



## A Review of the PPD Response to the Occupy ICE Protest

# November 2018

### Philadelphia Police Advisory Commission

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### *Introduction*

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During the 2000 Republican National Convention, Philadelphia Police Officers were described as aggressive and repressive when it came to their treatment of protesters and activists. Lifelong Philadelphians and historians suggested this was part of a consistent pattern and practice which oppressed or criminalized activism. However, during the 2016 Democratic National Convention (DNC), the Philadelphia Police Department (PPD) received nationwide praise for their outstanding and exemplary treatment of demonstrators. The work of the Philadelphia Police Department was even applauded by activists themselves. Philadelphia Police Officers also publicly commented on the positive experience that was the 2016 Democratic National Convention.

In July 2018, the PPD made national headlines again for their treatment of Occupy ICE (Immigration and Customs Enforcement) protesters, although this time the media narrative cast PPD in a negative light. Protesters and media personalities were particularly critical of the use of bicycles to move protesters and the overall use of force used to physically move protesters. The Police Advisory Commission (PAC) recognized this as an impediment to the progress in police- community relations since the 2016 DNC, and was tasked with assessing the protest to determine what, if any, lessons can be learned from this incident.

In accordance with Executive Order NO. 2-17, the Police Advisory Commission reviewed the Philadelphia Police Department's actions during the Occupy ICE protest during the week of July 2, 2018. While the PAC analysis initially focused on PPD's relocation of protesters and their encampment that occurred on July 5, 2018, given the length and duration of Occupy ICE, the PAC extended its scope to include an ongoing review of PPD's approach towards demonstrators.

While the PAC did not find any significant policy issues for the PPD to address, there are practice issues that should be considered by the PPD. The review focused on three main points:

communication, clarity, and consistency. The PAC recognizes that the PPD faces significant challenges during demonstrations. These challenges include balancing public safety while protecting the constitutional right to free speech and public assembly, managing officer morale in a tense political climate, and managing the demands of high profile events which occur simultaneously. Despite these burdensome challenges, the PAC believes the PPD can continue to improve their practice as it relates to communication, clarity, and consistency.

Although the nature of the Occupy protest in Philadelphia has been largely peaceful, the Police Advisory Commission notes the following recommendations which can build upon and improve best practices within the Philadelphia Police Department.

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## *Standard of Review*

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### **Executive Order No. 2-17:**

*“Whereas, the City’s re-establishment of and recommitment to a civilian advisory commission will help improve communication between the Police Department and communities; will help translate complex policies for public review; will solicit public input on those policies; will help identify and resolve systemic concerns; and will promote confidence in law enforcement;”*

### **Philadelphia Police Department Directives:**

#### **Directive 8.03: Demonstrations and Labor Disputes**

##### **1. Policy**

*C. In performing the police function, the police shall preserve the demonstrator's right to communicate their grievance, complaint or protest or to advocate their idea or position and shall preserve the rights of the person, organization or business being demonstrated against, including the right to have its entrances and exits free from blockage.*

##### **3. Responsibilities**

*E. Personnel of the Civil Affairs Bureau will:*

*2. Identify and establish lines of communication with protest leaders. Instruct participants of the police function.*

*6. Attempt to arrange appropriate meetings with involved parties and/or representatives that may assist in resolving or abating the demonstration*

##### **4. Additional Responsibilities**

*C. In the event any demonstrator(s) use their body or bodies or any physical means to prevent any person or vehicle from entering or exiting any building or property, the police shall promptly attempt to "talk open" the use of the entrances or exits in question.*

**Directive 10.02: Use of Moderate/Limited Force**

*4. USE OF FORCE C. The following are examples of how to interpret the Use of Force Decision Chart. These examples are for illustrative purposes and not intended as an exhaustive list.*

*1. No force is required or authorized when the offender is compliant nonaggressive and responds to verbal commands. Officers may need to handcuff such offenders but this is not considered use of force. No use of force report is required under these circumstances.*

*2. Moderate/limited use of force may be required when the offender is non-compliant and is resisting the officer's commands. Such behaviors may include pushing or pulling away, locking arms, or tightening of the body. Force including control holds, and OC Spray is authorized under these circumstances. Verbal aggression by itself does not warrant the use of force.*

