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FTAA after Action Review

INTRODUCTION

During the week of November 17 — 21, 2003, the City of Miami Police Department spearheaded a multi-agency law enforcement effort designed to provide security for the Free Trade Area of the Americas Summit (FTAA) and, at the same time, provide ample opportunity for protestors to express their opinions regarding the creation of the FTAA. This undertaking is recognized as the largest collaborative law enforcement operation in the history of Florida and perhaps in the country. Although there are certainly areas where lessons can be learned for the future, the FTAA operation was an overall success with Summit meetings proceeding without disruption and thousands of lawful protestors exercising their right to free speech.

The security plan for the FTAA involved the participation of 25 Local law enforcement agencies, 7 State agencies and 7 Federal agencies. Planning, training and coordination are formidable tasks in any large law enforcement operation, however, the addition of each additional agency greatly complicates the mission. Law enforcement agencies with different rank structures, uniforms, training and protocols must put aside their organizational independence and come together to operate as a single entity. Some 40 different law enforcement agencies bring with them some 40 different chiefs or directors. However, in coordinating a massive, single event, all of these accomplished, independent leaders would be required to submit to a single plan and a single command. It was a tall order and perhaps one without precedent in American law enforcement.

As the primary law enforcement entity in the host City, the City of Miami Police Department assumed a primary leadership role in the FTAA law enforcement operation. This role made sense for many reasons. The vast majority of FTAA events were scheduled within the City of Miami. The host locales for the Summit meetings and for housing the representatives from the 34 participating nations were the Intercontinental and Hyatt Hotels in downtown Miami. The protest groups had indicated their intentions to protest in the vicinity of the FTAA meetings, specifically on and around Biscayne Boulevard and in the Bayfront Amphitheater adjacent to the Intercontinental property. The Miami Police Department has the permanent presence and the greatest familiarity with the downtown area most affected by the FTAA. The residents and businesses of the City that comprise the core constituency of the Miami Police Department were the same folks being asked to compromise their routines and convenience during the FTAA week. It made perfect sense that the City of Miami Police Department should assume the primary leadership role in the FTAA security operation.

The Miami Police Department policed numerous major events in 2003 without incident including the Marlins championship parades, the Celia Cruz memorial and the Latin Grammy Awards, the latter of which agreed to a Miami locale for the first time after successful negotiations were hosted by the Miami Police Department with opposing groups of protestors and the ACLU. To suggest that the Miami Police Department then sought to stifle free speech and deny constitutional protections during the FTAA Summit flies in the face of the preparation

and execution of the security plan as well as the recent history of the department under its current leadership.

POLICING GOALS

There were several goals that the Miami Police Department and its law enforcement partners sought to accomplish in order for the policing of the FTAA to be considered a success. The nations participating in the FTAA chose the City of Miami as the site for this important Summit. With this honor for the City came certain responsibilities. The FTAA participants had every right to expect that their safety would not be jeopardized by those with opposing viewpoints and the meeting places that they paid for would not be unlawfully disrupted. The individuals and groups that wished to express their viewpoints regarding the formation of the FTAA had every right to expect a forum and opportunity in which their opinions could be voiced. The people and businesses of Miami also had the right to a safe continuation of their everyday affairs with a minimum of inconvenience. All parties, including law enforcement officers, maintained the right to go about their business free from assault. With proper planning and preparation, none of these objectives needed to be mutually exclusive.

RECENT PROTEST HISTORY

The recent history of violence accompanying protests at world economic forums was a concern for police, FTAA organizers and lawful protestors. At the 1999 World Trade Organization Summit in Seattle, police were caught off-guard by a previously unseen level of coordinated violence committed by protestors from a variety of coalition groups now commonly referred to as “anarchists.” Masked criminal offenders displayed impressive planning, coordination and communication capabilities in launching attacks on police and businesses perceived to be symbols of corporate greed. Two days of violence nearly forced the cancellation of the trade meetings. When police reinforcements finally gained control, some \$3 million in damage had occurred and a much greater toll was taken on the psyche of Seattle and its police department. To be fair, Seattle was the first American city to experience this new form of organized violence. It would not be the last. This new breed of protest made violent encores at economic and political summits in other American cities including New York, Philadelphia, Washington D.C. and Los Angeles. Other similar protests took place in international host cities such as Geneva, Quebec City and Cancun. Organizers and individuals promised more of the same and worse at the FTAA in Miami.

This disturbing new protest movement has made chaos and violence their primary message. The coalition of protestors willing to engage in varying degrees of criminal activity generally fall into two separate but highly interdependent groups. Standing alone, the less dangerous group includes those who are not affirmatively violent but are willing to use their members’ bodies, puppets and devices known as “sleeping dragons” to close down traffic intersections, businesses and particularly access to the forum being protested. These individuals may not personally attack police officers or destroy property but they refuse police dispersal orders thus making it possible for violence to be perpetuated by others in their midst while making it more difficult for police to gain control. They create roadblocks and link arms forming human chains to physically block police movements. When arrested, these individuals and groups passively resist arrest, forcing officers to lift their dead weight with great risk of injury to the involved officers. They engage in jailhouse solidarity tactics such as swapping clothing and refusing to identify themselves with

the expressed aim of stalling the criminal justice system. They will not seek parade or rally permits nor will they negotiate with the jurisdiction for reasonable protest accommodations. These are not your father's protestors. They are more than passive resisters but beyond the inconvenience created, the greatest threat presented by their uncivil disobedience is the opportunity and cover that they provide for the violent protestors.

The second, more hard-core group includes the self-described "anarchists." They travel to the host city vowing to commit violence. In each city, the anarchists have kept their promise to attack police officers and security lines and to vandalize as much property as possible. Their modus operandi is to attack police officers with projectiles including rocks, bottles, slingshot-fired marbles and steel bolts, paint, unidentified liquids suspected to be human excrement, powerful fireworks and ignited road flares. They free colleagues being arrested by physically assaulting the arresting officers and dragging their compatriots away. These criminals also seek to establish roadblocks, set fires, smash windows, deface buildings, and destroy government property including police vehicles. In media interviews and on internet websites, they espouse a romantic self-image as avengers fighting for a noble cause. In reality, they are criminal thugs whose only intent and message is to commit violence in order to deny the rights of others with whom they disagree. By themselves, they are powerless because their criminal intent and activities are transparent and universally disavowed. Therefore, they must rely on the less violent coalition protestors for access and camouflage. Worse yet, they then infiltrate lawful protests in order to create a human shield of innocent protestors from behind which they commit their cowardly "hit and run" attacks.

CALLS FOR CALM

In the months leading up to the FTAA Summit, the violent protest in Seattle and other cities were given inordinate attention from the media. It was rare to see any news story that did not prominently feature images of rioting protestors at previous events. The level of alarm in these stories increased as the FTAA Summit approached and it reached a point of near hysteria in the weeks and days prior. There can be no doubt that these stories caused anxiety and fear amongst citizens and businesses in Miami as well as amongst police officers awaiting their assignment at the FTAA.

An enormous effort was undertaken by the Mayor of Miami, the Chief of Police and his leadership staff to ease the concerns and fears generated by the media portrayal of violence and destruction. Police officers and supervisors personally visited scores of businesses in downtown Miami. The Mayor, the Chief and the City's Community Relations Board took advantage of media interviews to spread a message of calm. The police leadership delivered the same message to all our law enforcement partners. The Chief generated a video message for all officers that sought to calm their anxieties and remind them of their obligation of professionalism and restraint. One week prior to the FTAA, the Chief also personally spoke to the Greater Miami Chamber of Commerce luncheon and urged the attendees to keep their companies open and continue their business as usual. The message was constant; while minor inconveniences were possible, the police could guarantee their safety so they should not panic nor close their operations.

I) TRAINING

The law enforcement training initiative for the FTAA was unprecedented in scope, intensity and

the number of agencies involved. This six-month effort was headed by a Miami Police Department Commander who is also a current consultant with Community Research Associates, Inc., a contractor with the U.S. Department of Homeland Security's Office of Domestic Preparedness (OPD). The Training Commander was also an original member of the Civil Disorder Initiative sponsored by the U.S. Department of Justice.

The training mission for the FTAA was to educate Miami Police Department personnel and that of partnering law enforcement agencies on the latest techniques in civil disorder management, strategies and tactics, civil liberties and restraint. The training and application of the attained skills greatly contributed to the overall success achieved during the FTAA.

TRAINING FOR COMMANDERS

Fifty command level personnel (police, fire, public works and city attorney) attended a 40-hour course taught by instructors from the New York City Police Department, Washington D.C. Metropolitan Police Department, Arizona Department of Public Safety, Santa Monica City Attorney's Office, Morris County Prosecutor's Office and County of Los Angeles Fire Department. This is an Office of Domestic Preparedness course entitled Managing Civil Actions In Threat Incidents. Topics included History of Riotous Behavior and Lessons Learned, Planning, Training and Intelligence, Community and Media Relations, Demonstrator Tactics, Riot Control Agents and Less Lethal Munitions, Incident Command Systems, Legal Perspectives, Fire Ground Tactics, Doctrinal Concepts, Team Tactics, Force Multipliers, and Multi-Casualty/Mass Decontamination Scenes. The training concluded with a Command Post Exercise.

Throughout the planning process, several informal tabletop type exercises were conducted within the MPD command staff structure. These exercises were conducted as "what if" scenarios targeting specific security areas such as mass arrest situations, crowd control tactics, traffic, etc. Various contingency plans were tested during these exercises. Strengths and weaknesses were identified and the operational plan was modified as required.

Two weeks prior to the FTAA events, 167 law enforcement personnel from most of the participating agencies attended a Tabletop Exercise held at the United States Coast Guard Facility in Miami Beach. Two distinguished consultants from OPD and the FTAA Training Commander conducted this intense training session, which dealt with the management of potential threat incidents during FTAA events. This networking session proved informative and led to additional modifications of the operational plan.

PATROL RESPONSE PLATOON TRAINING

Seven Lieutenants, 28 Sergeants and 238 Officers from the Miami Police Department along with law enforcement personnel from the Broward Sheriff's Office, Hialeah Police Department, Coral Gables Police Department and the Miami Beach Police Department were taught and demonstrated team tactics in order to mitigate protestor actions and disorder. The course information was derived from the ODP Basic Course manual for Managing Civil Actions in Threat Incidents. The lesson plan emphasized discipline, group action, demonstrator tactics, protection of First Amendment rights, rapid deployment, line formations, verbal and hand commands, squad movements, equipment familiarity, arrest techniques, and use of the baton. The initial course was ten hours, followed by another ten hours of drills and practice. The

Response Platoon Commanders were also responsible for drilling their personnel in formation to stress the importance of team tactics and to ensure a level of comfort with the response tactics and procedures.

PROTESTOR DEVICES

Twelve instructors from Community Research Associates provided instruction during four Protestor Devices Courses. The courses were attended by twenty-nine MPD personnel (one Lieutenant, four Sergeants and 24 Officers) and ninety personnel from outside agencies. This intense training consisted of a half-day of classroom lecture and two and a half days of Field Exercises. Students learned about protestor extraction techniques used to disassemble ““sleeping dragons”” and other lock-down devices such as those constructed with bicycle locks or drums of concrete. Legal issues and tool familiarization were also covered.

At the specific direction of the Chief of Police, the cut teams were instructed to take their time in removing ““locked-down”” protestors. Absent exigent circumstances, the police were trained to permit the protestors to sit for hours until the timing was optimal for police to handle this low-level priority. The trainees were taught to be aware that such lock-down tactics had been used in previous demonstrations as a diversionary tactic while other protestors engaged in more violent actions.

BICYCLE RESPONSE PLATOONS

Two Bicycle Response Platoons were trained for a primary role at the FTAA. Each Platoon consisted of 32 officers commanded by a Lieutenant and four Sergeants. The training consisted of crowd management, reconnaissance of unruly demonstrators, blocking of traffic intersections, arrest techniques, squad formations and team tactics. The initial course was ten hours, however, as with the Patrol Response Platoon Commanders, the Bicycle Response Platoon Commanders also drilled their personnel separately to stress the importance of Team Tactics and to build endurance.

MASS ARREST PROCESSING

A Miami Police Captain and Lieutenant trained six Sergeants and twenty-three other MPD personnel and the multi-agency partners in the processing methods to be utilized during mass arrests. The topics included processing of prisoners, transportation, field processing of evidence and personal property, and arrest reports. The ten-hour course stressed the need to positively identify each prisoner and the criminal act committed. Particular emphasis was placed on protestor tactics such as refusing to identify themselves and switching clothing with the intent of confusing and delaying the criminal process.

