



Training Guide: The Settlement in Practice

Deepening our Understanding



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This workshop is used to educate folks on the new Tiered policing system associated with First Amendment Activities as a part of the NYPD's Protest Policing Settlement. Through this workshop, participants will understand the key clauses of the NYPD's Protest Policing settlement. Learn the Tiered Response System and arrest policies. We will also make sure participants know protections for press, legal observers, and casual protesters at FAA's. We hope to prepare our community to monitor and report NYPD compliance.

Opening & Welcome

Set a collaborative and informed tone

Clarify that this session focuses on the legal and procedural details of the settlement

Facilitation Notes

Greet participants and acknowledge their engagement in Part 1 (if applicable).

Today we're diving into the nuts and bolts of the NYPD Protest settlement. What it says, what it changes, and how you can help make sure it's enforced.

Review the agenda: overview of clauses, tiered response, arrest policies, use of force, press protections, oversight, and monitoring roles.

Discussion Questions

What questions did Part 1 raise for you about the actual rules in the settlement?

Why is it important for community members, not just lawyers, to understand these clauses?

Encourage people to interrupt with clarifying questions.

Overview of the Settlement

Summarize the scope of the settlement

Explain its significance as a binding agreement

This settlement is legally enforceable. Meaning if the NYPD violates it, there can be legal consequences, not just bad press.

Only the parties to the settlement, not individual protesters, can enforce its terms.

Enforcement can occur only in cases of a material breach of the agreement.

Parties may use DOI reports at months 18 and 30 as a basis for determining or pursuing enforcement.

Highlight areas of change: protest response, arrest protocols, use of force, oversight mechanisms.

Discussion Questions

What's the difference between a settlement agreement and a department policy?

Which of these changes do you think will have the most day-to-day impact?

Facilitation Tips

Use real examples to illustrate why each clause matters.

Be clear about what the settlement does **not** address. (Like Individual Rights)

Federal entities like ICE are outside the scope of the settlement

The Tiered Response System

Understand the purpose of a tiered protest response

Differentiate between Tiers 1–4

Walk through the diagram of the tiers in the slide deck.

Explain: Tier 1 = minimal police presence; Tier 4 = highest intervention level.

The key idea is: you start at the lowest necessary tier and only increase police presence if needed.

Describe what triggers movement between tiers and what documentation is required for escalation.

Discussion Questions

How might this system prevent the kinds of mass escalations we saw in 2020?

What are risks of police skipping straight to higher tiers?

Red Light / Green Light Arrest Policy

Identify which offenses require high-level approval

Explain individualized probable cause requirements

Show table from slide deck with Red Light and Green Light categories.

Explain: Red Light arrests need immediate high-level NYPD approval; Green Light arrests can be made without that step.

This is designed to prevent indiscriminate mass arrests and force police to justify higher-risk arrests.

Discussion Questions

Why might this policy reduce, or fail to reduce, wrongful arrests?

How could community monitors identify when police aren't following this policy?

Remind participants of the role of individualized probable cause in constitutional law.

Mass Arrest Processing Rules

Explain new requirements for treating arrestees

Understand timelines and rights under the agreement

Highlight rules on processing youth, access to attorneys, and provision of food/water.

Explain maximum holding times and required documentation.

These are meant to address the inhumane conditions reported in 2020 mass arrests.

Discussion Questions

Which of these requirements would have made the biggest difference in 2020?

What would you need to see at a protest to know these rules were being followed?

Facilitation Tips

Be specific about how long detainees can be held before processing.

Note any exceptions the NYPD can claim —and why those could be problematic.

Use of Force Restrictions

Identify banned weapons and tactics

List prohibited tactics: chokeholds, kettling, certain baton strikes, etc.

This clause tries to limit force to the absolute minimum necessary.

Describe duty to intervene and report excessive force.

Discussion Questions

How does a duty-to-intervene policy change officer accountability?

What might still make enforcement of these bans difficult?

Connect bans to publicized incidents where these tactics caused harm.

Protections for Press and Legal Observers

Understand rights of journalists and observers

Recognize limits on police interference

Clarify press credential rules and public right to record.

Legal observers must be allowed to observe without interference unless they commit an unlawful act.

This is about making sure independent eyes can watch what happens at protests.

Discussion Questions

Why are press and legal observers crucial for protest safety?

What should community monitors document if these protections are violated?

Have participants brainstorm visible signs someone is a legal observer or journalist.

Note that community members also have rights to record police.

Oversight and Enforcement

Describe the Collaborative Review Committee

Explain court oversight process

Identify who is on the committee (plaintiffs, NYPD, third-party).

Explain reporting timelines and court's continuing role.

The agreement doesn't just rely on the NYPD to police itself, there's external oversight.

Discussion Questions

What roles should an oversight committee have to make it effective?

How could the public help hold the committee accountable?

Your Role in Monitoring

Connect to community monitoring networks

Empower participants to observe and report compliance

Share our new Advocacy Tool and encourage folks to review the documents on How to Use found on our website!

Discuss safe observation practices —keeping distance, recording from safe vantage points.

Monitoring is about gathering credible evidence, not confronting police.

Discussion Questions

What safety considerations should monitors keep in mind?

What infrastructure could our community build to make monitoring easier?

Closing Reflection

What kind of FAA would trigger a Tier 1 NYPD response? What would Trigger a Tier 3?

Provide printed or digital resource lists.

Encourage participants to continue the conversation and share what they've learned.