*EXCEPTION: Protestors/Demonstrators that are exercising their Constitutional Rights of Free Speech or Assembly and are non-compliant and passively resisting officer's commands, OC Spray SHALL NOT BE USED to overcome the resistance. Rather, officers will disengage and contact a supervisor. If necessary, additional officers will be used to overcome the resistance.*

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## *Sources of Information*

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- Witness interviews, present at Occupy ICE encampment, 8<sup>th</sup> and Cherry Streets, July 5, 2018.
- Witness interview, present at Occupy ICE encampment, 8<sup>th</sup> and Cherry Streets, June 29, 2018.
- Protest monitoring, Occupy ICE encampment, City Hall, July 18, 2018.
- Meeting with PPD Leadership.
- Philadelphia Police Department Body Camera footage.
- Philadelphia Police Department, Audio and Visual Unit footage.
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- Slate.com (2018, July 26) *How the Philadelphia Police Chilled Out About Protestors*. Retrieved from [http://www.slate.com/articles/business/metropolis/2016/07/police\\_were\\_brutal\\_during\\_the\\_2000\\_rnc\\_but\\_they\\_seem\\_to\\_have\\_chilled\\_out.html](http://www.slate.com/articles/business/metropolis/2016/07/police_were_brutal_during_the_2000_rnc_but_they_seem_to_have_chilled_out.html)

- Associated Press (2018, July 5) *Police Break Up ICE Protest in Philadelphia*. Retrieved from <https://www.youtube.com/watch?v=WEbq3V2Yh1A>

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## *Analysis and Recommendations*

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### **Applying Consistent Tactics:**

#### **Creating a Perimeter**

**Recommendation 1:** The PAC recommends the PPD communicate what areas need to remain free from persons, objects, and supplies at the beginning of the demonstration, while also maintaining clear boundaries for the duration of the protest.

While the PPD operated within the guidelines of Directive 8.03: *Demonstrations and Labor Disputes*, they failed to establish a completely clear perimeter for business operations at the beginning of Occupy ICE. On Friday June 29, 2018, six people were detained and issued Code Violation Notices (CVNs) for failing to move from their position at 8<sup>th</sup> and Cherry Streets. This group of protesters were identified as a collective and were more traditional protesters. In fact, in many ways they negotiated their detention and purposefully submitted to being handcuffed in order to send a political message to the federal government. In turn, the Philadelphia Police Department peacefully detained the group to remove them from blocking an entrance and later released them with a CVN.

Following this protest, conversations on social media indicated a plan for another protest at the same location on Monday, July 2, 2018. On this date, a protest ensued and the PPD responded, requesting that protestors maintain an open area in front of the adjacent parking lot, so employees of the building could get their vehicles out and go home. Officers also issued clear instructions that demonstrators could protest, but they were not allowed to encamp and needed to maintain an open area in front of one of the three truck bays on Cherry street and the front door on 8<sup>th</sup> street. Later in the evening on July 2, as protestors were setting up tents in front of truck bays, PPD attempted to communicate with protestors that they needed to move away from one of the truck bays and from the gate which secured the building's parking lot.

After issuing three warnings, PPD Bike Patrol Officers moved the protesters using their bicycles. There were 29 people who could not or would not be moved. They were handcuffed and taken away to be issued CVN's. By the end of the day on July 2, a fence line was established, which ultimately



allowed the building use of one of their three truck bays as well as access to their parking lot. Protesters were therefore allowed to continue to occupy the space in front of the two other truck bays through July 5. Further, they were permitted to use canopies to prevent sun exposure.

As referenced, beginning with the 2016 DNC, the City, especially the Police Department, made efforts to accommodate and respect protesters. Therefore, the decision to allow protestors the use of tents to provide shade on the extremely hot, summer day was consistent in keeping with the goal of accommodation. Further, the decision to allow the protestors to occupy the space between the two truck bays which would not be needed by the building tenants on July 3 and 4, was done to allow protesters more space and was therefore also consistent in keeping with the goal of respecting and accommodating protesters. However, the decisions made on July 2 led to a lack of clarity and were also inconsistent with the overall goals of keeping areas such as the truck bays clear and not allowing occupation. Given the difficulties in communicating with a collaborative demonstration with many activist groups represented, coupled with a stated intent to occupy and disrupt business operations, this lack of clarity in PPD messaging at the start of Occupy ICE contributed to the difficulties PPD experienced later in the week.

