



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 41.1.1

TITLE: UNUSUAL OCCURRENCES

EFFECTIVE: 04/08/2018

REVISED: Replaces Policy/Procedure 400

PURPOSE

The purpose of this Chapter is to provide guidance to ensure intra-organizational cooperation and information sharing when dealing with unusual occurrences such as protests, demonstrations, civil disturbances, and terrorism.

DEFINITIONS

Civil Protest/Demonstration—A person or persons who overtly take a public action to physically demonstrate their/his/her views concerning the support, contradiction or other statement or issue involving politics, government, law enforcement, etc.

Civil Disturbance—Any incident which disrupts a community where law enforcement intervention is required to maintain public safety. Civil disturbances may consist of riots, demonstrations, strikes, sit-ins, or mass acts of criminal damage or violence.

Terrorism—The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof in furtherance of political or social objectives.

POLICY STATEMENT

1. It is the goal of the New Orleans Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism, including the use of force or violence in furtherance of political or social objectives as generally defined in 28 CFR 0.85(l) and R.S. 14:128.1.
2. The goal of the New Orleans Police Department is to make every reasonable effort to accurately and appropriately gather and report any information that may relate to assessing the hazards associated with and possible resource needs of incidents relating to crowds, events and gatherings.

THREAT LEVELS

3. The following threat levels provide a relative guide to facilitate clear communication between members when evaluating and assessing the hazards associated with and possible resource needs of incidents relating to crowds, events and gatherings.

(a) LOW LEVEL:

- i. The threat is vague and indirect;
- ii. Information within the threat is inconsistent, implausible or lacks detail;
- iii. Threat lacks realism; and
- iv. Content suggests group / person is unlikely to carry it out.

(b) MEDIUM LEVEL:

- i. Threat is more direct and more concrete than a LOW LEVEL threat;
- ii. Wording suggests threatening group / person has given some thought to how the act will be carried out;
- iii. General indication of a possible place and time (but not a detailed plan); and
- iv. Strong indication the threatening group / person has taken preparatory steps, although there may be some veiled reference or ambiguous or inconclusive evidence pointing to that possibility.

(c) HIGH LEVEL:

- i. The threat is direct, specific and plausible;
- ii. Threat suggests concrete steps have been taken toward carrying it out.

THREAT TYPES

4. The following threat types provide a relative guide to facilitate clear communication between members when classifying the hazards associated with and possible resource needs of incidents relating to crowds, events and gatherings:
 - (a) **DIRECT THREAT** – Identifies a specific act against a specific target and is delivered in a straightforward, clean and explicit manner.
 - (b) **INDIRECT THREAT** – Has a tendency to be vague, unclear, or ambiguous.
 - (c) **VEILED THREAT** – Strongly implies but does not explicitly threaten violence.
 - (d) **CONDITIONAL THREAT** – Warns that a violent act will happen unless certain demands or terms are met.

HOMELAND SECURITY ISSUES AND TERRORISM

5. District patrol officers shall advise a supervisor as soon as practicable of any activity believed to be civil protest / demonstration, civil disturbance or terrorism related and shall document such incidents in an incident report.
6. The notified supervisor shall ensure that the ISB - Specialized Investigations Division Commander is notified via Communications Services of all civil protest / demonstration, civil disturbance or terrorism field reports as soon as possible. ISB – Specialized Investigations Division shall coordinate the exchange of information and resource requests with local, regional, state and federal partners as appropriate.
7. All incident reports relating to possible activity believed to be civil protest / demonstration, civil disturbance or terrorism related shall be reviewed, corrected and approved prior to the member's end tour of duty (ETOD).
8. The reviewing and/or approving supervisor shall, upon approval of the report in EPR, notify the Commander of the ISB - Specialized Investigations Division and the Special Operations Division, Homeland Security Unit by departmental email of the incident gist and item number.
9. The Special Operations Division, Homeland Security Unit shall review all terrorism-related incident reports as soon as possible and notify the New Orleans Office of Homeland Security and other appropriate NOPD Divisions/Units when there is a reasonable suspicion that a terrorism threat exists.

UNPLANNED CROWDS, EVENTS AND GATHERINGS

10. District patrol officers may encounter gatherings of people, including but not limited to:
 - (a) Civil protest / demonstrations,
 - (b) Civil disturbances, and
 - (c) Un-permitted parades (those not granted permit by City thru Special Events Section of FOB).
11. District patrol officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present.
12. A District patrol supervisor shall be notified of the event once discovered and when it becomes reasonably foreseeable that such an event may require increasing monitoring, contact or intervention.
13. District patrol officers responding to an event or gathering that warrants law enforcement involvement or intervention shall:
 - (a) Notify his/her supervisor.
 - (b) Carefully balance the speech and association rights of those present with applicable public safety concerns before deciding to take enforcement action.
 - (c) Seek review and approval of enforcement action from his/her supervisor (if not on-scene) before taking action.
 - (d) Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.
14. District patrol officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when requests for voluntary compliance with the law is not achieved.
15. Absent exigent circumstances, District patrol officers shall request the presence of a supervisor on scene, brief the supervisor of conversations and actions already taken and obtain supervisory approval before taking enforcement action.

RESPONSE TO PLANNED CIVIL DISTURBANCES

16. ISB - Specialized Investigations Division - Intelligence Section members will conduct an analysis of all known / planned protest events in advance and will provide a written "Threat Assessment."
17. The Threat Assessment will be distributed to the:
 - (a) Commander of the ISB - Specialized Investigations Division,
 - (b) Deputy Chief of the Investigations and Support Bureau (ISB),
 - (c) Deputy Chief of the Field Operations Bureau,
 - (d) Affected District Commander(s), and
 - (e) The Special Operations Division Commander.