EXTRACTION TEAMS

The FTAA training plan included the intention, when possible, for plainclothes officers to identify and assist with the arrest of violent individuals committing attacks from within the cover of crowds. These officers were taught several arrest techniques that could assist them in making arrests without risking a larger confrontation with the crowd. Hands-on instruction was provided and each member practiced these techniques until they were comfortable with the application. Extraction team members were also certified with the non-lethal Taser device that can temporarily incapacitate a violent subject with no long term damage to that individual.

TECHNICAL SUPPORT DETAIL

One Sergeant and ten Officers of the TSD were taught how to operate heavy equipment such as Bob Cats, Front End Loaders, Cherry Pickers, Dump Trucks and Buses. The Detail was also responsible for issuing and maintaining equipment such as batons, MK-9 and MK-46 pepper spray delivery systems, fire suppression equipment, and extraction tools. They assisted with moving heavy equipment and putting up the barrier system. Detail members assisted during the Cut Team and Response Platoon Training. They made toolboxes, extraction platforms, and ““sleeping dragons”” for training. The TSD was trained to swiftly address attempts by demonstrators to block streets by dumping substances (i.e., manure) in the road.

SWAT TRAINING

The Miami Police Department’s SWAT training for the FTAA focused on the tactics that they might be called upon to utilize during the FTAA week. Additionally, since they were to have sole responsibility within the Miami Police Department for deploying certain less lethal tools, SWAT concentrated on these deployment methods.

SWAT was given extensive training on the less lethal tools that were assigned to them. For example, training was specifically provided on the use of the pepper ball system. SWAT also conducted specific training on the 40mm multi-launcher that can deliver bean bags, foam impact rounds and the exact impact pepper ball rounds. During another training session, SWAT concentrated on the 12 gauge, drag-stabilized beanbag round. Other training sessions focused on elevated rope rescue work. This training was meant to prepare officers to safely remove any demonstrators that might climb on a high-rise building or tie themselves off from a bridge with a banner or other protest device. SWAT trained in vehicle rescue techniques that prepared them to rescue individuals that might become trapped in a motor vehicle when a hostile crowd surrounds the vehicle threatening physical harm to the occupants.

SWAT trained in these specialty areas as a standalone team but they also trained with Response Platoons on deployment techniques and defending the fence line from attacks. For instance, previous attacks in other host cities had included the use of grappling hooks by crowds to pull down fences. Therefore SWAT developed and trained in techniques for defeating such attacks on the security fence, skills they later successfully deployed during the FTAA event.

AVIATION COMPONENT TRAINING

Multiple classroom and practicum sessions provided the training for the air operations. A tabletop exercise sponsored by the U.S Coast Guard included the participation of all but one of the agencies making up the Air Operations Command. The Air Operations team also flew in the nighttime FTAA field exercise. The Air Command flew multiple missions during the planning sessions, providing invaluable insight and familiarization for the law enforcement agencies participating in the event.

MARINE COMPONENT TRAINING

A ““Blue Green Training Team”” hired by Florida Fish and Wildlife Conservation Commission coordinated an operational training exercise to kickoff the maritime component of the FTAA. It proved useful in exercising the interagency communications plan and responding to various

scenarios that were expected during the FTAA. Interagency participants were required to develop responses in real time, putting into practice those lessons learned on paper and at the joint tabletop exercise. It also gave the staff on the Marine Operations Center an opportunity to better organize the command by assigning specific individuals to handle each task including some that had not been previously assigned. This practicum enabled all those assigned to swiftly find their niche as radio talkers, log keepers, vessel traffic managers or supervisors.

LEGAL TRAINING

The FTAA law enforcement command created a Legal Training Committee. The Committee was composed of police commanders, representatives from the State Attorney's Office, FBI, ATF, US Attorney's Office, Dade County Clerk's Office, and the Police Legal Counsels from the Miami Police Department, Miami Beach Police Department, Miami-Dade Police Department, Dade County Corrections, Broward County Sheriff's Office, and the Florida Department of Law Enforcement. The Committee set about developing a guideline and training for officers on legal issues anticipated during the FTAA. These issues included parade and rally guidelines, arrest protocols, and protestor rights to free speech and assembly. The Committee also played a primary role in the development of free speech zones and the permitting process.

Considerable time was spent by the Committee and others reviewing prior protest events to identify mistakes and planning to prevent their reoccurrence. For example, during previous violent demonstrations, the State Attorney's Office reported that numerous criminal charges were dismissed due to insufficient information in the arrest paperwork and a failure to positively identify particular defendants. The Committee developed a curriculum and trained officers on how to properly effect mass arrests with the greatest likelihood of successful prosecution.

The Legal Committee created a Power-Point presentation that was delivered along with live instruction in a five-hour block to 95 police commanders from all the law enforcement agencies scheduled to participate in the FTAA. Another two-hour block was spent with approximately two-dozen Assistant State Attorneys to discuss plans and expectations for FTAA.

The Legal Committee created a Manual that was made available to all officers. This manual explained in plain English what authority and limitations the police were operating under. Finally, during the FTAA event itself, members from the Legal Committee were present in briefings and on-scene at demonstrations in case commanders needed legal advice in an instant.

EMBEDDED MEDIA

A mandatory two-hour training class was conducted for the members of the media organizations that requested to be embedded with police Patrol Response Platoons, Bicycle Response Platoons, Cut Teams or Marine Patrols. Ten representatives from media organizations attended. The training centered on the safe positioning of media personnel within these police elements. The media participants were instructed on the dangers of placing themselves between violent protestors and the police line. Some other topics included anticipated crowd actions, personal protective gear, police formations, and the potential use of weapons including batons, chemical and less lethal tools.

RULES OF ENGAGEMENT

Rules of Engagement were created to ensure that all agencies participating in the FTAA event

were following the same strict, self-imposed guidelines on when the use of force was appropriate. The Rules were developed by the Miami Police Department, the City Legal Department and the FTAA Legal Training Committee. The Rules were presented to all participating agencies in a formal setting at the Miami Police Department. In addition, a Power-Point presentation and video was provided to all law enforcement participants. A video presentation featuring the Chief of Police demonstrating the Rules and his expectation of restraint was shown to all Miami police officers in roll call.

The Rules of Engagement are based on a Force Continuum; the police react to the protestor's actions and the Rules emphasize the minimum necessary force required to stabilize a situation. The Continuum begins with omnipresence and steadily increases in response to the force used against officers — verbal force, physical force, mechanical or chemical level 1 force, and mechanical or chemical level 2 forces and finally deadly force. The Continuum addresses areas such as required authorization to use force, type of protestor resistance, type of protestor activity, purpose of using force and tactics to be utilized.

Omnipresence is a well-organized police force that demonstrates that it is in control during passive protest events. The obvious preparedness of the officers deters violent action. Verbal Commands are used in non-peaceful civil disobedience situations. Officers attempt to appeal to reason by providing direction, negotiating, compromising and, when necessary, giving lawful orders including orders to disperse. During both of these levels, protestors are passive and officers are deployed in formations. In most situations, omnipresence and verbal commands are sufficient to control the situation without resorting to physical force.

The level of force escalates when the protestor resistance level becomes active. Physical force may be necessary when protestors begin to violate laws and assemble unlawfully. Officers may begin to move crowds in formations, make arrests, extract protestors or contain groups. In addition to using formations, arrest teams and cut teams may be deployed. When a physical threat or harm to property or persons is presented, the force continuum escalates to Mechanical/Chemical Level 1. At this level officers can utilize baton strikes, tasers, and chemical agents to restore order, protect life and property, and in self-defense. All the levels of force discussed thus far required the authorization of a Lieutenant or person of higher rank as clearly delineated in the Rules of Engagement.

The next level of force, Mechanical/Chemical Level 2, required the authorization of a SWAT Lieutenant or Captain or a person of higher rank. At this level, protestors are physically aggressive and imminent physical harm is likely. Here protestors are using objects such as bricks, marbles propelled by sling shot, bolts, etc. to cause harm to officers. Less lethal tools are used to stop this threat including sponge rounds and pepper balls. SWAT team members deploy these tools. The amount of force used escalates in order to meet the force of the violent protestors then deescalates as the threat decreases. All deployment considerations for mechanical and chemical weapons are based on safety, effectiveness, deliverability, authorization and accountability.

Officers were taught that, except in a dire emergency, the use of force would be limited and controlled at the order of their platoon commander. Every effort would be expended to use force only on particular individuals committing violent acts. Use of force upon larger crowds was only to be authorized when police were subject to serious attack, multiple dispersion orders were

provided and the mob's refusal to disperse was making possible the attacks from within the crowd. Except in dire emergencies, there was not to be any independent response by officers to force used against them by a mob. Miami Police Department officers and our partners were repeatedly instructed that they were not to respond to expected verbal provocation. In summary, force was to be used only in response to force and at the direction of a ranking supervisor. Restraint and professionalism were the professed keys to law enforcement's success at the FTAA.

FINAL OPERATIONAL TRAINING MODULE

The FTAA Training Component designed and held a night practicum using all City of Miami, Hollywood, Miami Beach and Hialeah police resources that were planned to have major roles during the FTAA. Nine potential scenarios were established in the Downtown core, Bayside Market and the Bayfront Amphitheater. The Response Teams were required to utilize all the formations that had been taught to them over the previous months. These formations included columns, skirmish lines, skirmish lines with close support, wedges, wedges with close support, moving the crowd by advancing the platoon at a half-step, and moving a crowd by advancing the platoon with a controlled rush. The Cut Teams used extraction tools to overcome actual "sleeping dragons" and other protestor devices. The Bayside Market was cleared of plainclothes officers posing as resistant and violent protestors. The Bayfront Amphitheater was similarly cleared and secured. The Bomb Squad rendered safe a mock explosive device. The Technical Support Detail cleared a street of dumped sand and removed hanging banners from traffic signals. The plainclothes extraction team members effected arrests from a crowd while receiving tactical support from a Response Platoon. And the SWAT Team entered and secured a School Bus.

This realistic practicum was conducted during the midnight hours in the actual venues and in real time. The Chiefs from the participating agencies attended the scenarios and provided feedback to the officers. The Miami-Dade Police Department conducted independent training in the Downtown core.

II) PLANNING

In February 2003, the Miami Police Department began developing plans for policing the FTAA event against the backdrop of recent violent protest and the promise of more in Miami. In its After-Action review of the 1999 World Trade Summit, the Seattle Police Department identified the single largest shortcoming in their policing plan to be the failure to plan for the "worst case scenario." While the recent history was a concern, the challenge was to prepare for the worst while making all reasonable plans and contingencies to create a forum conducive to the cherished American right to lawful protest. The easiest way to prevent violence and disturbance at the FTAA Summit was to use a heavy police presence to limit protest. The more complicated challenge was to be both firm and flexible while promoting a free and spirited exchange of protestor viewpoints. The latter was the path chosen by the law enforcement leadership.

COMMAND STRUCTURE

The command structure for the FTAA was developed with two separate but integrated commands, the Miami Police Department Steering Committee and the Joint Law Enforcement Command.

The Miami Police Department FTAA Steering Committee consisted of an Incident Commander and Operations, Planning, Logistics and Finance Sections. Each Section was commanded by a Captain except Logistics which was commanded by a Lieutenant.

In the initial planning phase, a single police Captain filled the roles of Incident Commander and Operations and Planning Section Commander. The command structure continually expanded as required to meet the increasing demands. The final command configuration included the Miami Police Department's Deputy Chief as the Incident Commander, a Police Major as the Deputy Incident Commander, Police Commanders as the Commanders of Intelligence and the Hard Perimeter, and Captains in command of the Operations, Planning, and Finance Section with a Lieutenant in charge of the Logistics Section.

The Joint Law Enforcement Command was comprised of the heads of agencies or their representatives who assumed a major role or specific function for the security of the FTAA Ministerial. These agencies were given an equal voice in the decision making process in the planning stage. During the mobilization, each agency received directions from the Joint Law Enforcement Operations Center or the Operations Commander.

LAW ENFORCEMENT RESOURCES

Approximately 40 law enforcement agencies took part in the FTAA Ministerial Joint Law Enforcement Operation. In most instances, agencies were asked to assume a specific role or area of responsibility. The personnel and equipment resources varied dramatically based on the assignment. Many of the agencies were assigned task specific responsibilities, i.e., the Florida Fish and Wildlife Commission provided extensive aviation and marine assets. Others were tasked with a particular geographic area of responsibility, i.e., the Florida Highway Patrol assumed security responsibility for the target-rich Brickell Avenue Financial Corridor. The operational command carefully matched available resources to identified security needs in developing the overall policing plan for the FTAA week.