On Thursday, July 5, the Occupy ICE demonstration at 8<sup>th</sup> and Cherry Streets concluded with an attempt from PPD to clear all of the truck bays and ICE Office doors to establish a clear perimeter leading to the front door of ICE offices. Again, given that the intent of Occupy movements are to shut down operations, PPD action could have been avoided if they established and maintained consistent boundaries at the start of the protest.

### *Police Bicycle Push*

The PPD bicycle push sparked debate on whether PPD's tactics were an overly aggressive response to the Occupy ICE protest. In response to public outcry, the PAC examined PPD's response to see if it was problematic. The PAC's extensive review of video evidence, interviews, and police best practices did not find any issues to be addressed regarding PPD's tactics. Many jurisdictions, Philadelphia included, use bike units for their less aggressive appearance and maneuverability when performing crowd management and crowd control operations. Throughout the nation, police commonly use bikes during protest events to establish and maintain mobile barriers. The PPD bike push that occurred during the Occupy ICE demonstration is a commonly used tactic to create a mobile barrier and move

crowds while also minimizing physical contact between officers and citizens. Moreover, the PPD's use of bikes is a purposeful improvement from the use of military style gear, such as riot gear, which had historically been utilized to move crowds or protesters.

Evidence shows that at the beginning of Occupy ICE, PPD repeatedly warned protestors they would not be allowed to encamp. For much of the protest, police prevented encampments from popping up, while providing leeway for demonstrators to use materials and objects to provide shade during the hot weather. Over the Fourth of July holiday, and in violation of police orders, demonstrators constructed a large encampment by securing and tying together tarps, tents, and other objects. Video evidence confirms many of the structures and supplies appeared over the Fourth of July holiday. At approximately 8am on July 5, PPD began warning protestors to clear specific areas. Contrary to media reports, PPD gave ample time to Occupy ICE demonstrators to relocate themselves, their belongings, and their supplies to other areas of Cherry Street.

During interviews with the PAC, some protestors reported feeling blindsided after the PPD used bicycles to push them back. However, PAC reviewed video that clearly shows some demonstrators decided to remain inside the encampment and attempted to push back at officers.

For future demonstrations or protests, the PPD can avoid confusion and clashes with protestors by firmly and immediately establishing boundaries that remain unchanged for the duration of protest.

### Counter Terrorism Unit

In addition to the public outcry over the PPD bike push, many people expressed disdain that the PPD Counter Terrorism Unit that was detailed to the Occupy ICE protest. However, it is customary to use this and other similar types of units during demonstrations and other large-scale events. The PPD is prepared with a team of people who can handcuff and detain if necessary. Generally, those units are kept out of sight until PPD feels arrests may be imminent.

The critique of the use of the Counter Terrorism Unit failed to consider that they were kept out of sight until necessary and were not used until PPD determined they were needed. Although demonstrations are monitored carefully overall by the Civil Affairs Bureau, they may require additional officers from different units during a time when resources are strained, and situations may become unpredictable.

**Recommendation 2:** The PAC recommends the PPD inform the entire group of their requests, provide time for protestors to comply, and make everyone aware of the penalties for non-compliance.

The PAC spoke with one self-identified legal advisor who was present and actively communicating with the PPD on July 5, at the Occupy ICE protest. The legal advisor provided the PAC with her perspective on the timeline of events leading up to the PPD Bicycle Patrol push back that occurred at approximately 1:15pm. The timeline of events is as follows:

- 8:00am (approximately): PPD Leadership told the legal advisor that the front door of the ICE office building must be accessible.
- 9:00am -12:00pm: Pedestrians were able to walk around protestors on the sidewalk, people had the ability to come and go through the door to the ICE office building. Protestors felt there was no issue with the use of the front door at this time.
- 12:00pm (approximately): Police again stated the front door of the ICE office building was blocked, and the legal advisor reviewed the area with an officer from Civil Affairs. The legal advisor did note that there were chairs and some supplies next to the ICE office building door, and signs posted against the building's windows.
- 12:30pm -12:45pm (approximately): Civil Affairs Officer returns stating that the area in front of the ICE office building door needed to be clear or else the PPD would start arresting people. The PPD also requested that protestors clear the truck bay at this time.

