, protesters on the move can lead to chaos. If a protest becomes mobile from a location, any of the hardening techniques used at a specific location become useless. For example, if a group protests in Duffy Square, located in the heart of Times Square, cement pilings surrounding the square make it extremely difficult for a terrorist to conduct a ramming attack. If the group decides to march to Trump Tower or Union Square, however, it now becomes vulnerable to this style of attack outside the pilings. It is not feasible to harden every sidewalk in NYC to thwart a ramming attack. Currently, locations receive priority based on pedestrian volume and the propensity for a terror attack.

On larger planned and stationary protests, the NYPD has techniques to harden the site as much as possible. These techniques include the use of sand and sanitation trucks to block vehicle traffic from tertiary streets entering the location.<sup>269</sup> Figure 11 shows the NYPD's dump trucks that aid in hardening a location. If the event is expected to grow large enough, two-ton cement blocks will be set up to encircle the group. At pop-up

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<sup>267</sup> Ruptly.

<sup>268</sup> Ruptly.

<sup>269</sup> Joint Counterterrorism Assessment Team, *First Responder's Toolbox*.

demonstrations, these tools cannot be used, thus leaving a large vulnerability for a ramming attack.<sup>270</sup>



Figure 11. NYPD Dump Trucks Hardening a Location<sup>271</sup>

As of spring 2019, the Training Bureau through the Firearm and Tactics Section has begun to open tactical training centers around the city. Officers are sent to these centers for two-hour increments during their tour of duty to refresh their knowledge of tactical procedures. The center located in Manhattan is an excellent location where PBMS personnel may retrain on disorder control procedures. Officers are not required to train for an entire day but only a portion of it so as not to harm patrol manning.

Sergeants and lieutenants must set a tone of vigilance at the onset of a political demonstration. Officers handle these situations on such on frequent basis that complacency becomes an issue. Supervisors must ensure that officers operate within all guidelines and protect the First Amendment rights of everyone at the scene. Likewise, they must ensure

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<sup>270</sup> Joint Counterterrorism Assessment Team.

<sup>271</sup> Source: Andre Christopher Rivera, “NYPD Blocker Vehicles Escort the End of the Hispanic Day Parade on 5th Ave in Manhattan, New York,” October 14, 2019, YouTube, video, 1:29, <https://www.youtube.com/watch?v=64qK6JRkEoA&app=desktop>.

officers are cognizant that, at any moment, an act of violence or terrorism is possible no matter how small or large the demonstration is. Members of the observing public and NYPD executives will witness this strong leadership and feel confident that the demonstration is being policed with the highest efficiency. A possible terrorist might also see this display and think twice about conducting an act of violence. One could argue that if James Alex Fields Jr. had seen confident, cohesive policing in Charlottesville, he might have hesitated to ram his car into the group of counter-protesters.

NYPD policymakers saw the trend in vehicle ramming–style attacks and made the appropriate changes in the PG, now allowing officers to discharge their weapons for such an attack.<sup>272</sup> When this change was implemented it was just a simple announcement. The Firearm and Tactics Section should explore the potential for implementing target shooting on a moving target as well as moving and shooting with real ammunition in conjunction with what is being taught at the in-service tactical training, as previously mentioned. Even though this training is held for specialty units that use long guns, the department should explore implementing it for patrol officers. After Saipov crashed into the school bus, it was Officer Nash assigned to a patrol precinct, not a specialty unit, who ended the threat.

#### **E. USE OF TEAR GAS**

The lack of tear gas use in NYC over the last decade fits with the NYPD’s soft tactics model. As seen in France, the use of tear gas can inspire further confrontations with police. Numerous videos show demonstrators hurling the cannisters back at police officers.<sup>273</sup> The NYPD relies heavily on its ability to summon hordes of officers to a site expeditiously. This tactic has helped to avoid chaotic scenes in NYC as seen in France. Lessons learned from the case in France validate the NYPD’s policy, which should not be modified at this time. The use of tear gas, unless absolutely necessary, would be counterproductive and might aid in the distraction of police and allow a terrorist to carry out a plot.

