



NYPD The Key

October 2021

The School founded with your success in mind.

First we'll highlight changes from the most recent I.O.s, then some questions, then the lesson.

I.O. 78: NYS Attorney General's Law Enforcement Misconduct Investigative Office (AG's LEMIO)

- Law says we **must** report corruption or misconduct to them BUT, that duty is satisfied by a notification to IAB –you don't have to actually call the A.G. Also;
- In 304-10, False Statements, says it includes G.O. 15s and CCRB interviews, now **add LEMIO**.
- In 211-09 we're told to fully cooperate in LEMIO investigations & report all info if interviewed.

Remember, these are just highlights, the entire procedures are covered below.

I.O. 79: New Procedure, 213-20 First Amendment Protests

- Don't activate BWC at a demo unless mandatory as per step 4 of 212-123, Use of BWCs.
- New unit to notify of such events; Citywide Event Planning & Coordination Section (**CEPCS**).
- Defines "**violent behavior**" as: use of physical force or tangible objects to hurt persons, damage property, cause fire or the incitement or encouragement of such behaviors.
- Says to "Attempt **de-escalation** with violent subjects, if feasible."

Remember to read the procedure first, then go to The Key Lesson on 213-20. This one is a great example of The Key Method.

I.O. 80: New Procedure, 316-47 Long Range Acoustic Device (LRAD)

- Only certain, specific people can authorize its use.
- Misuse likely to result in injury may result in discipline as deemed appropriate.

I.O. 81: Helmets

- ~~Disorder control~~/scooter helmet is now; **personal protection**/scooter helmet.
- And; "wear at own discretion, if reasonable belief safety endangered/conditions warrant." is now;
 - **In the absence of supervisor**, may wear helmet at own discretion...

I.O. 82: Add "Importance of **de-escalation**" many places throughout 213

- ~~Checkpoints~~ are now called **Perimeter Security Posts**.
- ~~Demonstration~~ Observer Program is now the **Legal** Observer Program.
- Where it says to keep curiosity seekers and unauthorized persons out of area, add:
 - **"...when dangerous conditions exist."** (so that is now a "qualified rule." In other words, we used to *always* keep them out, now we only keep them out **if** dangerous conditions exist).

QUESTIONS

1. You are a newly promoted Sergeant and are attending a Precinct Community Council meeting. The meeting is being held in a local High School cafeteria at 7pm and your Precinct's Community Affairs Officer is unable to attend. During the meeting, you become aware of a scheduled demonstration where members of the community plan to lawfully assemble to exercise freedom of speech. Of the following, which is the proper notification for you to make in regards to this planned event?

 - A) Citywide Event Planning & Coordination Section.
 - B) Precinct Community Affairs Officer.
 - C) Operations Unit.
 - D) Precinct Special Operations Lieutenant.
2. According to Patrol Guide 213-05, Duties at an Unusual Disorder, Police Officers involved should respond quickly and safely to either the stationhouse or mobilization point, as directed. P.O.s are further directed to follow instructions of supervisors. You should know that, as part of your disorder control duties, UMOS are directed by P.G. 213-05 to engage in "Team Assignments." As part of those assignments, members concerned may have to engage in "Perimeter Duty." Of the following, which is not a properly listed element of Perimeter Duty?

 - A) Detour traffic around the disorder area.
 - B) Identify alternate routes for detoured traffic.
 - C) Prevent unauthorized entry into the disorder area.
 - D) Prevent disorderly groups from entering or exiting disorder area.
3. To control who can authorize the use of a Long Range Acoustic Device (LRAD), Administrative Guide procedure 316-47, Use of LRAD, gives a limited definition of "Authorizing Member of the Service." Of the following, which is not listed as an authorizing MOS?

 - A) Commanding Officer of the Disorder Control Unit.
 - B) Legal Bureau Attorney.
 - C) Supervisors assigned to Strategic Response Group.
 - D) Incident Commander.

