

# **Police response to Occupy protests has a long (and coordinated) history**

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Within the past several weeks, police in Oakland, New York, and other major cities have moved to evict “Occupy” demonstrators from the protest encampments they established earlier this fall. Police response to the Occupy movement – and the media coverage it has garnered - has provided the public with a window onto several little-understood trends in American law enforcement.

The Occupy phenomenon has produced the first sustained, nationwide protest activity since the Vietnam War era. With rapid speed, Occupy encampments have spread from their inaugural venue in lower Manhattan to dozens of cities across the country. For decades, police and military agencies have made preparations for just such an eventuality. These preparations have varied with the tenor of the times, but share common roots in the federal government’s response to the social unrest of the 1960s.

## **A long history of civil disturbance planning**

Civil disturbance suppression was a central preoccupation of federal officials during the 1960s and 70s. Widespread urban riots and mass protests caused Washington to marshal personnel and resources to address the phenomena. In 1968, the Law Enforcement Assistance Administration (LEAA) was established to expedite the flow of federal dollars, know-how, and technology to state and local police agencies. A substantial part of the LEAA’s mission involved equipping police agencies to address civil disturbance activity.

In addition to the LEAA, other federal agencies were heavily focused on such matters. Declassified Central Intelligence Agency (CIA) documents demonstrate that the agency (which, per its charter, is not allowed to conduct domestic police operations) offered training, technology, and personnel to multiple law enforcement agencies. For instance, from 1969 to 1971, the CIA provided radio-monitoring equipment to the Washington D.C. Police Department in order to track the movements of anti-war protesters. The agency also provided large volumes of riot gear and chemical agents for protest-suppression purposes.

Encouraged by their federal counterparts, state and local officials worked to hone their own civil disturbance contingency plans. The now pervasive Strategic Weapons and Tactics (SWAT) policing model grew out of California's response to the civil disturbances of the 1960s, and introduced paramilitary techniques to law enforcement.

Early SWAT tactics were developed within the Los Angeles Police Department, and were also taught at the California Specialized Training Institute, or CSTI. CSTI was established in the early 1970s by California Governor Ronald Regan, and was paid for with a federal grant from the LEAA. From its beginning, CSTI worked to merge military techniques into domestic law enforcement. In fact, the CSTI concept itself emerged from a series of statewide military-police exercises entitled CABLE SPLICER. CABLE SPLICER was a regional drill conducted within the context of a larger civil disturbance program called GARDEN PLOT. Since the 1970s, this federal contingency plan has been updated to provide an operational blueprint for American military forces to operate domestically, if civil authorities are unable to maintain order.

Recent, near-simultaneous police raids on Occupy encampments suggest some degree of federal coordination, although the full details are not yet known. What is certain is that the operational architecture exists to bring a national response to bear quickly, through the panoply of law enforcement fusion centers and Joint Terrorism Task Forces established within this past decade. In addition, NORTHCOM - the Pentagon's North American command center - has also taken on civil disturbance duties, as indicated by its presence at the 2008 Republican National Convention.

### **Militarizing law enforcement**

The past several decades have seen an infusion of military technology and methodology into domestic law enforcement. This has occurred for several reasons, but the trend was expedited by domestic civil disturbance considerations during the 1960s.

One of the most recent military technology transfers has been visible at Occupy encampments in recent weeks – first in Oakland, and later in New York City. This device is a so-called “sonic cannon,” or Long Range Acoustic Device (LRAD). LRAD was first introduced into the domestic realm during the 2004 Republican National Convention, but was not used.

Four years later, the device was operationalized during the G20 protests in Pittsburgh. LRAD concentrates and amplifies sound waves, and can direct painful beams of acoustical energy at crowds or individuals.

LRAD had its origins as a “force protection” technology used in military peacekeeping operations, where lethal force was not seen as desirable in every instance. Such scenarios (called “Operations Other Than War” within military planning circles) have been a prime generator of less-lethal weapons systems that eventually turn up in the hands of domestic law enforcement agencies. CS gas and rubber bullets have all followed this same trajectory.