COMMAND AREAS

In order to best utilize the police resources provided by the participating law enforcement agencies, the Downtown area was divided into three command areas for FTAA, the Northern, Central, and Southern Command Areas.

Primary responsibility for policing the Northern Command Area was assigned to the Miami-Dade Police Department. The boundaries for the Northern Command were from I-95 south to NW/NE 4th Street and from I-95 east to Biscayne Bay. This area included the Port of Miami and the American Airlines Arena. The Port falls under the regular jurisdiction of the Miami-Dade Police Department.

The Central Command Area was the primary responsibility of the Miami Police Department. The boundaries for the Central Command were from NW/NE 4th Street south to the Miami River and from I-95 east to Biscayne Bay. The Central Command included the FTAA host venues, namely the Intercontinental and Hyatt Hotels, as well as the Bayfront Park Amphitheater, the Bayside Marketplace, the Flagler Street commercial district, the Miami Police Department Headquarters and other areas attractive to protestors. Although located in the Central Command Area, the Dade County Courthouses and the Steven P. Clark County Government Center were to be

policed by the Miami-Dade Police Department as they are County facilities. All Federal government buildings were policed by Federal law enforcement agencies.

The Southern Command Area was the primary responsibility of the Florida Highway Patrol. The boundaries for the Southern Command were the downtown Miami area south of the Miami River, from I-95 east to Biscayne Bay. The Southern Command included the vulnerable Brickell Avenue Financial Corridor, home to banking and multi-national corporations favored as targets for violent protest in previous economic forums. The Southern Command also included the ground travel route to a reception for the Ministers, American Business Forum delegates, and local business and government leaders scheduled for the Vizcaya Palace, though the security for the actual event at the Palace was handled by the Miami-Dade Police Department as the location is a County facility.

SECURITY ZONES

After reviewing the conference locations and analyzing the potential threats based on past incidents and the promises of similar actions in Miami, the area immediately surrounding the host locales was broken down into Perimeters or Security Zones.

Commencing on Saturday November 15, 2003, at 8AM, the Intercontinental Hotel Security Zone was staffed and posted. The boundaries of this perimeter was set at Biscayne Boulevard on the west to Biscayne Bay on the east with Chopin Plaza on the north to the southern-most property line of the Miami Center/Intercontinental Hotel. A perimeter was established around the Intercontinental Hotel utilizing French barricades.

The next day, Sunday November 16th, at 7AM, the perimeter was expanded to include the Hyatt Hotel with all access points staffed and to remain so through the end of the event. This perimeter was initially bordered by concert style barricades. The boundary of the outer perimeter was a line extending east to west across Bayfront Park approximately 20 feet south of the Bayfront Amphitheatre. The barricade line then extended south through Bayfront Park to the south curb line of Flagler Street. The barricade then extended west across Biscayne Boulevard to the center parking median and ran parallel to the People Mover tracks, south to SE 2nd Street.

Construction of a fixed barrier system resulting in the sealing of the ““Restricted Area”” for the duration of the FTAA event commenced on Sunday afternoon, November 16th, with the removal of the barricades and the installation of the security fence. The security fence was rented at a total cost of nearly \$200,000. It has a patented design that was created specifically to address unruly crowds seeking to breach security barriers. It is constructed of interlocking steel panels with tight mesh to prevent protestors from gaining a handgrip for either climbing or pulling on the fence. The fence has a metal plate attached at the bottom that extends approximately three feet towards the crowd. In order to get close enough to touch the fence, a protestor must stand on the attached metal plate. This plate prevents demonstrators from pushing over the fence as they would be forced to also lift their own weight as they stand on the plate.

With the installation of the security fence, the ““Restricted Area”” became a frozen zone with strict controls on access to the area until the end of the event. This Restricted Area had several access points, staffed on a 24-hour basis. All persons wishing to gain access into the Restricted Area were required to have FTAA credentials. In the event a person did not have credentials, positive identification and verification that such a person was authorized entry into the Restricted

Area was determined via the Command Post. Law Enforcement officers were also required to present credentials to enter the Restricted Area.

The plan called for each hotel and business located within the restricted area to have designated access points to enter the area. Those designated access points were to be displayed on each individual's credentials. As discussed in the "Additional Issues" section this report, the credential process was the responsibility of a non-law enforcement governmental agency. The original plan was determined to be faulty, however, enormous efforts by the law enforcement team resulted in the development of a contingency plan that limited the inconvenience caused by the initial breakdown in the credentialing process.

All commercial vehicles going to the Intercontinental Hotel were directed to enter the Restricted Area via Checkpoint Alpha at Brickell Avenue and SE 5th Street. These vehicles were screened by a VACIS x-ray machine provided and staffed by the Florida Department of Agriculture. Commercial vehicles going to the Hyatt and Clarion Hotels were to enter the Restricted Area via Gate 14 at South Miami Avenue and 4th Street where a manual security screening would occur. With the assistance of the Florida Highway Patrol, Miami Police Department Motors Officers conducted VIP escorts into the Restricted Area and to other outside functions.

External security for the Intercontinental Hotel was assigned to the Miami Police Department with tactical response provided by the Florida Department of Law Enforcement and internal security provided by the Federal Protective Service. The Federal Protective Services provided and staffed magnetometer scanning machines for those occasions when a secondary screening of people or objects was required. The Coral Gables Police Department was assigned security for the Hyatt Hotel and James L. Knight Convention Center. Bomb sweeps at both sites were coordinated through the Miami Police Department Bomb Squad.

The security fencing was also utilized to prevent individuals from entering that portion of Bayfront Park that immediately neighbors the Intercontinental Hotel as well as providing a barrier around the Bayside Marketplace. Bayfront Park is independently controlled by the Bayfront Park Trust. That portion of the Park closest to the Intercontinental Hotel had long been reserved for the annual Holiday Village. The Holiday Village was under construction the entire week of the FTAA. The Miami Beach Police Department was assigned security of the fence line at the north perimeter of the Park.

The Bayside Marketplace is a commercial venue adjacent to the Park. Its clients include companies such as Disney and Starbucks and others targeted for vandalism in previous economic forums. The fencing around the Marketplace included gates to allow the flow of customers while providing the ability to swiftly close the venue if necessary. The Marketplace was staffed by Miami Police Department personnel on November 15th and 16th with primary responsibility transferring to the Hialeah Police Department commencing on November 17th and continuing through the end of the event.

A "soft perimeter" was also established with boundaries from NW/NE 6 Street on the north, Biscayne Boulevard on the east, NW/SW 2nd Avenue on the west, and the Miami River on the south. Although south of the Miami River, the Brickell Avenue Financial Corridor was also considered to be within the soft perimeter. The role of officers assigned to the soft perimeter was to monitor vehicle and pedestrian traffic entering the Downtown area and maintain open the roadways along the perimeter. Staffing of the soft perimeter would not commence until 6AM on

Tuesday, November 18th. Vehicular and pedestrian traffic were free to travel within the soft perimeter, however an increased police presence was necessary due to the area's close proximity to FTAA locations, the existence of attractive or vulnerable targets and the need to keep traffic flowing through the busy downtown area.

BICYCLE PATROL

The image of Miami Police Department bicycle officers wearing short sleeves and short pants was intended to be the first and most frequent face of the FTAA policing mission.

A Bicycle Patrol Zone was established and began operating on November 15th at 8AM. The Bicycle Zone was bordered by NE 5th Street on the north, Miami Avenue on the west, Biscayne Boulevard on the east and SE 2nd Street on the south. This area was patrolled by a large number of officers on bicycles working staggered shifts. Bicycle officers provide rapid response with a reduced concern of delay faced by cars and vans attempting to navigate vehicular or pedestrian traffic. They worked in two teams or platoons, each with a high supervisory ratio. Each bicycle platoon consisted of one lieutenant, four sergeants and thirty-two officers. The bicycle platoons were assigned to escort all major parades and rallies. The bicycle teams also patrolled during all high activity periods during the FTAA week. These officers underwent specialized training and testing and, as a result, are in good physical condition.

TRAFFIC PLAN

The Miami Police Department Motors Unit was tasked with coordinating all traffic logistics with the Florida Department of Transportation and the Florida Highway Patrol.

A number of road closures and detours were expected due to various FTAA and protest events. Periodic adjustments were made to the traffic flow depending on the circumstances and traffic volume.

Exit ramps from I-95 to Biscayne Boulevard and Miami Avenue were closed from 6AM on Tuesday, November 18th to 7PM on Friday, November 21st. The Florida Highway Patrol was assigned responsibility for all closures on I-95. In the event of an emergency, incoming traffic would be prohibited from entering the area bordered to the west by Miami Avenue, the south by the Miami River, the north by East Flagler Street and the east by Biscayne Bay. In these instances, traffic would only be allowed to leave the area.

An information board was put at Biscayne Boulevard and 15th Street to advise of any expected delays or detours. Another information board was placed at Biscayne Boulevard and 12th Street informing of available traffic routes to the Port of Miami, Bayside Marketplace, and the American Airlines Arena. Additional Detour signs were placed at appropriate intersections to provide direction to drivers entering those locations. An information board was placed on I-95 informing of the exit closures days in advance. In fact, the Department of Transportation agreed to post the information on its various information boards ten days prior to the closure. Pertinent information was liberally provided to the media advising of the traffic plans.

CROWD CONTROL

Protest organizers estimated crowds in the tens of thousands. Police faced a great challenge in safely controlling that many people in an area several blocks in length at best and located in the

heart of a vibrant downtown business district. Bicycle officers had to have support available if the crowd grew too large or unruly. To provide for crowd control, a cadre of well-trained, highly-mobile Response Platoons was established.

The Miami Police Department deployed eight Response Platoons, each staffed by a lieutenant, four sergeants and thirty-two officers along with the two Bicycle Platoons. The other police agencies staffed an additional ten response platoons. The Response Platoons worked in conjunction with the Bicycle Platoons to channel and direct marches, assist at demonstration sites and respond as directed by the Operations Commander. The Response Platoons were selected well in advance of the FTAA and they trained and prepared together as a team for months.

On an as-needed basis, the response platoons were converted into Field Forces. Each Field Force consists of two Response Platoons acting as a single unit to achieve a specific task. The senior lieutenant assumed command of the Field Force, however, when deployed, the Field Forces were commanded by the overall operational commanders. As with the Bicycle Platoons, the Response Platoons were primarily assigned to the downtown area bordered by I-95 to Biscayne Bay and NW/NE 5th Street to the Miami River. A number of these Field Forces were put on reserve status in areas where problems might develop. The Florida Highway Patrol provided three Field Forces and the Broward County Sheriff's Office provided two more to supplement the four from the Miami Police Department. Ft. Lauderdale Police Department provided one Field Force daily on November 19th and 20th. The Coral Gables Police Department was redeployed as a Field Force on November 20th to assist with street demonstrations.

CUT TEAMS

In anticipation that Direct Action protestors would use ““sleeping dragons”” and other obstruction devices to lock themselves down at a particular location, the operational plan called for teams of specially trained officers called ““Cut Teams”” to handle such actions. The Miami Police Department staffed, trained and fielded four Cut Teams to address protestors utilizing improvised devices to disrupt traffic or as a diversionary tactic. The teams were equipped and trained in the latest techniques to safely extricate protestors from the devices. However, they were also trained that removing such individuals was not a priority unless the protestors were posing some other threat to health or safety at the time. Thus, these protestors would be allowed to sit indefinitely until it was most opportune for law enforcement to remove and arrest them.

The Miami Fire Department assigned personnel to each Cut Team in the event an officer or protestor was injured during the extraction. The Cut Teams were staged and scheduled in staggered shifts to provide maximum coverage throughout the event. As discussed further in the ““Additional Issues”” section, the Cut Teams were ready but the need to use them never materialized.

MOUNTED

The Miami Police Department Mounted Unit was tasked with coordinating all mounted units operating in the Downtown area under one unified task force. The Miami Police Department and the Miami-Dade Police Department mounted units were combined into one unified task force, consisting of 12 mounts. Mounted Units were utilized to monitor non-violent crowds, provide a highly visible patrol presence in the Downtown area and assist with crowd control when needed.