ANSWERS

1: C). Choice A) CEPCS would normally be correct BUT, the body of the question told you that the meeting took place at 7pm (1900) and the first additional data paragraph in the procedure says, “Citywide Events Planning and Coordination Section is available from 1000 hours to 1800 hours Monday through Friday. **All other times, notify the Operations Unit.**”

2: D) these four choices are verbatim from the Additional Data in 213-05 except for **two words**. A word that was in the procedure for decades up until I.O. 82 took them out: “~~or exiting~~.” This is what the change looks like;

Checkpoint Duty	Perimeter Duty
A) Detour traffic around the disorder area.	A) Detour traffic around the disorder area.
B) Identify alternate routes for detoured traffic.	B) Identify alternate routes for detoured traffic.
C) Prevent unauthorized entry into the disorder area.	C) Prevent unauthorized entry into the disorder area.
D) Prevent disorderly groups from entering or exiting disorder area	D) Prevent disorderly groups from entering disorder area

3: D) Yes, a lowly sergeant, Choice C) trained in SRG, can be the “Authorizing MOS” –I put that in quotes because it is an actual “DEFINITION” in the procedure, and a separate actor from the one person who is not listed, Incident Commander (see steps 1 & 2).

The following pages break down the two new procedures:

- 213-20, First Amendment Protests (I.O. 79) and
- 316-47, LRAD (I.O. 80)

213-20 First Amendment Protests

Non-violent, lawful assembly exercising freedom of speech, to petition the government for a redress of grievances.

For a scheduled event

- UMOS becoming aware, notify Pct C.O. **and** Citywide Event Planning & Coordination Sec. (CEPCS)
- C.O. assign Community Affairs to contact organizers & ensure CEPCS is notified of info.

For a spontaneous event

10x6, M-F, call **Ops** off-hrs

- UMOS notify Patrol Supervisor but be the Incident Commander until relieved by ranking member.
- Notify radio, request resources, stage them an appropriate distance away, pending arrival of boss
UNLESS circumstances necessitate immediate police response.

Patrol Supervisor

- Respond & take command of all police operations until relieved by higher authority.
- Notify desk officer of available information, including:
 - Location, type, and purpose of activity,
 - Size and demeanor of group,
 - Planned routes, and Other pertinent info.

Remember to read the procedure first and see The Key Method at work here.

Desk Officer

- Notify & relay the above information gotten from the Patrol Supervisor to the following;
 - Commanding Officer, Operations Unit, and Overhead command (borough).

UMOS assigned to event (*whether spontaneous or scheduled -UMOS steps are the same*)

- Respond as directed and follow instructions of Incident Commander.
- If violent behavior or unlawful activity, comply with 213-05, Duties at an Unusual, as necessary.
 - Violent Behavior: use of physical force or tangible objects to hurt persons, damage property, cause fire or the incitement or encouragement of such behaviors.
 - Wear helmet at own discretion, if reasonable belief safety is endangered or conditions warrant.
- Ensure 1st Amendment rights to free expression are balanced with the need to maintain public safety.
- Attempt de-escalation with violent subjects, if feasible.
- Remain apprised of changing conditions

De-Escalation: Stabilize & reduce immediacy of threat to get more time & resources like: Call a boss, Tactical Communication, get more cops, ESU, HNT -all to reduce/eliminate necessity to use force.

A Captain (Pct C.O./X.O. will *ordinarily* be the incident commander (IC).

- But since it tells the P/S to be the IC until outranked, we need to look at the IC steps, at least once.

See Next Page for IC duties...

Incident Commander

Scheduled Event (*if spontaneous, **unscheduled** event, relieve Pat Supv and follow these -same steps*)

- Respond ahead of scheduled time and assume command of all police operations.
- Determine if additional personnel and resources are needed. (liaise with CEPCS in determining these)
- Make plan of action after consult with CEPCS, Community Affairs Bureau, Legal, Boro C.O/designee
 - Plan should account for possible counter-demos & their locations.
 - Include contingency plan for unforeseen events (larger crowd, change of route, etc.).