The legal advisor reported that people were beginning to move supplies at the time of the second warning, but not all protestors were aware of what was happening. She felt the third warning came less than ten minutes after the second, with an additional command to clear the area in front of the third truck bay. As the advisor stood with Civil Affairs Officers attempting to gain further clarification, four lines of PPD Bicycle Patrol came into the protest encampment tearing down structures.

Overall, the legal advisor's recollection of events closely mirrors videos posted to social media of police warnings immediately prior to the PPD Bicycle Patrol's push back of protestors. Video evidence also shows some demonstrators within earshot of Occupy ICE representatives, Civil Affairs, and PPD leadership attempting to comply with requests to move items and supplies from the ICE building entrance area. From the beginning of the week, protestors were given adequate time to decide whether

they would comply with PPD commands and were also given time to become compliant. Additionally, the PAC reviewed video that demonstrators posted on social media. This video was taken from inside the encampment during the PPD's clearing of the truck bay and establishment of a fence line, with some demonstrators near the end of the encampment appearing to be surprised by the PPD's movement.

Overall, it appears that the media and Occupy participants believe that PPD decided to not provide adequate time to meet their requests, while also increasing their demands in a short period of time. This created a feeling among Occupy ICE activists that the protest was "ambushed." Protestors reported feeling like PPD leadership used warnings to distract demonstrators while having planned all along to aggressively move the encampment. However, the PPD Audio Visual Unit (AV Unit) video showed that PPD provided demonstrators with more than one and a half hours to move and issued a total of four warnings. PPD did not count the first warning and began the bike push while Civil Affairs was issuing the "third" counted warning. PPD informed the PAC that this is a standard tactic, intending to catch people slightly off guard to prevent push back from crowds.

Even in a statement to the PAC, the legal advisor admitted that from the time she arrived (approximately 8:00am), police made it clear that the ICE office door needed to be clear for normal business to occur. Raw video footage from the police AV Unit shows an Occupy ICE self-identified legal advisor deliberately playing a game of semantics with PPD Leadership regarding the definition of "clear." Although the door could be accessed, opened and closed, with people able to come and go, the sidewalk leading to the door had supplies and protestors scattered about. The areas around the door also had protestors' signs posted. Attempting to access ICE offices would require individuals to navigate around and directly through the Occupy protest.

When feasible, it is imperative for PPD to provide clear instructions to demonstrators and allow reasonable time for participants to follow commands. The PPD should make a concerted effort to use all available resources, including social media messaging, and assistance from representatives from other City agencies to ensure that all individual participants remain informed. This will help the Police Department manage and tailor their messaging without it being subject to reinterpretation.

### **Identifying Leaders and Establishing Communication:**

**Recommendation 3:** The PAC recommends the PPD collaborate with other stakeholders to establish effective communication and disseminate information.

The PPD is responsible for identifying and establishing lines of communication with protest leaders as well as instructing participants of the police function. During the week of July 2, PPD Leadership relied on communicating with a representative who self-identified as a legal advisor to protestors to establish a dialogue with demonstrators. The PPD can improve protest communications by first considering the non-traditional nature of Occupy protests. Generally, movements like Occupy are comprised of a coalition with no defined leadership structure, and demonstrators from groups may not want to speak with police or agency representatives.

Additionally, the PPD should consider the role self-identified legal advisors and other liaisons assume during protests may differ from how the PPD actually views them. The PAC spoke with the legal advisor the PPD communicated with throughout the Occupy ICE protest. She informed the PAC that her primary goal is to advocate for the legal rights of protestors, and she does not view herself responsible for disseminating the PPD's message to the protestors. However, when viewing raw footage captured by the PPD AV Unit along with body worn camera footage from Civil Affairs, this legal advisor clearly represented herself as a leader, authority, negotiator, and point person for this particular Occupy ICE movement.