### **Modifying the force continuum**

On November 18th, police officers at the University of California, Davis doused several seated, nonviolent Occupy protesters with blasts of concentrated pepper spray.

Video of the incident brought worldwide media attention to the use of such techniques. In a November 19th article, the Associated Press asked former Baltimore police lieutenant Charles Kelly to evaluate the use of force depicted in the video footage. Kelly told the AP that such activity is “fairly standard police procedure.”

Kelly’s statement is accurate, but also telling, given the way that certain technologies have become mainstreamed within law enforcement agencies.

Police departments have detailed policies relating to the use of force by their officers, and frequently employ use-of-force guidelines that chart tactics along a so-called “force continuum.” This continuum attempts to describe – in an escalating fashion – use of force options, and calibrates them to particular circumstances. On the lowest end is a verbal command. On the highest end is the use of deadly force via the discharge of firearms.

Several “less-lethal” technologies have been placed into police service with the expectation that they can be ranked fairly low on the force continuum scale, and thus can be used more frequently against non-compliant (but non-violent) individuals. These include many weapons commonly used in protest response - such as pepper spray or pepper gel - which cause intense pain.

The use of pepper gel first emerged in the Pacific Northwest, when it was employed against environmental activists who chained themselves to logging equipment. Video of these actions shows deputies applying pepper gel directly to the eyes of lock-down participants, who subsequently writhe and scream in agony. Pepper gel was used shortly thereafter by Minneapolis police during a large-scale raid against Hiawatha re-route protesters in 1998. Like many things that occurred during that raid, the use of pepper gel appeared to be experimental in nature. Since then, metro area police have moved decisively in the direction of using pepper spray in protest applications.

CS gas (tear gas) is a frequently-used crowd control modality that poses some particular, acute hazards. While non-lethal in most circumstances, it can become life-threatening when used in high concentrations inside an enclosed space - such as during the 1993 FBI raid at Waco, Texas. Its principal danger, however, lies in the mis-deployment of its canisters.

CS gas projectiles are fired from military-grade launchers used for deploying chemical rounds. The manufactures of long-range CS canisters indicate that such rounds should be “skip-fired” at the ground, so that they lose lethal velocity prior to discharging their chemical payloads. Despite this, police in numerous jurisdictions have mis-used these devices by firing them directly at crowds. This first became widely evident during the Seattle WTO protests in 1999. More recently, Oakland protest participant Scott Olsen suffered serious head trauma after apparently being struck in the cranium by a directly-fired gas round.

### **Civil disturbance suppression at what cost?**

The coordinated police raids of recent weeks present a unique view of the architecture of American civil disturbance response, and pose some basic questions about its nature and operation.

It is worth examining, for instance, the situation that the Occupy movement has posed for law enforcement. To be sure, most Occupy encampments were established without formal permits, opening participants to various misdemeanor legal infractions. At some encampments, more serious, individual crimes have occurred. However, the overall movement - in relation to its broad scale - has been largely placid.

To be certain, there can be political unrest that veers into heedless violence or vandalism. There can also be mass violence that occurs for its own sake, independent of any political considerations. In both instances, there is an appropriate role for law enforcement to play. There is also a limited role for some of the tools that have been brought to bear in recent decades. As a press witness to the chaotic post-hockey game riots at the University of Minnesota in 2003, I can attest to the effectiveness of CS gas in a crowd control situation.

At the same time, the widespread use of such methods should lead us to scrutinize our ever-growing internal security apparatus, and to ask serious questions about the purposes to which it is being put. For instance, is the use of paramilitary force an appropriate response to largely non-violent civic protest?

In a nation whose identity was forged in the cauldron of public dissent during the “Stamp Act Riots” and the Boston Tea Party, the answer should be self-evident.