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<sup>272</sup> New York City Police Department, *Use of Force*.

<sup>273</sup> “French Police Fire Teargas at ‘Gilets Jaunes’ Protesters in Paris,” *Guardian*, November 24, 2018, <https://www.theguardian.com/world/video/2018/nov/24/french-police-fire-teargas-at-gilets-jaunes-protesters-in-paris-video>.

## **F. DISTRACTION**

As seen in the attack in Jamaica, police officers' becoming too engaged in a specific event leads to vulnerabilities. As discussed in the mass arrest processing procedure, officers are required to take photographs with their prisoners before they are transported for processing. An additional data statement should be incorporated into this procedure mandating that supervisors provide a layer of security for the officer posing for the photograph, the officer taking the photograph, and the prisoner.

The NYPD has a training tool known as New York City Police Department University: an application available on officers' cell phones and desktops inside precinct station houses. Various units post videos and quizzes that officers are required to complete. This teaching style highlights numerous different areas such as legal issues, tactical concepts, and changes in certain procedures. One of the videos released involved officers remaining vigilant while using their department-issued cell phones. Partners must learn to communicate with each other, letting the other know when one is engaging with something on the cell phone. The technology installed on NYPD officers' cell phones is cutting edge, as discussed in the Lower Manhattan Security Initiative section. Officers can access vital intelligence before arriving at a call for service. For example, if a call comes in at 123 4th Street, officers can query the history of the building, all previous 9-1-1 calls, and active warrants, arrest histories, and known emotionally disturbed behavior among the residents. When accessing this information, officers must remain vigilant of their surroundings to help prevent attacks like the one in Queens.

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## **VI. CONCLUSION AND RECOMMENDATIONS**

The NYPD's policies in the realm of political demonstrations are thorough and numerous. In an ever-changing world of terrorism, the policies need to reflect current trends. Terrorists execute simplistic scenarios using everyday tools as weapons. NYPD leadership needs to provide the officers who serve the greatest city in the world the proper training, intelligence, and tactical positions to keep the city safe. Following from the analysis, this chapter identifies and discusses areas in need of improvement. Preventing all terror attacks given the enormous number of attractive locations, especially in NYC, poses an impossible task.<sup>274</sup> By adopting these policy, training, intelligence, and tactical recommendations, the NYPD will continue to set the standard for large police departments worldwide and further reduce the risk of a terror attacks at political demonstrations. This chapter presents material in the order of most to least critical, from the researcher's view, in policing large political protests after reviewing the cases, the PA curriculum, and the PG.

### **A. OPS UNIT DATABASE**

Before starting this research, I was unaware that the database existed. This database needs to be used more as a tool than a simple record, but it is archaic and needs to be updated. More categories need to be added, more units need viewing access, and the ability to search by every parameter must be implemented. While conducting research, I read about a large number of protests with over 1,000 people occurring around the United States and in Washington, DC.<sup>275</sup> The databases need to be searchable to analyze the many large-scale protests that have occurred in a given timeframe.

When a supervisor or other officer calls OPS regarding a demonstration, the OPS member should make an immediate inquiry and relay all known information to the inquirer. The database should be implemented into DAS, which has developed into a one-stop shop

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<sup>274</sup> Bjørgo, "Counter-Terrorism as Crime Prevention."

<sup>275</sup> Heaney, "Making Protest Great Again."

for many NYPD functions. If supervisors in the field can access this information from their iPhones, additional intelligence-based strategies could be implemented. The caveat with this implementation would be that officers have access to research political organizations not under the purview of INTEL's Handschu Committee.

## **B. TRAINING**

Properly executing the NYPD's policy starts with executive and mid-level supervisors. Before being promoted to a supervisory rank, officers must complete a leadership development course taught at the PA. When a member is promoted to one of these three ranks, they are transferred to a different precinct, transit district, or PSA. During this course, it is imperative that experienced executives and other supervisors speak to the class about their experiences managing demonstrations and what expectations exist for them. These speakers should come from the Strategic Response Unit or Disorder Control Unit or be patrol personnel who deal with demonstrations frequently.