In fact, given the fractured and siloed nature of these protests, liaisons, legal advisors, and other self-identified leaders may prevent messages from being disseminated to the crowd, distort police messages, or reinterpret messages according to their own agendas. There is a small segment of disrupters present or drawn to movements who would attempt to further their agendas by escalating community-police interaction. The PAC observed at least one person, who despite claiming the Occupy movement is a loosely organized, leaderless coalition, clearly represented themselves as a leader, negotiator, and messenger to PPD leadership. Further, the PAC encountered two other persons who identified themselves as leaders who could speak for the entire movement. The PPD's reliance on one, or few leaders to communicate with, may leave them open to having their instructions distorted, withheld, or manipulated.

The lack of clear communication between PPD Leadership and protestors is evident after speaking with an Occupy ICE legal advisor, as well as with PPD Leadership. PPD Leadership was not able to provide the PAC with the self-identified legal advisor's name, and the PAC was left to identify the individual through media sources. The PAC was able to determine that the legal advisor identified as a veteran protestor and Philadelphia activist for the past several years and was very familiar with members of PPD Leadership as well as Civil Affairs Officers.

Overall, the PPD can improve communication with protest groups by continuing to include other City agencies in protest operations. This is particularly true when initial efforts to communicate break down and using force is being contemplated. Agencies can help the PPD identify points of contact, act as intermediaries, and ultimately build relationships with leadership from activist groups throughout the City.

During demonstrations, officers and representatives from other City agencies can disperse through the crowd, engaging with protestors. Having in person, one-on-one dialogue can establish rapport and build social capital with the demonstrators. The PAC acknowledges protestors can be obstinate, as many refused or were dismissive of PAC representatives' repeated attempts to establish lines of communication. However, the PPD should actively and continuously communicate with and attempt to draw leadership from the crowd. There were many reasonable demonstrators at this particular Occupy protest, however, their voices may have been drowned out by the more vocal, unreasonable demonstrators. In addition, given the length of protests, organizers and leaders may change regularly, therefore requests for liaisons to negotiate with should occur throughout the day.

#### *Adapt New Communication Techniques*

**Recommendation 4:** The PAC recommends the PPD should use social media to communicate commands and provide information to protestors and the public at large.

Police departments can improve communications by establishing temporary organizational arrangements, management structures, and methods of communication to respond effectively.<sup>1</sup> It is equally important that the PPD take a hands-on approach to messaging and monitoring.

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<sup>1</sup> Department of Justice, Office of Community Oriented Policing Services, 2007, Planning and Managing Security for Major Special Events: Guidelines for Law Enforcement available, <https://www.hsdl.org/?abstract&did=482649>

Communication begins prior to an event, attempting to establish dialogue with organizers and group leadership. The PPD can also use this time to inform protestors of what they can expect from police interaction. For example, this Occupy protest involved many young, inexperienced participants, who likely had minimal police interaction prior to the demonstration. Police should inform protestors of their expectations for the demonstrators, including what behaviors will not be tolerated, penalties for non-compliance, along with commands and instructions. In other jurisdictions, police have had success distributing hand bills to the crowd informing them of the laws, which areas should remain clear, and what behaviors would result in arrest.<sup>2</sup> Using a multifaceted approach to communication, combining verbal instructions, social media messages, and paper handouts can improve the protest experience for demonstrators, police, and the public.

Social media protest organizers use social media to engage new recruits, request supplies, coordinate meeting areas and movements. Aside from organizing, protestors also communicate their experience in real-time using Twitter and live streams. The PPD can use real-time monitoring of official protest Twitter accounts, Facebook event pages, and live streams to increase situational awareness. Using social media in this capacity will help the PPD overcome miscommunication, poor crowd engagement, and may also help to identify individuals attempting to disrupt legitimate protests with unlawful behavior.

Furthermore, it is not unusual that two videos of the same event can be presented and interpreted differently, sometimes only the narration or caption needs to be different. The PPD should monitor the information generated by protestors to craft their message, issue additional instructions to demonstrators, address any perceived discrepancies, and change tactics if necessary.