SWAT

The FTAA law enforcement operational plan greatly benefited from the availability and expertise of the various SWAT teams assigned to the event. SWAT teams are highly trained and disciplined police forces staffed with officers who have demonstrated the skill, temperament, and fitness necessary to address the most dangerous assignments in policing. The teams train and operate as a unit at all times. There is a high supervisory ratio and they focus on utilizing the minimum force necessary to safely accomplish any mission.

The Miami Police Department SWAT team was assigned various duties during the FTAA week. SWAT was fully mobilized and operational on November 15th, 2003, in an Alpha/Bravo configuration (12 hour tours). The SWAT team was configured into two groups, each composed of one Lieutenant, one Sergeant and eleven officers. Aside from their usual compliment of equipment and weaponry, SWAT had at their disposal a variety of less lethal munitions and weapons, numerous tools and ropes, and climbing and rappelling equipment. The SWAT teams are highly mobile and self-sufficient. They were deployed at the police staging area on stand-by status, available to respond to any incident in the operational area.

The Miami Police Department's SWAT team was complemented and supported by SWAT teams of partner agencies. The Coral Gables Police Department's SWAT team was tasked to provide first response to critical incidents at the Hyatt Hotel. The Florida Department of Law Enforcement was tasked to provide first response to critical incidents at the Intercontinental Hotel. The Hialeah Police Department SWAT team was tasked to provide first response to critical incidents at Bayside Marketplace. The Miami Beach Police Department SWAT team was tasked to provide first response to critical incidents at the Bayfront Park Amphitheater. The Florida Highway Patrol SWAT team was tasked to provide first response to critical incidents occurring south of the Miami River and had two Armored Rescue Vehicles available on stand-by for deployment if needed. The Federal Bureau of Investigation's SWAT team placed observers at various high points in close proximity to the site of the Ministerial meetings. The U.S. Customs Special Operations Team assisted the Miami Police SWAT team in tactical response as directed by the Joint Law Enforcement Operations Center and was on standby within the security perimeter.

LOGISTICS OPERATIONS

Logistics personnel were assigned responsibility for coordinating the ordering, acquisition and delivery of approximately 3,000 meals per day. The Logistics Team coordinated purchase orders for 25 pallets of water, 10 pallets of Gatorade, and 10,000 Power Bars. The Logistics Team also coordinated activities at the Staging Area (the Orange Bowl) and provided for two De-Escalation sites for officers where officers could rest and receive nourishment. These sites provided commanders with a place they could send officers from the frontline to cool down, physically from the heat and emotionally from the incessant taunting and provocation. Six mobile logistic vans per shift were made available to deliver food and water to those officers unable to leave their post for many hours on end.

Transportation of officers and supplies was also coordinated by the Logistics Team. Once officers arrived at the Staging Area and received their assignment for the day, they were transported by either Metro-Dade Bus or in one of several 15-passenger vans secured by the

Logistics Team. Ten golf carts were rented for utilization in the transportation of personnel and supplies in the Downtown Area in case traffic prevented the arrival of vehicles.

ARREST PROCESSING

An enormous prisoner processing challenge is presented whenever a large number of individuals are arrested in a single incident. Protocols must be established so that officers can effect an arrest, secure evidence and personal property, and take steps to ensure that prisoner and specific crime information are recorded to permit proper testimony at subsequent court proceedings. The officer must be prepared to take additional precautions if the prisoners are violent or require decontamination from exposure to pepper spray or other contaminants. The arresting officer must do these things swiftly so as to minimize the time he or she must spend away from the police lines. These things must also be accomplished while the prisoners engage in premeditated efforts to confuse and obstruct the arrest processing system by refusing identification, providing false information and exchanging clothing. Given this challenge, the FTAA law enforcement team established a compartmentalized arrest processing system designed to efficiently handle numerous arrests simultaneously.

Unless the circumstances made it unsafe to do so, every prisoner was identified and photographed with the arresting officer at the arrest location. If a prisoner was contaminated with gas or OC spray, they were left guarded outside the transport vehicle to ““air out,”” time and circumstances permitting. Each prisoner van carried containers of bottled water to assist in the decontamination of prisoners. The prisoner vans were staffed by teams of male and female officers who assisted in the processing and transport of prisoners on-scene and at the transfer site. The Miami Police Department’s Property Detail was designated to collect, separate and retain all large personal items and evidence at the arrest location.

All misdemeanor and felony arrests were brought from the arrest location to the transfer site established and staffed by the Miami-Dade Department of Corrections personnel in the parking lot of the Metro Rail Station located at 2100 NW 41st Street. An undisclosed alternate location was established in the event the primary transfer site had been somehow compromised. Arrest Team Supervisors were tasked with ensuring that violent offenders and identified FTAA protest leaders were temporarily held for the FTAA Investigative Detail which determined whether they needed to interview the prisoner(s) or have them transported directly to the Dade County Jail. All other prisoners were taken after processing to the Dade County Jail. An arrest form containing the defendant’s name, criminal charges, the name of the arresting officer, along with two attached photos of the defendant and arresting officers, were supplied to the transport officer. The corresponding prisoner identification number was attached to the top of the arrest form. The Miami Police Department Transport Detail were tasked with taking those needing medical attention directly to Ward D at Jackson Memorial Hospital.

OTHER CITY/COUNTY AGENCIES

The FTAA law enforcement effort was greatly assisted by other City and County agencies including the Department of Solid Waste, the Department of Public Works, the Fire Department and the Downtown NET Service Office. Joint planning and training was held with these and other departments to provide an overview of their roles in FTAA.

Solid Waste employees were tasked with ““sanitizing,”” the Downtown area before the FTAA

event in order to pick up potential weapons that could be used to harm officers and citizens or destroy property. The Miami Police Department met with the private trash haulers that service downtown Miami. They agreed to secure their dumpsters so they could not be used as roadblocks or weapons. Dumpsters had been extensively misused in this fashion by violent demonstrators at previous protests. Trash schedules for garbage pickup along Flagler Street and Miami Avenue were adjusted, so that the garbage could not be used as weapons or fuel for fire. Container pick-ups within the hard perimeter were also adjusted to minimize the need to enter the host venues during the event. NET and Public Works employees were tasked with identifying unsecured construction sites, locating and securing loose bricks and stones, and identifying other potential hazards in the demonstration areas. Public Works and NET also ensured that all bus benches, signs, trash receptacles, newspaper racks and other similar street fixtures were identified and either secured to the street, made to be secured or were removed.

The cooperation of these non-law enforcement agencies greatly reduced the number of loose stones and bricks available as ammunition to violent protestors. A number of the protestors resorted to breaking marble into pieces to throw at officers in the vicinity of the Dade County Community College. The securing of garbage dumpsters greatly limited the number of such receptacles that were set on fire and used to block police movements.

These agencies also played an important role during and immediately after several unruly demonstrations. The law enforcement team developed a strategy for the rapid repair and cleansing of any vandalism or destroyed property. Graffiti, trash, and fires were cleared immediately. The absence of visible damage just minutes after an anarchist attack provided psychological reassurance to City residents that their government was in complete control while, at the same time, demonstrating to the vandals that their efforts at destruction would fail to disrupt the City or the FTAA event.

GOODWILL AMBASSADORS

The City of Miami's Community Relations Board and the U.S. Department of Justice provided training to approximately 30 City of Miami Goodwill Ambassadors. The Goodwill Ambassadors were trained to supplement and work with the Community Relations Board during the FTAA. The Goodwill Ambassadors were available throughout the week to assist in providing information to visitors such as directions, helpful phone numbers, informational brochures, and answering questions related to the FTAA events. The hard work of the Community Relations Board and the Goodwill Ambassadors played an invaluable role in the coordination and implementation of the FTAA event plans.

III) INTELLIGENCE COMPONENT

During law enforcement's very first FTAA meeting, it was obvious that the intelligence-gathering portion of the FTAA was going to play a crucial role in the success of the event. It was critical for law enforcement to receive advance warning and information on any preplanned attacks of the FTAA venue, police officers, private or public property or the security fence. A Miami Police Department Captain with a long career in investigations was selected to be the commander of the intelligence component for the FTAA.

A number of intelligence-related goals were developed. An intelligence task force was formed including representatives from all the outside agencies. In order to solicit the assistance of the

outside agencies, the intelligence component produced a comprehensive presentation to educate those agencies on the FTAA and what was expected for the event. The intelligence unit visited protest events in other cities and studied how other agencies in this country and abroad prepared for an event such as the FTAA.

A great deal of information and even more misinformation was available in the months prior to the FTAA. The intelligence unit had to sift through the information and determine what was reliable. A number of intelligence gathering methods were considered. Officers overtly monitored the groups by attending public meetings. They did not however host such meetings or bait individuals to conspire to commit crimes. All groups, but especially the radical groups, needed to be monitored through the Internet and other publicly-accessible media. In limited circumstances, certain radical groups and activities required monitoring by covert operations including the presence of undercover law enforcement officers and the debriefing of civilian informants.

A formal network was established for the sharing of information between law enforcement agencies. A subcommittee, the Intelligence Task Force, was formed and given the responsibility of coordinating the intelligence components from the various law enforcement agencies while also serving as a clearance house for all information gathered.

Training was conducted for all the personnel assigned to the intelligence component. Training and briefings were created for the rank-and-file officers so they would be aware of general and specific threats. Intelligence personnel were made aware of legal limitations and the directive from the Chief of Police that any intelligence gathering methods utilized must take all reasonable steps to avoid chilling free speech.

Intelligence officers visited other law enforcement agencies in cities to observe planned demonstrations involving the FTAA, the WTO or the World Bank. In cities such as Cancun, Washington D.C., Sacramento, and New York, the officers learned how the intelligence component functioned from their counterparts and by personally witnessing the handling of the events. They also obtained copies of After-Action reports and operational plans. It became clear from these out of town meetings that the two most

important aspects of the intelligence component would be the development of sources of covert intelligence and the creation of undercover intelligence grids during the FTAA event.

Confidential surveillance grids were devised to keep tabs on developing threats during demonstrations and marches. The intelligence component established a confidential number of permanent fixed grids around the downtown area and one roving grid. Officers in undercover roles were assigned to the grids. The leader of each grid was a Miami Police Officer or Sergeant. The function of each grid officer was to monitor the area for any radical group activities and to file an immediate report to the Operations Center by phone or radio while still maintaining their undercover role. Officers were required to maintain grid integrity to limit the opportunity for a surprise attack occurring in one area while a diversionary action was taking place in another. As an additional set of eyes looking for spontaneous direct actions, the FBI and the Miami Police Department were jointly tasked with providing several electronic video-monitoring devices throughout the venue, which provided “live” video feed to the Operations Centers.

Plainclothes “extraction teams” were created for assignment inside the demonstrations or

marches. For the most part, these plainclothes officers were to assume only an observation role. However, these officers were trained when to take police action, which included situations where a radical group member was causing significant property damage, committing a felonious act or attacking innocent people. The undercover officer was instructed to ask for backup officers to assist him prior to engaging any radical group members. The extraction teams were intended to separate violent actors from within crowds without escalating a larger confrontation between the crowd and police. This dangerous assignment required swift action by the plainclothes officers in the face of expected attacks by those seeking to free their compatriots. The extraction team commander, a Miami Police Lieutenant, assembled a group of officers that marched alongside the radical groups during the FTAA event and provided valuable information on the plans and the mood of various individuals and groups. However, their effectiveness as arrest and extraction teams was hampered by the fact that their undercover roles were often detected by group members and the officers were greatly outnumbered by the more radical of the protest participants.

The success of any intelligence component is measured by how accurate and timely the information is that they provide. The intelligence component, from the summation of all their resources, was able to predict days before they occurred, the exact location and time of the two major attacks by the radical groups during the FTAA event. They also provided law enforcement with its first notice of several more minor occurrences that were spontaneously planned by groups looking for the opportunity to commit mayhem.

IV) JOINT LAW ENFORCEMENT OPERATIONS COMMAND

In its After-Action Report on the 1999 World Trade Organization Conference, the Seattle Police Department identified the early failure of the operation's command and control capabilities as a major impediment to maintaining and restoring order. The Incident Commander in their Operations Center did not have complete nor current information on the rapidly changing situation on the street. The vision of the commanders on the street was largely limited to the events that were unfolding in their immediate presence. The breakdown of a centralized command and control function made it difficult to respond to the various simultaneous actions and forced law enforcement into a purely reactive role. The honest self-assessment by the Seattle Police Department provided the planners of the FTAA with critical insight on the importance of a single command center with access to real time information in order to make "big picture" decisions on the deployment of personnel and resources. To that end, the Miami Police Department and its law enforcement partners invested considerable effort in establishing a Joint Law Enforcement Operations Command (JLEOC) for the FTAA operation.