The Training Bureau in conjunction with the SRG, DCU, and PBMS should implement a new training course that outlines the fundamentals of policing riots, demonstrations, and large mass gatherings. Emphasis must be given on site security and the existing trends of vehicle ramming attacks, knife attacks, and the use of fire as both a weapon and distraction. Most demonstrations occur within the confines of the PBMS. Officers assigned to the PBMS command will be required to attend this training on an annual basis. This training must include a legal component to it. Currently at demonstrations, there is a mentality of waiting. PBMS officers assume that they cannot take any police action because the Legal Bureau, SRG, and TARU will. The training should encompass scenarios illustrating for officers when a law has been broken and whether it is appropriate to take immediate action or wait for specialty units to respond.

Field training officers should be given priority when the training goes into effect. They are responsible for guidance to new officers, and providing the new officers with wisdom from an early stage of their careers would be increasingly beneficial. Then, officers would be in the position to have the knowledge from the onset and be extra beneficial during the demonstrations themselves.

The SRG and DCU frequently conduct mobilization drills for their personnel. These drills reinforce the officers' training and confirm that officers are prepared to respond to an actual demonstration. Patrol officers are assigned to planned protests and are the first responders for a pop-up demonstration. Patrol officers must begin to participate in these drills. Manpower issues have always plagued patrol precincts, but that should not interfere with training.

### **C. IMPLEMENTATION OF THE PBMS DEMONSTRATION GUIDE**

In analyzing the SG and PG, I have determined there is a need for clarification and simplification for all officers responding to pop-up demonstrations. A checklist was modeled after a PG procedure to outline clearly situations that may be vague for responding officers. The checklist also incorporates the use of officers who may contribute to intelligence gathering and relationship building with the community (demonstrators and bystanders). As the NYPD underwent the transition to the NCO model of policing, it should be reflected in all its policies as much as possible. This checklist could also serve as an additional Activity Log insert. The NYPD is currently in the pilot stages of a virtual Activity Log that is maintained on an officer's department-issued iPhone. This checklist could be added seamlessly to this set of documents and further educate and prepare officers for demonstrations. The checklist/PG procedure appears in Appendix A.

### **D. BODY-WORN CAMERAS**

Demonstrations have the potential of requiring a rapid mandatory camera activation because peaceful protests can turn into civil disobedience quickly. Frequently, the core of a demonstration is anti-government in some fashion, and people target their frustration on the police, who are an extension of the government. This fluidity leaves grey areas in determining when to activate cameras. Amendments must be made to the procedure instructing the ranking supervisor when to give an order for all officers at the scene to activate their cameras under the mandatory activation provisions. This supervisor should also deem a lieutenant to ensure that this order is adhered to.

One of the responsibilities of BWC users is to enter metadata into their recordings' video files. For example, if an officer is at the scene when an individual is placed under

arrest, the officer—after docking his camera and allowing the video file to upload to the cloud—must categorize the video as an arrest, input the arrest number into the correct field, and tag the video—just as in a call for service and vehicle stop or when force is used. Most importantly, the AO must share the video with the corresponding district attorney (DA)’s office. Current PBMS policy is that the AO is responsible for sharing all pertinent footage with the DA’s office. If there were four officers at the scene of an arrest, all are required to activate their BWCs. The AO would have to access either the Evidence.com platform for AXON camera users or the VIEVU platform for LE-4 users. These procedures are not often followed with 100 percent accuracy, so the DA’s office is forced to reach out to the AO and his or her supervisors to gain access to the video files.

In 2019, New York state passed a set of criminal justice reform bills. Under these new laws, which go into effect in January 2020, prosecutors share evidence early in the case with defense attorneys.<sup>276</sup> Defense attorneys no longer have to request evidence from the DA’s office because the DA must automatically turn it over within 15 days.<sup>277</sup> This reaffirms the need for AOs to share all relevant BWC footage with the DA’s office as expeditiously as possible. At the scene of a demonstration where an arrest occurs, officers respond from numerous NYPD units, as discussed in the previous chapter. The PG procedure needs to be amended so that the same lieutenant responsible for ensuring the activation of the BWCs is also responsible for sharing the files.