In this era of social media, modern protests organize rapidly and efficiently. Likewise, the PPD should use social media to communicate their commands to the crowds gathered, as well as the public. Dispersal orders can be given to demonstrators in person while simultaneously being disseminated over social media. Utilizing a multifaceted approach to messaging will ensure equal access to information for both demonstrators and the public. The PPD can also use social media to warn protestors of consequences for non-compliance and warn people of dangerous situations.

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<sup>2</sup> Police Executive Research Forum, 2018, *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned* available, <https://www.policeforum.org/assets/PoliceResponseMassDemonstrations.pdf>

**Recommendation 5:** The PAC recommends that PPD operations evolve just as the protest itself evolves. The resources, diversity and duration of Occupy movements draws a myriad of people. This fluidity necessitates continuous reassessment of operations and assistance.

It is imperative for the PPD to recognize the diversity of organizations represented, particularly during Occupy demonstrations. The PPD must also continue to prepare for the possibility that the length and duration of Occupy protests draws representatives from other groups, and these individuals may change the crowd dynamics. In addition to protest groups, the event may also draw a diverse range of individuals from concerned citizens to counter-protestors and spiritual leaders. The PPD should continue to be prepared to provide support and assistance, as well as tailor their response to these changes appropriately.

The availability of resources at Occupy encampments often draws people experiencing homelessness along with individuals struggling with mental illness or addiction. The PPD should continue to work to engage with other City agencies and non-profit groups to ensure the population's needs are addressed. Once the Occupy ICE encampment relocated to City Hall, the Police Department and several government agencies began a concerted effort to provide assistance to the group. However, the persons who were ultimately identified to be in need at the end of the protest, were in need of social service support throughout the protest. In fact, after the relocation to City Hall, it seems clear that some protest organizers had manipulated or otherwise taken advantage of the mentally ill, chemically addicted and homeless persons to maintain a presence and maintain numbers in the encampment. Clearly, the PPD may not be the best agency to provide outreach in this climate. However, some referrals to other city agencies from the start of the protest might have helped a portion of the people who were in need, receive some immediate support.

**Recommendation 6:** The PAC recommends the PPD strive to address the physical and psychological needs of line officers during demonstrations.

Finally, the PPD must continue to acknowledge that long term exposure to physical threats such as spitting or throwing objects, and verbal assaults may cause psychological fatigue to officers on the front lines. In conversations with top PPD Leadership, they are aware of how situations like Occupy protests may mentally exhaust officers. One police leader acknowledged this factor and stressed the importance of supervisors assessing this stress in real time and affording officers breaks and



encouragement while on the scene. However, another high-ranking officer regularly detailed to demonstrations did not feel that officers on the line were affected by vitriol from demonstrators. The PAC feels this belief is concerning, regressive, and perpetuates an unhealthy stigma. Although the job of an officer requires physical and mental stamina, PPD leaders are ultimately responsible for officer resilience. Going forward, PPD Leadership must give thoughtful consideration to what support they provide to officers on the front lines who are facing vitriolic and hateful statements.

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## *Conclusion*

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The PAC's recommendations are based, in part, on a review of successfully implemented best practices from other municipalities. Traditionally, protests were locally organized, grassroots movements. Today, activists can organize globally and use social media to broadcast their experiences in real-time. The PPD can modernize their approach by embracing new means of communication. Not only will adapting new communication methods allow the PPD to explain their tactics and take control of their own narrative, but they will simultaneously be providing a safe and successful protest experience. Police messaging is critical, especially when dealing with organizations that may refuse dialogue with the PPD or other government agencies.

The overall goal of PPD presence at demonstrations is to balance public safety with protecting protestors' right to free speech. Employing crowd management techniques sets the tone that the police presence is proactive and preventative. For example, engaging in a friendly one-on-one with the crowd can be an effective police multiplier.<sup>3</sup> While most demonstrators are peaceful, with few law breakers throughout, positive and proactive interaction can also prevent the crowd from being influenced by agitators intent on causing violence or disruption. Keeping this in mind, the PPD would benefit from framing their engagement strategies as crowd management that can be escalated to crowd control if necessary.