The JLEOC was centrally located in the Miami Police Department downtown headquarters building. All the field commanders communicated their activities and received their assignments through this single command post. This operational "nerve center" was staffed around the clock by a command team with the authority to make tactical decisions in response to breaking events. In addition to the command team, the JLEOC had an outer room where every law enforcement agency participating in the FTAA effort had an assigned representative. The presence of these representatives eliminated "gaps" in inter-agency decision-making by ensuring that no decisions would be delayed by the inability to secure input from any particular agency. Included at the JLEOC for easy reference were maps of the critical downtown areas, charts explaining manpower and assignments, calendars of upcoming events and contact

information for all the participants. The JLOEC also provided the command staff with instantaneous video feed from critical locations and sophisticated, on-site communications capabilities.

The Miami Police Department made available approximately 800 square feet of building space for the creation of the JLEOC. A glass-encased Operations Room provided a command post for the operational leaders. A computerized log captured the activities as they were reported to Operations. A fully equipped communications console, staffed by four dispatchers dedicated solely to the FTAA, was housed in the Operations Room in order to eliminate any delay in delivering important messages to the command staff. The Operations Room was adjacent to the JLEOC Support Room where standalone work areas with phone and computer access were established for the representatives of 38 law enforcement agencies manning positions in the Center.

The Miami Police Department's IT Section assisted in providing a secure computer network, Internet access, and connectivity to the Criminal Justice Net informational system by the command staff of all the participant agencies located in the JLEOC and at remote sites. To participate in the activities of the JLEOC, partner agencies also required connectivity to their own information systems with their laptops. In efforts to protect the integrity of all the information systems involved, each laptop had to be certified as to the absence of viruses, the current level of software patches and anti-virus software. Over 50 computer systems from participating agencies were certified to operate on Miami Police Department's computer network.

To maximize the perspective of the operational commanders, there was live video footage fed directly into the JLEOC. The room was fitted with nine television monitors that allowed the commanders to view live video from one of 12 fixed cameras installed in vital downtown area. The airborne video links also provided mobile views as seen from helicopter cameras. This big picture view would prove invaluable to commanders in assessing crowd movements, predicting traffic problems and determining where to deploy resources. The monitors also permitted staff to monitor up to seven news media channels simultaneously, providing yet another view of activities on the street.

The JLEOC went operational on Friday, November 14, 2003. A number of weekend events including an international soccer match and a University of Miami football game provided several days in which to work out any glitches. The JLEOC remained operational until Sunday, November 23, 2003.

V) AVIATION SUPPORT

One of the lessons learned from reviewing the protests in Seattle and subsequent cities was the importance of identifying unruly individuals and groups as they are forming up and preparing to execute an unlawful action. It is far more preferable to stop the action before it begins than after it has commenced. Once the action is underway, it is much more difficult for police to respond and much more likely that physical force will be necessary to cease the unlawful activity. The coalition protestors have proven very adept at camouflaging their intentions by walking in smaller groups and looking for areas and opportunities where the police presence is "soft." These groups may not have a specific target in mind but they will walk in the general vicinity of potential targets with the aim of striking if and when an opportunity presents itself. It is virtually

impossible to keep tabs on all the numerous smaller groups from the ground, even with the mobility provided by bicycle officers. Therefore, it was critical that the FTAA law enforcement team create a ““birds-eye”” observation capability in order to watch large areas populated with multiple roving groups. This capability was made all the more important during the FTAA by the vast land and sea areas included in and adjacent to the Summit site as well as the multiple commercial districts that provided attractive targets to those with violent intentions. In the City of Miami, there is no better way to establish this scope of vision than through the use of police helicopters.

The Miami Police Department presently does not have its own helicopter. However, the Department’s former Aviation Unit commander is still a supervisor in the Department’s Critical Incident Management Unit and he remains an active and skilled pilot. Based on his expertise and his familiarity with the City, this supervisor was designated to serve as the Air Operations Commander for the FTAA event. His first assignment was to line up equipment and personnel from our FTAA law enforcement partners. As with every request for assistance made of these partners, the response was overwhelming.

In August 2003, the Air Operations Commander sent a letter requesting assistance from all the law enforcement agencies in South Florida that possess active aviation capabilities. A total of 13 Federal, State and Local agencies responded with offers to participate in the FTAA event. From this group, 12 helicopters and four airplanes directly participated in policing the FTAA event and the surrounding area. By staggering the assignment of these assets, at least one helicopter was available at all critical times during the event. Another four helicopters and one airplane were placed on standby in the event of emergencies.

The Air Operations Commander and the Air Support team met several times in each month leading up to the FTAA event. The Air Command established a plan and schedule by which the optimum air coverage could be provided to the FTAA event. This required close coordination with the overall FTAA Operational Commander to determine the key strategic times and locations requiring air support. Then a schedule had to be devised to ensure that all venues and events had appropriate coverage. Strict compliance was required from all partners to ensure mission success and aviation safety.

Since many of the pilots were not geographically familiar with the City, a plan had to be devised to help them determine their bearings. Prior to the air familiarization flights, the FTAA Operational Command produced a laminated map of the FTAA site and surrounding areas. Major landmarks and structures were posted on the map to help the pilots orient themselves. The flight observers in the helicopters were able to use these maps in flight to identify landmarks near the locations where the aircraft were needed.

The Air Operations Plan called for a command and control vehicle with aviation communications capability to be stationed and staffed around the clock at the Miami Police Department Headquarters. A command vehicle provided by the U.S. Customs Service served as the Air Operations Command Center and had a direct link to the JLEOC. Five Florida Wildlife Commission helicopters were tasked with close-in air support missions. They provided direct support to field commanders. They were available during the high activity hours of the event with one helicopter airborne or on ready alert status at all times and rotated every two hours for crew rest and refueling. The flight crews assigned to this mission provided intelligence on the

activities of the protestors, locations of weapons / projectile caches, arson attempts and street blockades. The flight crews reported locations on law enforcement vulnerability and provided real time reports on tactical operation success and failures. They also protected the ground units from ambush and assault from elevated positions. The flight crews provided wind direction and velocity to the Bomb / WMD response teams on each suspected WMD call. When not assigned to patrol duties, these aircraft had ancillary assignments such as VIP transport and special operations missions.

The four Bureau of Immigration and Customs Enforcement (BICE) helicopters were tasked with providing video surveillance via down-linked cameras to the JLEOC. One BICE helicopter constantly flew over the FTAA site, relieved every three hours for crew rest and refueling while the others remained on standby status. The FBI fed the live video into their server and broadcast the images to various command and control centers. Two Coast Guard helicopters conducted domestic security patrols of critical infrastructures, ports and the Miami River. Miami-Dade County helicopters were assigned to respond to regular calls-for-service outside of the FTAA event. Miami-Dade Fire Rescue Air Rescue and Broward Sheriff's Office helicopters were placed on stand-by for MEDIVAC and mass casualty incidents. Two FBI helicopters were relocated to the Opa-Locka Airport from Quantico, Virginia in the event the FTAA was elevated to the Crisis Management level and the security of the event was Federalized.

To enhance the response times of the Air Support helicopters, the MPD extended its helicopter staging capability by establishing two additional helipads on the roof of the headquarters parking garage and one "helispot" at the Marine Operations Center, for a total of four authorized landing locations. An emergency medical evacuation helipad was established at Mercy Hospital to augment the Jackson Memorial Hospital Trauma Center helipad. The local public heliport at Watson Island (downtown Miami) was closed to civil aircraft and designated the emergency landing area for participating helicopters and to accommodate large military aircraft, if necessary.

The Air Operations planning function received enormous cooperation and support from the Federal Aviation Administration. At the request of the Air Commander, the FAA designated airspace from I-95 East to the shoreline and from I-395 South to the Miami River, from the surface to 500 feet as "Special Use Airspace", a total of approximately 3 square miles. The law enforcement aircraft supporting the FTAA operated in the Special Use Airspace independent of other aircraft, including commercial aircraft, which were rerouted around the designated airspace. This accommodation enhanced flight safety and improved the operational effectiveness of the aircraft as the pilots could focus their transmissions to the JLEOC rather than communicate with the Miami Air Traffic Control Tower. The FAA provided discreet transponder codes for the participating aircraft which allowed the air traffic controllers to ensure that no unauthorized aircraft were approaching the restricted airspace. The FAA also relocated an ultra-light base and hang glider operation outside of the FTAA site during the event.

The Aviation Command proved to be a vital component of the law enforcement strategy executed during the FTAA. The "eyes in the sky" provided the JLEOC with valuable observations including crowd movement, developing traffic patterns, and the criminal activity of some on the ground. Vehicular and pedestrian traffic problems were nipped in the bud when identified by the air teams. A video link into the JLEOC from the U.S. Customs helicopter provided operational commanders with live images of virtually any activity occurring in public

view. During permitted and unsanctioned marches, the aviation assets were able to locate and identify potential trouble brewing. Stray bands were easily monitored from the air. Attempts to flank police lines and attack from the unprotected rear were identified and foiled. With the information provided by aviation units, the operational commander was able to send police officers to these “hotspots” to prevent problems before they materialized. The rapid relocation of officers created the image of an all-knowing police presence and certainly reduced the opportunity for undetected mischief. There is little doubt that the aviation plan and the execution of that plan greatly enhanced the safety and success of the FTAA Summit, the protest events and the entire law enforcement effort.

VI) MARINE OPERATIONS

The policing of the FTAA Summit faced an additional challenge brought about by Miami’s unique geography. Security plans could not only be concerned with land security. The Intracoastal Waterway, Biscayne Bay, and the Miami River all bordered key FTAA locations and were included in the Central Command Area. The Intercontinental Hotel and the Bayfront Amphitheater sit directly on Biscayne Bay. The FTAA Ministers planned a meeting at the Vizcaya Palace that also sits on the Bay approximately three miles south of the Intercontinental. The FTAA organizers planned for the Ministers to travel to the Palace by water on a leased vessel. The Port of Miami, the eighth busiest port in the United States, is less than one-half mile across the Bay from the Intercontinental Hotel. Additionally, numerous traffic arteries into downtown Miami cross bridges, both fixed and drawbridges. Intelligence revealed discussions and plans to disrupt the trade in the Port and use small rigid hull inflatable vessels and swimmers to access the secure zones and block vessel traffic. The FTAA Law Enforcement Command had to develop a security plan that prevented and responded to unlawful actions taken on or from the water.

The FTAA Law Enforcement Command appointed a Miami Assistant Chief of Police as the Commander of Marine Operations for the FTAA. The Marine Commander set about securing commitments from numerous Federal, Local and State law enforcement agencies with available marine assets. The response to this request for assistance from law enforcement partners was again overwhelming. A joint Marine Operations team was assembled and included the Marine Units of the City and County Police Departments, the Collier County Sheriff’s Office and the Aventura Police Department. State support was committed by the Florida Fish and Wildlife Commission and The Florida Department of Law Enforcement. The United States Coast Guard and the United States Customs Service (Immigration and Customs Enforcement) also made an enormous commitment of vessels and manpower. In all, more than fifty vessels and 150 personnel were assigned to the Marine Operation.

The Miami-Dade Police Department arranged for the Port of Miami to serve as home to the Marine Operations Center. The U.S. Coast Guard stationed the Coast Guard Cutter “OAK” at the southwestern point of the Port of Miami for use as a command and support vessel called the Marine Operations Center (MOC). The bridge of the Oak was large enough to accommodate up to ten working personnel plus visitors and provided a great vantage point to observe the entire security zone around the Intercontinental Hotel. The Fish and Wildlife Commission committed its sixty-five foot vessel, the MV “Randall”, as a mobile marine support vessel to the Oak. The Randall assumed a position east of the Intercontinental complex and just outside the Miami River entrance.

The critical mission of the Marine Law Enforcement Agencies was to provide waterborne security and gather marine intelligence on persons or groups threatening the security of the FTAA Event. The Marine Operations also needed to include plans for the emergency evacuation of the Ministers. Specific areas of responsibility were assigned to the various agencies. The U.S. Coast Guard was to be responsible for the security of the Port and control of vessel traffic entering the designated Regulated Navigation Area. The Florida Fish and Wildlife Conservation Commission (FWC) and the Marine Patrol Units of the City of Miami, Miami-Dade County, Bal Harbor and the Collier Sheriff's Office were each assigned responsibilities for security in Biscayne Bay and along the Miami River.