From a terrorism perspective, BWCs could serve as a crucial investigative aid, especially if an attacker is not apprehended immediately after an attack. The hours of footage captured by the dozens of officers who would have likely been instructed to activate their BWCs under the upgraded policy may help in the apprehension. BWCs would provide different vantage points of the events of an attack as well as powerful witness and victim testimonies, which may aid in convictions. TARU and DAS cameras may miss something that a BWC may catch. The correct use of BWCs also allows the NYPD to own

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<sup>276</sup> Beth Schwartzapfel, “‘Blindfold’ Off: New York Overhauls Pretrial Evidence Rules,” Marshall Project, April 1, 2019, <https://www.themarshallproject.org/2019/04/01/blindfold-off-new-york-overhauls-pretrial-evidence-rules>.

<sup>277</sup> Schwartzapfel.

the material its officers capture. It does not have to rely on civilian cell phone videos or private business cameras, which may require subpoenas and might not even capture the footage needed.

#### **E. INTELLIGENCE**

The sheer size of the NYPD is both a blessing and a curse. As shown, several units play a part in political demonstrations. Intelligence gaps must be closed. A glaring issue is the use of plainclothes officers. INTEL operates with minimum information sharing with PBMS personnel. If plainclothes officers are present at a demonstration, all officers should be made aware. In 2019, the NYPD suffered the devastating loss of two officers to friendly fire. If an active shooter situation was to occur inside a demonstration pen and uniformed officers were not aware of the presence of plainclothes officers there, the results could be tragic. At the scene of planned demonstrations, executives must reinforce among uniformed officers the possibility of plainclothes officers being present at the scene and announce the color of the day. Observing that bright orange wrist band may be the thing that stops a uniformed officer from discharging his or her firearm at a fellow officer. NCOs are a vital tool for the intelligence-gathering effort from a counterterrorism framework. As discussed previously, one of the factors for INTEL's success is that it operates at the local level. Precinct field intelligence officers must forge a strong bond with NCOs because NCOs are the link between the local precincts, transit districts, PSAs, and INTEL. Executives and mid-level supervisors must inform their officers of the availability of resources on the department iPhone. Officers have access to weekly INTEL counterterrorism briefings and can educate themselves on trends and topics occurring around the world that may have an impact on NYC.

#### **F. HANDSCHU GUIDELINES**

The preamble for the guidelines for investigating political organizations is as follows:

Subsequent to the terrorist attacks on the City of New York on September 11, 2001 which resulted in the loss of thousands of lives and the total destruction of the World Trade Center complex, it became apparent that the city faces unprecedented threats to its continued safety and security. In the

view of federal, state, and local law enforcement agencies, the prevention of further attacks requires the development of intelligence and the investigation of potential terrorist activity before an unlawful act occurs.<sup>278</sup>

This is a powerful statement that continues to be a driving force in why the Handschu guidelines are a challenge for INTEL investigators in fulfilling their duties. Officers, other than those assigned to INTEL—especially in an investigative function in areas that have a propensity for political activity—need to be taught the intricacies of the guidelines. If the prosecution of a potential terrorist were dismissed due to a missed step during the investigation process, it would be devastating.

The NYPD's interpretation of the Handschu guidelines have come into question in recent years over intelligence gathering within the Muslim community.<sup>279</sup> NYC officials have stood by the NYPD, stating that the department has not violated the guidelines based on the number of foiled terror attacks since 9/11.<sup>280</sup> With the popularity of political demonstrations and their expected growth, the NYPD's methods will likely be questioned again. The existence of these guidelines proves that the balance between effective counterterrorism policing strategies and civil liberties is challenging and complex.

NCOs and precinct community affairs officers should be given the same Handschu guideline training that members of INTEL receive. As previously discussed, these officers develop close ties with the community, and members of the community may feel comfortable enough to discuss with NCOs the odd or possible terroristic behavior of one of their own. Having this training, the NCOs would know who in INTEL to discuss this with and possibly lead to the start of an investigation.