Ultimately, crowd management techniques begin prior to a protest event. The PPD can be proactive by reaching out to organizers before the event and letting groups know what they can expect from the police. Police should tailor their response proportionally, according to the tone and actions of the crowd.<sup>4</sup> The proportional response should also extend to the type of equipment and tactics used. Lastly,

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<sup>3</sup> Police Executive Research Forum, 2011: Critical Issues in Policing Series: Managing Major Events: Best Practices from the Field, available, [https://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf](https://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf)

<sup>4</sup> Id.

the PPD should allow officers some discretion in arrests, deciding during the planning phase what behaviors will not be tolerated.<sup>5</sup>

The PAC also acknowledges the challenges the PPD faces when attempting to communicate with protestors and leaders from various groups. Most protestors refused to talk with PAC leadership and did not respond to multiple requests to share first-hand accounts of their experiences. Additionally, protestors gave the PAC accounts of police action that were staggeringly different from what was evidenced on video. In reviewing footage recorded by demonstrators, sometimes even the narration on video differed dramatically from what was actually being shown.

The PPD can continue to review their practices and modernize their response when interacting with protestors. Although the police actions on July 5, 2018 may have fallen within departmental policy, the Philadelphia Police Department can ultimately improve protestors' experience and public perception through proactive messaging regarding police tactics and penalties for non-compliance.

The PAC review also uncovered many instances where PPD patiently negotiated with protestors, retrieved belongings and personal items, and assisted protestors in moving supplies after establishing a perimeter around ICE offices. The PPD should release messaging in response to, or at times ahead of their actions. Failing to do so allowed the national spotlight to narrowly focus on police tactics that when taken out of context and without a fully developed narrative, look like an overly aggressive response.

As previously stated, the PPD should keep in mind that protest groups have young and inexperienced members who are unfamiliar with standard police tactics during protests. Police can ultimately improve relationships and promote positive interaction by implementing innovative communication strategies. Most importantly, police should clearly disseminate information throughout the crowd and inform demonstrators of police action for non-compliance. Although this may not change police and protestor interaction during Occupy movements, demonstrators will be well informed and less likely to feel ambushed by police actions.

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<sup>5</sup> Id.

Finally, in preparing a response to an Occupy movement, the PPD should continue to include City agencies, non-profits, and social service agencies. Occupy encampments are prepared to last indefinitely and receive donations of shelter and supplies. The availability of resources coupled with a temporary safe space to reside draws a significant amount of vulnerable populations. Ultimately, coordinated multi-agency responses will continue to provide better service to encampments and should be employed through the duration of future Occupy movements.

The PAC's recommendations should not be interpreted as an effort to suggest any obvious wrong doing or glaring problems. Rather, they are a review of lessons that should be learned and brought forward for future protests. While the PAC recognizes that a great deal of progress remains from the 2000 Republican National Convention, it is also recognized that the nature and structure of protests have evolved since then and to some extent have continued to evolve since the 2016 Democratic National Convention. These recommendations identify that some tactics may work better than others or may not be feasible during certain events since all protestors have different goals and motivations. However, the PAC believes the PPD can continue to be a national leader and innovator in policing by constantly assessing methods of communication, applying thoughtful tactics, and clearly addressing issues and inconsistencies in the public forum.



## CITY OF PHILADELPHIA

**Police Department**  
HEADQUARTERS, FRANKLIN SQUARE  
PHILADELPHIA, PENNSYLVANIA

**Richard J. Ross, Jr.**  
Commissioner

November 20, 2018

Hans Menos  
Executive Director  
Police Advisory Commission  
1515 Arch Street, 11<sup>th</sup> Floor  
Philadelphia, PA 19107

Re: Occupy ICE Protest Immigrations and Customs Enforcement  
8<sup>th</sup> and Cherry Streets, Philadelphia, PA 19107

Dear Director Menos:

Your above-mentioned report has been received and reviewed. At your earliest convenience, please contact my office to schedule a meeting to discuss this report and its recommendations.

Sincerely,



Richard J. Ross, Jr.  
Commissioner