The Regulated Navigation Area (RNA) was established by the USCG extending from the Venetian Causeway south to the William Powell Bridge. A Security Zone was included in the RNA on the west side of the Intercontinental Waterway from Bayfront Park south to the corner of the Intercontinental Hotel and west along the north side of the entrance to the Miami River. The Security Zone was put into effect from Saturday, November 15 through Friday, November 21, 2003. The Miami River was included in the RNA and the plan called for it to be staffed and patrolled inland to the SR-836 overpass. The RNA expanded south to include the Vizcaya Palace with a 360-degree Marine Security Zone around the Minister's ship during transit to the dinner reception scheduled for the evening of Wednesday, November 19, 2003.

The sheer number of interagency assets positioned throughout the RNA (25-35 vessels underway at all times) served as an effective early warning system for identifying every vessel entering the RNA. Every vessel entering the RNA was questioned and in nearly every case allowed to proceed. The enormous effort committed to publicizing the RNA proved extremely beneficial. Boat crews handed out flyers describing the Security Zones and the RNA in both English and Spanish. Nearly every vessel approaching the RNA was given a flyer. These actions significantly raised the public awareness of the Security Zones and RNA. Very few infractions occurred and when they did occur, each boater was educated on the Zones and areas to prevent future occurrences.

All marked law enforcement vessels had a numerical identifier displayed prominently upon the outboard engine cowling. The unmarked vessels flew a yellow flag with a blue fish symbol. All vessel tracking was done on a magnetic chart with each vessel represented by a magnet with their corresponding assigned number. The Vessel Control Board became vital to the tasking and tracking of assets.

Technology onboard the MOC proved extremely useful. The camera system was vital to monitoring vessel traffic and asset positions. The hot phone was a convenient and direct means of communication between the MOC and Joint Law Enforcement Operations Center (JLEOC). The wireless network and file sharing allowed Coast Guard, City of Miami PD, and FWC to maintain logs and conveniently pass information over the Internet to their JLEOC counterparts. It must be noted for future events that there were several occasions when agency representatives at the JLEOC spoke directly to their maritime forces by radio, bypassing the MOC. When agencies bypass the centralized control point for information or command and control, the potential exists for vessels to be moved without the knowledge of the MOC as well as other potential miscommunications. All agencies in a joint operation such as the FTAA must be reminded of the critical importance of communicating and commanding marine resources only through the centralized MOC.

The FTAA Marine Operations was a textbook example of interagency cooperation. The level of Federal, State, County and Local marine support and mutual aid was extraordinary. All normal maritime operations were carried out during the FTAA Event without interruption.

VII) COMMUNICATIONS

A major flaw identified by the Seattle Police Department's in their After-Action review of the 1999 WTO protests was the breakdown in communications between the various police agencies participating in that joint law enforcement effort. Police agencies with different radio equipment operating on different radio frequencies were unable to communicate with one another. This communications breakdown greatly hampered their ability to move resources and coordinate their response to the divergent attacks. Mindful of Seattle's lessons, the following actions were undertaken by the Miami Police Department's IT Section in an effort to prepare for the challenges associated with coordinating law enforcement services during the FTAA event in the City of Miami. For this effort, the Miami Police Department enlisted the support of other law enforcement agencies and vendor partners to assist in managing this event.

RADIO SYSTEM INTEROP

A great deal of preparation was undertaken by the Miami Police Department and our law enforcement partners to prepare for the challenges expected in coordinating law enforcement communications during the FTAA week. Because of the large number of external agencies and personnel committed to the FTAA, extraordinary efforts were necessary to ensure that there was adequate and reliable radio communications to manage resources during the event. Not all police agencies use the same radios or the same radio frequencies. Some departments had compatible radios but were set to different frequencies. Other departments had different radio technology altogether. Therefore, a plan was designed that permitted all of the agencies to communicate with the Miami Police Department Communications Section and with one another.

At the FTAA, the communications system for each of the approximately 40 law enforcement agencies had to be studied to determine the best path to interoperability. Approximately 12 agencies were identified as using the same 800 Mhz Motorola-based trunked radio system as is utilized by the Miami Police Department. Each of these agencies entered a Memorandum of Understanding with one another that allowed them to exchange their confidential Motorola system key codes. This exchange provided access to the City of Miami radio system by each of these agencies.

Some of the agencies without Motorola-based radio systems were able to make their radios "talk" with the Miami Police Department system through the installation of a ACU-1000 device that "patches" the user radio signal to one recognized and applicable to the Miami system. Six agencies utilized these ACU 1000 devices including the FBI, ATF, Customs, the State of Florida's law enforcement agencies and the Miami-Dade County Police Department whose IT Division provided and installed the devices.

Agencies with radio systems that could not be made interoperable were issued spare radios, batteries and chargers from the Miami Police Department. A total of 191 additional radios were thus put in service.

RADIO SYSTEM CONTINGENCY PLANS

The primary medium for the radio communications during the FTAA was the City of Miami's trunked radio system. This system has 20 channels in the 800 Mhz spectrum which can support a maximum of 19 simultaneous transmissions. This system was recently upgraded and its reliability is proven. Nevertheless, the FTAA law enforcement team had to develop contingency plans in the event of a radio system failure. Therefore, plans were devised not only for normal event communications but contingency plan scenarios were also developed to address potential system failures brought about by either internal or external triggers. An example of an internal trigger would be the technical failure of a major radio system component. An example of an external trigger would be the deliberate jamming or other interference with the radio system by saboteurs.

The contingency plans included several independent layers of radio system backup should the normal "trunking" system fail. The first level of backup was to come into play if there was a failure of the primary repeaters used to forward signals between radios and to central communications. In the Port of Miami, the Miami-Dade Police Department set up three portable repeaters that could have been utilized if the primary repeaters became inoperable.

In the unlikely event that the Miami Police Department's trunked radio system, the repeaters and the backup repeaters all failed, a completely separate avenue of radio communication was still available. At the request of the FTAA law enforcement team, the Motorola Corporation built and installed a five channel digital trunked system that operated in a different frequency spectrum. They also provided 300 portable radios pre-programmed to operate within the system. The system's existence was kept confidential from the public and would have been invaluable in the case of the compromise of the primary system. Even the complete sabotage of the 800 Mhz system or frequency would have been mitigated by implementing the Motorola system and assigning the 300 portable radios to officers. While this contingency was not utilized, Motorola technicians stood by ready to assist if the need arose.

A final, worst-case scenario option was to utilize Nextel cell phones for communications between vital units. At the request of the law enforcement team, the Nextel Corporation doubled their cell capacity in the downtown Miami area. Police agencies that used Nextel service had their priority increased yielding greater access to the Nextel system in the case of cellular system saturation.

ADDITIONAL COMMUNICATIONS PRECAUTIONS

Additional precautions were taken to ensure smooth communications during the FTAA. The Federal Communications Commission monitored police radio frequencies for jamming. Their personnel were deployed throughout the greater Miami area from November 15 to November 21.

The Miami Police Department's E911 inherent backup systems were activated to provide the first level of response to an overflow of 911 calls. The Miami-Dade County Police Department's E911 system was also prepared to accept any additional overflow of 911 calls.

By design, radio communications procedures enforced during the event minimized radio transmission traffic. While there were hundreds of law enforcement radios monitoring the command channels, the airtime was strictly limited to command and control and emergencies. Police activities were broken down by function and these functions were assigned to talk groups accordingly. A total of eight talk groups were used for the event resulting in a maximum system

utilization of 60% during the height of activity. Also, to eliminate confusion, during the event, verbal codes were eliminated in favor of plain English. However, on occasion, the police dispatchers did not understand the terminology used by the ground commanders. Officers were taught new formations and a new language has evolved in civil disorder management such as ““Harden-up””, ““Wedge Formation””, ““Skirmish Line””, etc. It is recommended that the dispatchers be taught this new terminology prior to similar future events.

VIII) PARTICIPIATION OF OUTSIDE ORGANIZATIONS IN PLANNING PROCESS

From the outset, the Miami Police Department sought dialog with groups expressing interest in protest activities at the FTAA. The preparation for the FTAA event included numerous meetings with the AFL-CIO, ACLU, Amnesty International and other interested parties. The City of Miami’s independent Community Relations Board facilitated most, if not all, of these meetings. Some meetings were held to discuss logistics and develop consensus on broad protest issues such as the designation of a protest area within sight and sound of the Intercontinental Hotel where the FTAA Ministers were to meet. More specific meetings addressed the issuance of rally and parade permits and the designation of parade routes. The Miami Police Department dedicated many months to these negotiations and all parties expressed satisfaction with the accommodations made by the Police Department at the request of these organizations.

Throughout the entire negotiation process, all participating parties expressed their mutual interest in avoiding the violence that accompanied protests at similar economic forums, particularly the disastrous AFL-CIO protest in 1999 at the WTO Forum in Seattle. The Police Department made it clear throughout the negotiations that all the plans were subject to change should the police encounter violence during the FTAA week.

PARADE ORDINANCE

In the months leading up to the FTAA, it was determined that the City’s parade regulations were vague and difficult to enforce. The regulations broadly required permits to have conditions that were ““reasonably necessary for the protection of rights, property and personal safety.”” Any conditions established under these guidelines would be subjective and open to court challenge. It was determined that the permit issuance procedures could be improved by adding a new section that codified reasonable time, place and manner conditions. Reasonable limitations were desired to ban those items that could be used as weapons such as metal pipes and thick wooden sticks.

In order to accomplish this goal, the City Code had to be amended. The amendment, in the form of an ordinance, had to be adopted by the City Commission. It was contemplated that the amendment process would provide an opportunity for open debate among all interested parties. The proposed amendment was to be advertised in the newspaper and debated at the City Commission, and debated it was. The amendment made four appearances before the City Commission wherein members of the public were able to address the amendment.

The first step was a comprehensive review of similar jurisdiction’s parade ordinances. The next step involved legal research of the various jurisdictions whose ordinances had either been affirmed or stricken down. Then several draft amendments were drawn up that attempted to balance the concerns of the FTAA Steering Committee with the First Amendment rights of protestors. The working draft was largely modeled on a similar California ordinance that had withstood constitutional scrutiny in a challenge before the U.S. Circuit Court of Appeals for the

Ninth Circuit.

After the amendment was drafted but before it was presented to the City Commission, the Chief of Police determined that there were certain provisions that he wanted to remove. The original draft prohibited the possession of certain items, including gas masks and bulletproof vests, at the site of a parade or a procession. The Chief felt that the prohibition of gas masks and bulletproof vests, items potentially worn by members of the news media, unnecessarily created First Amendment issues. Therefore, he recommended that those items be removed from the amendment during the City Commission meeting. He explained that it was important for the police to support a measure designed to limit the items that could be used as offensive weapons. The Chief also advised that he intended the new Ordinance to be one of prohibition rather than as a tool for arrest.

In addition to the public hearings at the City Commission, the amendment was debated at two public forums chaired by the Community Relations Board. The City Manager had charged the CRB with the task of not only conducting the public hearings, but also of reaching out to all segments of the Miami community. After the extensive community discussion, the CRB was to present its recommendation to the City Commission.

Among the many meetings were several with the City Attorney's Office. Since they were involved with the permit negotiations as well, members of the CRB had the opportunity to meet with all of the different organizations that were requesting parade or demonstration permits. The various groups were made aware of the amendment and also made aware of the opportunity to discuss the amendment at several upcoming public forums. The CRB was also present with the City Attorney's Office for meetings with the ACLU. An alternative amendment, modified and presented by the CRB after the public debate, was adopted by the Miami City Commission on November 13, 2003.

SIGHT AND SOUND

The Miami Police Department was well aware of its constitutional responsibility to provide protestors with a location within "Sight and Sound" of the FTAA meeting location. Prior to the FTAA, the Police Department had recently negotiated with the ACLU over the same issue during the Latin Grammy Awards and was fully prepared to address the same concerns.

The most obvious site for locating the FTAA demonstration area was Bayfront Park. That location posed several drawbacks. It is independently run by the Bayfront Park Trust and requires the payment of fees to secure the venue. Additionally, the Park had previously been rented for the annual Holiday Village that was to be under construction the entire time of the FTAA event. Other than Bayfront Park, the only remaining public venue that could accommodate the projected number of protestors was Biscayne Boulevard, a major thoroughfare located in the heart of downtown Miami.