All NYPD officers who conduct community outreach or are involved in any pre-operational intelligence involving a political organization must be cognizant of Handschu's relevance. This knowledge is crucial because if Rahami or Fields had been members of a political group, these guidelines would have applied. As discussed, in the OPS Database,

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<sup>278</sup> New York City Police Department, *Investigations Involving Political Activities*, 6.

<sup>279</sup> Dahl, "Local Approaches to Counterterrorism."

<sup>280</sup> Dahl.

INTEL communicates all prior intelligence with OPS for input and proper dissemination. All officers who operate in an investigative capacity must be trained on the guidelines to ensure an investigation is not be impeded or ended.

## **G. TACTICAL**

Anti-crime officers should be fitted with hard personnel protective equipment. It is not necessary to fit every officer in each command, but having select experienced officers would be beneficial. These officers could rapidly deploy within the borough if a scene becomes violent or a terror attack occurs at location where disorder is still occurring. These officers would have to go through the same training as officers whose units wear this style of equipment. Having these officers trained and ready to respond with a higher level of police gear will give executives the option of balancing between hard and soft police tactics.<sup>281</sup>

## **H. CANINE AND MOUNTED TEAMS**

In the realm of police tactics, the use of canines and horses would be considered hard.<sup>282</sup> The analysis in this thesis has shown that the NYPD has adopted a softer stance for handling demonstrations. The NYPD has taken a modified stance in this framework in that the use of the Mounted Unit for crowd control is still an option. The MU has been used less and less as demonstrations have become more frequent. This may be the reason NYC has a tendency for less violence at demonstrations than in other countries and cities. The use of animals at political demonstrations could serve more in a negative fashion than positive. Canine teams need to be made aware of political demonstrations and be able to respond immediately if a scene becomes adversarial. Incident commanders should be cognizant that the use of mounted officers as a tool in helping restore order might have an adverse effect in further agitating demonstrators. The following figure shows MU officers restoring order at a demonstration.

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<sup>281</sup> Whelan and Molnar, "Policing Political Mega-Events through 'Hard' and 'Soft' Tactics."

<sup>282</sup> Whelan and Molnar.



Figure 12. NYPD Mounted Unit Policing a Demonstration in Times Square<sup>283</sup>

## I. CONCLUSION

The NYPD has taken drastic steps since 9/11 to help dramatically reduce the possibility of terror attacks from happening within NYC limits again. The organization is also better prepared to deal with the aftermath of a large-scale attack and recovery efforts. The NYPD needs to fine-tune some of its policies to remain current with the existing trends of vehicle ramming attacks and edged weapon attacks at political demonstrations. The NYPD bolstered its counterterrorism efforts in a post-9/11 world by creating the CRC and expanding the Counterterrorism Bureau, INTEL, and SRG. In this effort, routine patrol officers have fallen by the wayside. The training of personnel assigned to patrol needs the most attention. These officers receive no in-service disorder control training, which needs to be addressed. Leadership must dedicate a contingency of officers—assigned to police a demonstration—dedicated to overall site security and not to the demonstrators. Improving the OPS Database and enhancing the procedures pertaining to its use will allow it to serve

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<sup>283</sup> Source: Henry Stewart, “Forget Carriage Horses: Why Does the NYPD Need Horses?!” *Brooklyn Magazine*, April 23, 2014, <http://www.bkmag.com/2014/04/23/forget-carriage-horses-why-does-the-nypd-need-horses/>.

as a tool, not just a record. Although certain elements cannot be stopped, constant vigilance from a training, tactical, and intelligence framework will aid in minimizing damage and return life to normal quickly after an event.