Barriers

- If necessary, develop a barrier configuration plan, to ensure orderly movement of persons attending, and those trying to pass by or leave. Also ensure safety lanes and frozen areas for police access.
- Barrier configuration should not unreasonably restrict access to, and participation in, the event.
 - Permit attendees to leave at any time AND, if crowd conditions and other circumstances permit, permit them to leave and return to the same area.
 - Maintain sufficient openings to let attendees leave expeditiously & return to event.
- Ensure uniformed supvs account for responding personnel on DETAIL ROSTER/ASSIGNMENT SHEETS.
- Instruct responding MOS regarding First Amendment activities.
 - Advise MOS of engagement strategies and duty to balance rights to free expression with the need to maintain public safety for both participants and non-participants alike.
- Stage personnel at an appropriate distance in consultation with Community Affairs and the Protest Liaison, and the developing needs of the activity.
 - Staged personnel should not unnecessarily interfere with lawful First Amendment activities.
 - If requested and present, stage UMOS donning special equipment and uniforms, off scene but positioned for necessary rapid response consistent with safety and logistical considerations.

In other words, keep the Hats and Bats out of Sight and Sound of the scene.

Additional Data

- We frequently exercise discretion at First Amendment activities, BUT this procedure does not limit our authority to effect arrests or take other enforcement action for unlawful acts. Particularly if such unlawful acts are likely to cause public unrest or prevent law enforcement from maintaining the peace.
- Don't activate BWC at a demo unless mandatory as per step 4 of 212-123, Use of BWCs.
- According to Handchu Consent Decree, we don't investigate political activity without express written approval of DCIC (DC Intell and Counterterrorism) as per 212-72, Investigating Political Activities.

- The Legal Observer Program is a comprehensive system of legal support coordinated by the National Lawyers Guild (NLG) and the New York Civil Liberties Union (NYCLU).
 - Allow properly IDed legal observer free access thru police line at any 1st Amendment activity.
 - They generally wear bright green hats (NLG) or blue hats and blue vests (NYCLU).
 - We extend every courtesy and cooperation to them and they shall be permitted to remain in any area, or observe any police activity, subject only to restrictions necessitated by personal safety factors, as determined by the Incident Commander.
- When IC in one Boro, goes over a bridge or walks into a contiguous Boro, the transition between ICs must be a direct transfer with a full debrief on condition experienced, including but not limited to demeanor of group, damage to property, and any other attribute that would suggest unlawful activity.
 - If there is no relieving IC, the initial commander will remain with the group and notify Operations. Operations will facilitate identifying a relieving IC, if available.
 - Should there be a need to relieve personnel resources following such a march, Operations will ID relieving personnel. If none available, current personnel will remain with the march/protest.

Team Assignments

Enforcement Duty

- For arrests OR summons activity. Under supervision of Lieutenants or Sergeants. During pre-planned OR spontaneous situations.

Protecting Vulnerable, Sensitive or Critical Locations

- Identify and protect designated areas

Escort Duty

- Dignitaries, Sensitive Groups OR other service providers

Traffic Duty

- ID borders of event, detour around it, use alternate routes
- Create system of controlled crossings to prevent injury to pedestrians.

316-47 Long Range Acoustic Device (LRAD)

Incident Commander

- Notify Operations Unit and request response of a LRAD operator equipped with LRAD

Authorizing MOS

- Can be **1 of 3** people: SRG Supervisor, C.O. Disorder Control Unit, a Legal Bureau Attorney.
- Direct LRAD operator to use LRAD 100X or 500X, as necessary, in accordance with training

LRAD Operator

- In accordance with training and as directed, use either;
 - LRAD 100X (handheld) or
 - LRAD 500X (veh. mounted)
 - Do not use LRAD alert tone.



- In A/L, put “LRAD” and the LRAD model, time, date, and location used.

Additional Data

- LRADs shall be used within manufacturer’s safe operation guides and OSHA requirements.
- As per LRAD training, make reasonable efforts to maintain minimum safe distances.
- This procedure shall **not** impact the operations of the Harbor Unit.
- Questions? Call Legal Bureau, 0700x2300, M-F, or Operations Unit at other times.
- Violating this procedure could be considered Prohibited Conduct as in 304-06;
 - LRAD misuse likely to result in injury may result in discipline.