Sight and Sound was never an issue with the AFL-CIO for their stationery protest events as they had rented the Bayfront Park Amphitheater for their two days of rallies. In negotiating with the ACLU, it became apparent that Biscayne Boulevard north of NE 1st Street would be the most appropriate area for the Sight and Sound Zone. As was explained to the ACLU, NE 1st Street was selected rather than Flagler Street based on the Police Department's determination of how far a ball bearing could be shot from a wrist rocket. A similar reasoning was provided to the

ACLU when negotiating the distance for protestors attending the Latin Grammy Awards. The Miami Police Department also visited the protest location and determined that protestors would be fully visible and audible by those attending the FTAA at the Intercontinental Hotel.

Sight and Sound concerns were again contemplated when the Police Department began negotiating parade routes. The Police Department set about establishing parade route proposals that provided the opportunity for protestors to see and be seen, hear and be heard. It was also important to maintain a safe distance from the security fence to avoid any temptation for attack upon the fence. All of the various factors were examined and a balancing test was utilized, all in an effort to tailor, as narrowly as possible, the City's safety concerns while respecting the rights of others to assemble and protest.

PERMIT NEGOTIATIONS

The Miami Police Department committed a great deal of time to establishing a permit process that was designed with meaningful input from those groups expressing a desire to protest at the FTAA. A permit process is not a formality. It is an essential means of coordinating multiple public events in a safe and efficient manner. Failure to participate in the permit process makes it more difficult for officials to assign personnel and resources. The public cannot be advised of potential inconveniences. Traffic cannot be properly routed. Emergency services cannot be readied for response to the sick and injured. It threatens to interfere with properly planned and sanctioned events as resources must be reallocated to address the unanticipated events. The failure to follow the permit process puts public safety and permitted events at risk. Therefore, the Miami Police Department afforded all interested parties the opportunity to negotiate permit conditions that addressed safety concerns and the goals of the protest organizations.

Early in the FTAA preparation process, it became apparent that the single largest protests would be those staged by the AFL-CIO. They were also the first organization to seek a formal permit for their protest events. The AFL-CIO requested a permit for a march as early as June 19, 2003. Meetings with applicants began on August 20th with Peter Stedman on behalf of the "Fair Trade Area of the Americas Welcoming Committee" and represented by the ACLU. On August 27th, members of the Police Department met with the AFL-CIO and the Citizens Trade Campaign. These meetings were general in nature as the exact street closures or restricted areas had yet to be determined. It was not until the Police Department met with representatives from the ACLU on September 5th that specific discussions began to address the permit guidelines and proposed routes for all marches.

The limitations presented by the Police Department included prohibiting any marches from proceeding past the entrance to the Port of Miami on Biscayne Boulevard, not allowing any marches to be conducted on Flagler Street or NE/NW 1st Street, and not allowing any marches to proceed directly in front of any construction sites or Fire Station #1 on NE 5th Street. All of the locations posed specific security threats identified by the FTAA Steering Committee. It seemed likely that the busy and vital Port of Miami would present an attractive target not only for anti-Globalization protestors but also for terrorists. The vulnerability of the Port and its attraction as a target has resulted in the County providing a high level of security at that location at all times. Construction sites can provide ammunition to those seeking debris or flammable materials to use as weapons. The Fire Station houses the City's Hazmat Response capability and is the first responder for all downtown fire incidents. The Police Department intended those limitations to

be a ““floor”” upon which a route could be negotiated. However, during the negotiations, the Department softened its position with regard to some of these limitations in order to arrive at consensus.

As negotiations progressed, the Police Department proposed a route to both the AFL-CIO and Mr. Stedman that started and ended at the Miami Arena. The route would travel south on NW 2nd Avenue to NW 3rd Street, east to NW 1st Avenue, south to NW 2nd Street, east to Biscayne Boulevard, south to NE 1st Street, make a U-turn to the Amphitheater, and then return along a similar route.

From the Police Department’s point of view, the Miami Arena, the proposed starting and ending point for this route, offered easy access with multiple possible routes of ingress for protestors and vehicles including buses, convenient mass transit (Metrorail stops directly at Arena), ample parking (in City-owned lots without cost) and a large staging area, as well as exposure to a significant number of Downtown businesses, government buildings, and the FTAA host hotel. The Miami Arena staging area could easily accommodate the masses being predicted by the AFL-CIO and was located approximately five blocks from the Bayside Amphitheater. The proposed route also protected Downtown Miami’s flagship commercial strip, Flagler Street, and maintained a buffer between the fence line and the demonstrators, thus minimizing the potential for conflict.

The organizers argued that the route proposed by the Miami Police Department restricted their exposure and did not get them close enough to the Trade Ministers. The AFL-CIO also argued that they had already published advertisements for a rally at the Bayside Amphitheater on Biscayne Boulevard prior to their march. They insisted that they needed the march to start and finish at the Amphitheater even after concerns were expressed regarding the potential difficulties of bringing buses onto Biscayne Boulevard given the size of the crowds that the AFL-CIO was forecasting.

The Police Department repeatedly pointed out that the requested staging at Biscayne Boulevard had far more restricted access with the Port of Miami to the north, the frozen zone surrounding the Intercontinental Hotel to the south and Biscayne Bay to the east. Vehicular traffic would be at the mercy of the crowds on Biscayne Boulevard and the location did not offer the convenient access to public transportation found at the Miami Arena. Nevertheless, the union maintained their insistence on using the Amphitheater as the starting point and the Police Department reluctantly conceded with the warning that the location greatly limited contingency plans in the event that trouble were to occur on the day of the rally and march. The Police Department also conceded to the AFL-CIO’s request to proceed south on Biscayne Boulevard to the midway point of Flagler Street, directly in front of the security fence line.

All parties knew that anarchists had made tearing down the security fence a primary goal for the FTAA event. Still, the Police Department agreed to the AFL-CIO’s demand to approach the fence based upon the union’s assurances that they would provide 700-1000 ““peacekeepers””. After the parade route was negotiated, AFL-CIO organizers Reverend James Orange and Vincent O’Brien were introduced to arrange logistics. Reverend Orange and Mr. O’Brien were seasoned veterans at these types of events, having participated in Seattle and other venues. Reverend Orange and Mr. O’Brien immediately voiced their concern that the route approached too close to the security fence, the exact position taken by the Police Department and vigorously

opposed by the union's negotiators. Among their responsibilities, these gentlemen were to coordinate the arrival of the buses, utilizing radios and other communication means. All sides clearly understood that these plans were subject to change if the police faced violence on the day of the union's rally and parade.

Because a particular agreement was struck with the AFL-CIO, representing the largest number of demonstrators, the Police Department offered the exact route to Mr. Stedman and the FTAA Welcoming Committee, believing it would be inequitable to offer them a route more restrictive than that agreed to with the AFL-CIO. Mr. Stedman agreed with the route with two differences. Their march would start and end at the Miami Arena, as first proposed by the Police Department, and the return route was extended to NE 8th Street. It is uncertain whether this group ever truly intended to stage their march. On the day of the event, Mr. Stedman cancelled the parade due to a lack of interest. Approximately 200 people did show up, from the 10,000 initially predicted, and they were allowed by police to utilize a park under the Metrorail for a rally that proceeded without incident.

In late September, while the Police Department was finalizing the permits for the FTAA Welcoming Committee and the AFL-CIO, the Coalition of Immokalee's Workers submitted an application for a permit. Their suggested parade route traversed two counties and several jurisdictions requiring multiple approvals prior to their march. The organizers requested that the Miami Police Department assist them in dialoging and securing necessary permits from the other jurisdictions. The Police Department accommodated this request and organized a meeting that included representatives from all of the major police departments impacted by the parade route. Once the group finalized its plans with the other jurisdictions, ensuring that the march was going to proceed, a permit was issued. The only detail that remained to be worked out was a post parade concert to be held at Bayfront Park or Margaret Pace Park.

On the day the Immokalee's Workers march entered the City of Miami, the Police Department spoke with the event organizers. The organizers revealed that management at Bayfront Park had told them that they would not be permitted access to the Park unless they provided a \$5,000 surcharge for police services. Through its negotiating team and its Legal Counsel, the Police Department was able to negotiate an agreement with the Park management on behalf of the protest organizers. The Police Department took the unusual position of agreeing to utilize "on-duty" police officers to provide the required event security thus eliminating the cost to the Park and ultimately the organizers. The group thereby secured Bayfront Park for its rally and concert.

Several other organizations submitted permit applications that did not require a tremendous amount of deliberation. Because of the anticipated numbers and the fact that they were static demonstrations and not marches, decisions were made fairly quickly, with meetings designed purely to establish parameters and to minimize any restrictions placed on the demonstrators. In total, the City of Miami provided 12 permits for protest events during the FTAA week.

COALITION GROUPS AND THE AFL-CIO

Early in the permit negotiation process, the AFL-CIO asked the Police Department for a commitment that it would assist union marshals with preventing infiltrators from entering the AFL-CIO events. The Police Department, through its Legal Counsel, advised the union that it would need to research whether the police could exclude individuals from a parade on public thoroughfares as the union was requesting. The research disclosed that First Amendment

jurisprudence permitted police to ask individuals to leave a privately sponsored parade when they are requested to do so by the sponsor's representatives. The Police Department told the AFL-CIO that it was willing to assume this same role with the AFL-CIO in its parade during the FTAA. Furthermore, since the AFL-CIO had rented the Bayfront Amphitheater, it was free to admit or exclude attendees as it saw fit.

Despite this initial request by the AFL-CIO for police assistance excluding infiltrators, over the coming months it became apparent that the AFL-CIO was also attempting to negotiate with the Direct Action coalition groups that include the self-proclaimed anarchists amongst their numbers. At several points in the negotiations with the Police Department, union organizers said that they "represented" approximately 50 such coalition groups. The AFL-CIO stated that it was their intention to avoid any disruption of their planned protest activities by the expected unlawful actions of the coalition groups. To that end, they sought to obtain concessions in the permit negotiations that would be acceptable to the coalition groups.

Throughout the negotiation process, the Police Department cautioned the AFL-CIO that an alliance with those intending to break the law was likely to result in the same infiltration and chaos that the union experienced in Seattle. However, the union explained, in meetings on October 14 and 24, 2003, that they would have identification cards for all their members and their peacekeepers would keep out any infiltrators. During the FTAA week, the union would unilaterally break both of these assurances despite the fact that the negotiations proceeded largely on the assumption that the union would keep their word and make efforts to identify infiltrators.

At one of the later meetings, Debra Dion from the AFL-CIO requested that representatives from the Police Department meet with the Direct Action Groups. Ms. Dion requested this meeting because she said that the AFL-CIO's coalition partners were unhappy with the cooperative relationship between the union and police. The Police Department readily agreed and a meeting was scheduled and took place at City Hall on November 7, 2003.

The meeting was chaired by the City of Miami's Community Relations Board and attended by approximately 30 Direct Action Group members and Ms. Dion of the AFL-CIO who read a prepared statement expressing the union's support of their coalition partners. Although the groups professed not to have a leader, one individual identifying himself as "Eric" orchestrated the presentation on their behalf. He presented 10 "demands" to which he wanted the Police Department to commit. These ranged from "ending harassment" of protestors to respecting the "rich American tradition" of direct action. During this open forum, each of these statements was discussed albeit in an abbreviated fashion. The coalition groups insisted on ending the meeting at 7PM and then they rushed outside City Hall where they held a prearranged press conference. Predictably, the groups expressed their disappointment in the Police Department's unwillingness to commit to their demands, however, the Department was pleased that a dialogue had been established. Unfortunately, it was the last attempt at direct dialog by the coalition groups. The coalition groups did not seek permits for any protest activities nor did they request their own meetings with the Police Department beyond this single, general meeting held at City Hall.

On Tuesday, November 18, 2003, the day prior to the commencement of the FTAA Summit, Debra Dion of the AFL-CIO, introduced members of the Negotiating Committee to Ron Judd.

Mr. Judd described himself as an AFL-CIO regional leader from Seattle where he had previously coordinated the 1999 AFL-CIO protest at the World Trade Organization Summit in Seattle. Mr. Judd stated that he had been meeting with the coalition groups and had been unsuccessful in convincing them to schedule their unlawful ““direct actions”” upon police lines on any day other than Thursday when the union’s own major protest activities were scheduled. Such an arrangement was desired to spare the AFL-CIO marchers from being caught up in any unlawful actions taken by the coalition groups. However, Mr. Judd stated that despite their refusal to forgo direct actions on Thursday, he had assurances from the coalition groups that any actions would be completed in time for the AFL-CIO march.