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## **APPENDIX A. POP-UP DEMONSTRATION CHECKLIST FOR MANHATTAN SOUTH PATROL BOROUGH**

### **1. Police Officer**

- a. When receiving a radio run for a disorderly group or demonstration,
  - i. Ensure that the Patrol Supervisor is aware of the assignment.
- b. If the job originates as a pickup or upon arrival on scene dispatched by Radio,
  - i. Transmit all factors immediately to central; ensure the Patrol Supervisor is aware of
    1. Approx. size of the group,
    2. Group name if applicable, and
    3. Disorderly or Orderly.
      - a. Are they in the street?
      - b. Are they blocking the entrance to an establishment?
      - c. Is there any violent behavior whatsoever?
      - d. Are they wearing facemasks?
      - e. Do they have signs that could be used as weapons?

### **2. Patrol Supervisor**

- a. Confirm all facts given by the first officer on scene.
  - i. Obtain additional facts if applicable.
- b. Establish a dialogue with the event organizer.
  - i. Approach the person in a calm and professional manner:
    1. Understand that it is their First Amendment right to protest;
    2. Public safety and quality of life must be maintained.
  - ii. Inform person that you are there to enforcement the law impartially and that you understand their right to protest in a lawful manner.

iii. Fact Finding

1. Ask Questions such as

- a. Group name if unknown
  - b. How long do you plan to demonstrate?
  - c. Do you expect more demonstrators to join?
  - d. Do you plan to conduct an act of civil disobedience?
    - i. Purposely being arrested?
  - e. Do you plan to march to another location?
- c. Notify Central of all Pertinent information as you obtain it.
- i. Whether demonstrators are engaging in dialogue or not.
- d. Notify CO/Executive Officer/Duty Captain in that order
- i. If you are confident that your CO/Executive Officer is not working, immediately notify PBMS so that proper notification can be made to Duty Captain.
- e. Notify PBMS Wheel.
- i. Include all information you have, including which executive you spoke to.
- f. Notify Operations Unit
- i. Have Operations Personnel run an inquiry on database to extract any further information about the group:
    1. Group
    2. Location
    3. Have they taken arrests?
    4. Have they marched?
    5. Violent tendencies
- g. Call Level 1 Mobilization if the following factors exist:

- i. Protesters are engaging in civil disobedience,
- ii. Protestors greatly outnumber the responding police officers, and
- iii. With the resources you have, you are unable to provide overall site security.
  - 1. Maintaining the safety of officers, demonstrators, and bystanders is paramount
  - 2. Any mass gathering has the potential to fall victim to violence including a terror attack.
  - 3. Maintain order by establishing that the police are in control of the entire scene, and any criminality will not be tolerated.
- h. Notify Legal and TARU if the following factors exist:
  - i. Group is engaging in civil disobedience, or
  - ii. In your professional judgement, they are likely to engage in civil disobedience.
- i. Ensure that vehicular and pedestrian traffic is maintained.
  - i. Utilize precinct traffic personnel if working to assist.

### **3. Desk Officer**

- a. Notify the following to respond if working:
  - i. NCO Sergeant,
  - ii. Corresponding NCOs,
  - iii. Community Affairs Personnel, and
  - iv. Traffic Sergeant or Traffic Personnel.

### **4. CO/Executive Officer/Duty Captain**

- a. Respond to the scene if any of the following factors exist:
  - i. Over 40 demonstrators
  - ii. Engaging in civil disobedience

- iii. Location is vulnerable (sensitive to media attention or terror attack)
- iv. Group is already known and has a violent or arrest history
- b. If PBMS mobiles are not being used at another scene, deploy them to location.
- c. Ensure that the Patrol Supervisor has notified Operations and received any pertinent facts about the demonstration.
- d. Confer with Patrol Supervisor if the need for a Level 1 exists.

*Notes*

- Patrol Bureau Manhattan South Mobiles. Dedicated officers at the discretion of the morning and afternoon duty captain to respond to pop-up demonstrations or protests. Officers are assigned from the 10 commands and do not receive the level of training that SRG does as it pertains to crowd control and mass arrest situations.
- Once an event is seen on social media, there is the likelihood of media coverage, further demonstrators contributing, and the possibility of a terror attack occurring.
- Utilize Community Affairs officers or NCOs to monitor social media.
- Do not effect arrests unless the risk of injury or the destruction of property is imminent; work in a team concept and await guidance from Captain to arrive on scene.
- Legal and TARU are necessary in successful prosecution of perpetrators.
- Enhanced version of PG 213-02
- Know the difference between situations where you would wait for Legal, TARU, and SRG to handle acts of civil disobedience.
- If a crime such as an assault or criminal mischief occurs, DO NOT wait for the above listed units' arrival. Immediately take appropriate police action.

