



THE SETTLEMENT IN PRACTICE

**PROTEST
TESTIMONY
PROJECT**

- CLAUSE-BY-CLAUSE BREAKDOWN OF THE NYPD PROTEST SETTLEMENT
- HOW IT CHANGES NYPD PROTEST POLICING
- YOUR ROLE IN MONITORING COMPLIANCE

WORKSHOP GOALS:

1. Understand the Tiered Response System
2. Learn about the 'Red Light / Green Light' arrest policy
3. Know new rules for SRG, use of force, press, and legal observers
4. Identify how to track compliance and report violations

The logo consists of the letters 'PTP' in a bold, sans-serif font, enclosed within a white speech bubble shape. This logo is positioned in the upper right corner of the slide, overlapping the concentric circle graphic.

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THE TIERED RESPONSE SYSTEM:

OVERVIEW

- Limits how NYPD can deploy police and respond to protests
- Starts with presumption of lowest intervention (Tier 1)
- Escalation must be documented and authorized

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Tiered Response System

TIER 1 THE DEFAULT

- Most protests start here
- Community Affairs protest liaisons deployed
- No SRG presence
- Police officers may be deployed to reroute vehicular and pedestrian traffic as needed
- If a protest temporarily blocks traffic, the NYPD must accommodate it whenever possible

TIER 2 LIMITED ADDITIONAL PRESENCE

- Additional officers may be staged nearby, out of sight
- No SRG deployment
- FAA Senior Executive must authorize and document move to Tier 2
- Presumption against additional on-scene officers
- Used if 'green light' offenses imminent or obstruction of critical infrastructure is likely

Tiered Response System

TIER 3 TARGETED ARRESTS ALLOWED

- NYPD may move to Tier III when there is individualized probable cause for arrest
- At this tier, the NYPD may deploy an appropriate number of officers to address specific individuals engaged in unlawful conduct
- SRG may be deployed only as needed for specific tasks or formations, and only for as long as necessary and proportionate to address those individuals
- The NYPD must continue to facilitate the protest while addressing unlawful activity

TIER 4 DISPERSAL

- FAA Senior Executive and Incident Commander must approve
- Used only in limited circumstances (sensitive locations, widespread unlawful conduct)
- Dispersal orders must be audible, give clear exits, and show where protest can continue if possible
- Must be documented fully

RED LIGHT / GREEN LIGHT ARREST POLICY

RED LIGHT  offenses require
Captain authorization.

Examples: riot, unlawful assembly,
disorderly conduct, trespass

GREEN LIGHT  may be
acted on with individualized
probable cause.

All arrests require documentation of who authorized and
who observed the offense

MASS ARREST PROCESSING RULES

- Only FAA Senior Executive or designee can authorize Mass Arrest Processing Centers (MAPC)
- Must provide water and food must be provided if held for greater than 2 hours.
 - PPE, medical care, restrooms
- Prompt access to attorneys and family
- Processing limits: 7.5 hrs for most
 - Youth are given priority

USE OF FORCE RESTRICTIONS

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- ✗ OC spray only when physical force otherwise allowed
- ✗ No use against peaceful or passively resisting protesters
- ✗ Ban on chokeholds
- ✗ Limits on batons, bicycles, kettling
- ✗ Duty to intervene and document any force used

PRESS PROTECTIONS

- ✓ Right to record police without press pass
- ✓ Press access through police lines
- ✓ Cannot arrest solely for recording
- ✓ Special procedures if arresting credentialed press
- ✓ No frozen zones to block press observation

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LEGAL OBSERVER PROTECTIONS

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- ✓ Identifiable legal observers (e.g., NLG and NYCLU's Protest Observers) and members of the press must be allowed free movement within areas open to the public, though they may not cross police formations or enter restricted zones
- ✓ May remain anywhere public can access
- ✓ Subject only to restrictions for safety

TIERED RESPONSE SYSTEM: EXAMPLE

- A small group is holding signs outside City Hall. In the past, SRG officers might arrive in full riot gear and start pushing people back.
- Under the settlement, the NYPD must first send community affairs officers or patrol officers without heavy gear to communicate and facilitate the protest before considering any escalated response.



RED LIGHT / GREEN LIGHT ARREST POLICY: EXAMPLE

At a march, a few protesters block traffic for 10 minutes. In the past, police might mass-arrest everyone in the area. Now, commanders must get higher-level approval before ordering mass arrests and must focus on individuals who refuse lawful orders after clear warnings.



LIMITS ON FORCE: EXAMPLE

Protesters are chanting outside a police precinct. Officers cannot use pepper spray simply because the crowd is loud. Force is only permitted if someone is actively threatening safety or causing significant property damage and even then, it must be proportionate.



PROTECTIONS FOR THE PRESS & LEGAL OBSERVERS: EXAMPLE

A livestreamer is filming a protest. Officers cannot shove them behind police lines or arrest them for “obstruction” simply for recording, as long as they are not physically interfering.



OVERSIGHT & ENFORCEMENT

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- Collaborative Review Committee monitors compliance
- Includes NYPD, DOI, plaintiffs' counsel, AG's office, unions
- Community outreach required to impacted groups
- Court can enforce if NYPD violates settlement

YOUR ROLE IN MONITORING

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**CHECK OUT OUR
REPORTING TOOL!**