## **APPENDIX B. RANKS**

### **A. POLICE OFFICER**

The largest rank in the department. Officers serve typically as the front line in interactions with the public. Officers typically serve as patrol officers and neighborhood coordination officers and in various administrative and enforcement assignments. Officers effect arrests, issue citations, and complete different reports (e.g., complaint, domestic incident, and aided).<sup>284</sup>

### **B. DETECTIVE INVESTIGATOR AND DETECTIVE SPECIALIST**

Detective specialists are meritoriously promoted from the rank of police officer. They perform the same services as police officers. Detective investigators are promoted after completing 18 months within an investigative unit. Investigative units include narcotics modules, precinct detective units, vice modules, and the fugitive enforcement division. Detective investigators are tasked with effecting arrests for past events.<sup>285</sup>

### **C. SERGEANT**

Frontline supervisor for the NYPD after passing a civil service exam and having five years of service. Sergeants usually serve as the precinct's desk officer and the patrol supervisor. The desk officer oversees all police functions within the precinct station house (e.g., walk-in complaints, supervision of prisoners, and supervision of various administrative staff). The patrol supervisor oversees all officers assigned in the field and responds to all incidents in which an individual is arrested, an officer uses force, or a crime involves a weapon. Sergeants oversee a squad of approximately eight officers, depending on the size of their precinct.<sup>286</sup>

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<sup>284</sup> New York City Police Department, "Introduction to the NYPD," in *Police Student's Guide* (New York: New York City Police Department, 2019), 21.

<sup>285</sup> New York City Police Department.

<sup>286</sup> New York City Police Department.

#### **D. LIEUTENANT**

Lieutenants are promoted from the rank of sergeant after passing a civil service exam and must have two years in rank as a sergeant. Lieutenants primarily serve as a platoon commander. NYPD patrol, transit, and housing shifts are broken down into three tours of duty (i.e., the day tour, four to twelve, and midnight). Lieutenants are responsible for supervising all police functions in his or her platoon. Lieutenants also serve in such roles as the integrity control officer, operations coordinator, and special projects lieutenant.<sup>287</sup>

#### **E. CAPTAIN**

Lieutenants are promoted to the rank of captain after passing a civil service exam and having two years in rank as a lieutenant. Captains serve primarily as the executive officer (second in command) of a precinct, transit district, or PSA (policing of public housing developments). Captains all routinely serve as their respective parent command's "duty captain." New York City comprises eight patrol boroughs. On each tour, one captain for each borough is designated as having the duty. Duty captains respond to all major events that occur within the borough and act as incident commanders for such events unless a higher rank responds. Captains serve as zone commanders at large planned events.<sup>288</sup>

#### **F. DEPUTY INSPECTOR AND INSPECTOR**

Deputy inspectors (DIs) are meritoriously promoted from the rank of captain, and inspectors are meritoriously promoted from the rank of DI. Both ranks typically serve as precinct, transit district, and PSA commanding officers. Each borough has a designated "duty inspector"—as is the case with captains—on all three tours. DIs and inspectors typically serve as branch commanders for large planned events.<sup>289</sup>

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<sup>287</sup> New York City Police Department.

<sup>288</sup> New York City Police Department.

<sup>289</sup> New York City Police Department.

**G. FOUR LEVELS OF CHIEF**

Chiefs are meritoriously promoted from the rank of inspector and their previous chief ranks if applicable. On each tour, a chief is designated as the citywide duty chief to serve as incident commander for large planned events. The first rank of chief is deputy chief (one star on the uniform), followed by assistant chief (two stars), followed by bureau chief (three stars), concluded with one person designated as department chief (four stars).<sup>290</sup>

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<sup>290</sup> New York City Police Department.

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