Mr. Judd requested from the Police Department certain concessions that he would then take back to the coalition groups. Incredibly, the proposed concessions included Mr. Judd twice suggesting that police allow the groups to tear down a portion of the security fencing in the hope that such action would satiate their appetite to cause destruction. Of course, the Police Department declined this reckless suggestion. However, the Police Department was seriously concerned that Mr. Judd took away from his meetings with the coalition groups the apparent need to make such a desperate recommendation.

It was immediately apparent to the Police Department that the AFL-CIO had knowledge that the Direct Action coalition groups were planning a non-permitted march on Thursday that threatened to directly interfere with the scheduled march of the AFL-CIO. While he acknowledged having specific information about the unlawful intentions of the coalition groups, Mr. Judd declined to share them with the police lest he betray the confidence of those groups. Mr. Judd wanted the union to maintain a good reputation with the coalition groups, something that he said they failed to do in Seattle. Therefore, he would not share information known to him about certain intentions of the coalition despite the fact that such actions were, at best, outside the lawful permit process and, at worst, had the potential to result in violent confrontation with the police. Mr. Judd did say that the AFL-CIO was going to assign peacekeepers to keep watch on those attempting to infiltrate union events.

The Police Department told Mr. Judd’s group that law enforcement was aware of plans for direct actions by the coalition groups on Thursday morning. The exact intentions of the groups were unknown to police, if not Mr. Judd, but it was believed that some action would be taken at the security fence at the site of the FTAA Summit. Mr. Judd told the police that the union did not want its peacekeepers providing a buffer on Flagler Street between coalition protestors and the fence on Thursday morning. Police officials felt that this was a reversal of the union’s previous commitment that had been secured in exchange for police agreeing to allow the union’s march to reach the commercial district of Flagler Street adjacent to the security fence. Mr. Judd said that some of the AFL-CIO’s local union presidents had relationships with the coalition groups and would be speaking at the non-sanctioned events. He had also repeated the union’s intention to cooperate with the coalition groups in exchange for a promise not to strike during the union’s events. Given the AFL-CIO’s representation of the coalition groups and their request for concessions on behalf of those groups, the Police Department was disappointed in the last-minute refusal to provide Marshals at the morning events, a decision made in an obvious attempt by the union to separate itself from any responsibility for actions taken by the coalition groups.

Mr. Judd and his colleagues were told by the Police Department that the Direct Action coalition groups would be allowed to conduct their non-permitted march, so long as it was peaceful and

not disruptive. He was also told that any attack on the fence at Flagler Street would be seen as an act of violence and would result in increased levels of force from the officers positioned there. As was explained throughout the months of negotiations, the Police Department reiterated to the group that if any violence erupted, there was the possibility that the AFL-CIO march might be canceled. All parties acknowledged this fact.

On Wednesday, November 19, 2003, members of the police negotiating team met with a contingency from the AFL-CIO including Ms. Dion and Mr. Judd. The issue of utilizing union peacekeepers at Flagler Street on Thursday morning was again raised. The union repeated their refusal to use their peacekeepers as had been originally negotiated. They cited security concerns as the reason. The Police Department was not informed of the specific reason for the union's sudden expectation that their Marshals would be in harm's way during actions by the coalition members with whom the union had been consulting.

In another show of good faith, the Police Department again conceded. It agreed for the union to position the peacekeepers at Biscayne Boulevard and NW 1st Street, a full block North of Flagler Street, where they would keep any peaceful demonstrators from proceeding any further south toward the fence line. To ensure their safety, the peacekeepers were to allow anyone who so desired to pass them but anyone south of the peacekeepers would then be considered a part of the Direct Action coalition groups. It must be noted that even this new agreement was not fulfilled by the union as police discovered on Thursday morning when the line of peacekeepers failed to appear.

On Wednesday evening, members of the City of Miami's Community Relations Board attended the AFL-CIO People's Gala Rally at the Amphitheater. A speaker identified as "Matt" from the coalition partners of the AFL-CIO was introduced to the crowd. Matt stated that there was an agreement between the direct action groups and the AFL-CIO that no direct action would occur during the union march but there would be direct action at the security fence at Flagler Street at 5PM on Thursday. No mention was made of plans for the Thursday morning action. The Community Relations Board representatives were told by Ron Judd that a "meeting" was planned for Thursday morning at the County Government Center but nothing further. Mr. Judd said that he scripted Matt's remarks and asked him not to mention the morning "meeting". Mr. Judd said that this arrangement with the coalition groups was made at 4AM on Wednesday morning but it was not shared with the police at any point and it was only learned of inadvertently when the announcement was made at the rally.

On Thursday of the FTAA week, the day of the AFL-CIO's major protest rally and parade, the union informed the Police Department of its decision to unilaterally change more of the negotiated plans. The union decided to open the rally to all who wished to attend including the many hundreds of coalition protestors milling about Biscayne Boulevard after their violent demonstration that morning. Additionally, completing a reversal of their initial request for police to keep out infiltrators and their subsequent agreement to use their own peacekeepers to do so, the AFL-CIO permitted the same coalition members to march along side their members and guests and then return with them to the Amphitheater.

AFL-CIO BUS ISSUES

As predicted by police in the negotiations with the AFL-CIO, the presence of hundreds of coalition protestors on the streets surrounding Biscayne Boulevard on Thursday morning and

afternoon made it difficult to execute the plans to bring busloads of AFL-CIO protestors directly to the site of their rally at the Amphitheater. This obstacle was further complicated by the late arrival of some of the buses. However, some buses were able to reach the Amphitheater as planned. The Miami Chief of Police personally assisted in the unloading of approximately five such buses and another five buses were escorted to the Amphitheater by the Florida Highway Patrol. Once Biscayne Boulevard became inaccessible, a Miami Police Department motorcycle Lieutenant, his Sergeant and six officers responded to the vicinity and directed the arriving buses to alternate parking. Numerous buses were directed to park on side streets in the vicinity of the Boulevard. Many other buses disembarked passengers at the Miami Arena, the prearranged alternate staging area located approximately five blocks from the Amphitheater.

There have been complaints lodged in the press that an unknown number of other buses were directed by police to locations a great distance from either the Amphitheater or the Arena. It has been suggested that some police officers rudely and haphazardly redirected these buses to prevent them from getting anywhere near the entry to the Port of Miami. Following the morning disturbances, the Miami-Dade Police Department stationed in the Northern Command Area at NE 2nd and 6th Street did redirect buses to the Miami Arena approximately four blocks away. However, the allegations raised in the press have been difficult to investigate because the AFL-CIO has rejected requests by the Miami Police Department to provide particular details or to participate in this review.

It is known that there were significant variances from the plans agreed upon in advance by the AFL-CIO and the Miami Police Department. For example, the AFL-CIO failed to assign a contact person to the Forward Command Post at SE 3rd Avenue and 3rd Street. The Miami Police Department had invited such participation on the part of the union so that this contact person might serve as a direct link of communications with police should any issues arise during the union's protest events. Additionally, each bus was intended to have a Bus Captain with a radio and phone numbers that would provide additional means of communication with police officials. From the dearth of phone calls received by police, it is questionable whether the union carried out this plan.

The Chief of Police and other law enforcement commanders were present on-scene during the entire event as were the AFL-CIO leadership and organizers. Two requests were made by union representatives asking the Chief to allow buses to reach Biscayne Boulevard shortly before the afternoon rally at the Amphitheater. Both times, the Chief pointed out that the crowd had effectively closed down the Boulevard and buses would be unable to safely approach. In the second instance, the Chief did direct officers to accompany union marshals as they walked to two buses that were blocked from entering the Boulevard and escorted the passengers to the Amphitheater.

Following the completion of the parade, Vincent O'Brien of the AFL-CIO asked the Chief of Police if approximately ten buses could access Biscayne Boulevard to retrieve seniors from the Amphitheater. Since the crowd on the Boulevard had somewhat diminished following the march, the Chief directed the Miami Police Department motorcycle officers to prepare an escort of the buses to the Boulevard while Mr. O'Brien left to notify those in the Amphitheater of the plans for transporting the seniors. Minutes later, a non-union crowd began to reassemble on the Boulevard. Joined by other non-union protestors exiting the Amphitheater, this crowd swiftly turned hostile and initiated attacks upon the police line to the south. The unprovoked hostilities

immediately forced an abandonment of the plan to bring the buses to the Amphitheater.

During the months of negotiations with the AFL-CIO, the Police Department had early on voiced concerns about the union's desire to bring buses to Biscayne Boulevard given the limited access points, the proximity to the FTAA Summit and the unpredictability of the coalition crowds. The Police Department had urged the union to use the Miami Arena as the primary staging area for their buses. All parties were concerned with the ability to deliver the buses into the heart of the protest location. The AFL-CIO's own representative, Mr. O'Brien, stated that if there was violence on the day of the union's march, he would personally turn back the buses of arriving protestors.

The Amphitheater was located, in effect, at the tip of a peninsula. The area to the south was closed by the frozen zone surrounding the Intercontinental and Hyatt Hotels. The area to the north was the access point to the Port of Miami and thus was cordoned off by the Miami-Dade Police Department. The Amphitheater is bordered to the east by Biscayne Bay. As repeatedly relayed in negotiations with the AFL-CIO, there was only one way in and one way out of their insisted-upon staging area and bus stop. The police negotiators did not share the union's confidence that they could secure a meaningful promise from their coalition partners not to block access to the Boulevard. For that reason, the Police Department urged the union to agree to a staging area at the Miami Arena with its 360 degree accessibility, public transportation, open spacing and ample parking for buses and any other vehicles deemed necessary by the union.

Since the completion of the FTAA, the Miami Police Department has made attempts to dialog with the AFL-CIO on the issue of bus accessibility. The union has directly refused such conversation. This refusal makes it impossible to gauge the true extent to which buses could not reach either the Bayfront Amphitheater or the Miami Arena. In a future similar event, law enforcement must seriously consider outright rejection of an organizer's request to provide transportation to an area that offers no workable contingency should pedestrian traffic make the location inaccessible. The organizers could then challenge the restrictions through the legal process.

IX) DAY-BY-DAY REVIEW OF SIGNIFICANT EVENTS

FTAA EVE — NO PREEMPTIVE STRIKES

On the eve of the FTAA week and in the first days of the event, bicycle officers were a constant presence in the downtown area. Dressed in short sleeves and short pants, these officers did make a modest number of pedestrian stops. They also engaged in consensual conversations with visitors to the downtown area. The bicycle officers performed their duties under the direct supervision of a Lieutenant and several Sergeants. Before, during and after the FTAA, the supervisors informed police commanders of the circumstances of their stops. The police are required to have a reasonable suspicion that a crime is about to occur in order to conduct a lawful stop. No level of suspicion is required for an officer to merely approach and engage an individual in a consensual encounter.

The observations of police officers and the reports of civilians regarding suspicious activity, including the gathering of rocks and bricks, was sufficient to warrant stops and consensual encounters. The Police Department had intelligence warnings that attacks on police and the

police line were planned throughout the week. Some individuals were seen repeatedly carrying packages overflowing with pipes, lengths of wood or other objects at all hours in downtown areas nearly devoid of residences and businesses. It was proper for police to look closer at such individuals. A number of weapons were recovered including wrist rockets. Arrests in these encounters were the rare exception. Several individuals arrested on the Saturday prior to FTAA were released with ““will appear”” citations in minutes once they finally provided verifiable identification to officers. At least two other individuals arrested the next day were ““unarrested”” when police supervisors at headquarters determined that such arrests were likely lawful but not necessary.

There is no merit to the claims that officers ordered businesses to remove anti-FTAA signs. Several storeowners did call police when they were asked to display and distribute such literature by unknown individuals. In fact, police were well aware that the AFL-CIO intended to mass distribute information to merchants in vicinity of protest area. The union had advised police that this information would include logistical advisements as well as the union’s position on the FTAA. This solicitation was of no concern to the Police Department. The MPD similarly denies that any aggressive or intimidating actions were taken towards houses of worship. In one instance that has been manipulated by the ACLU and repeated by others as fact, bicycle officers from a partner police agency assisted church ushers with a meeting held during the FTAA week. Contrary to another manufactured claim, high-profile ““convergence centers”” were avoided by the police. The Chief of Police requested that the Fire Department forgo a planned inspection for code compliance at one such center out of concern that it might be misperceived as intimidation.

In the weeks and days prior to the FTAA event, the Miami Police Department, led by the Chief of Police and his command staff, embarked on a campaign to reduce tensions raised by the media bombardment of violent images from prior events in Seattle and other cities. Police officers and the public alike were subject to a barrage of images depicting violent attacks and property damage. Scores of businesses and community meetings were personally addressed by the Chief and other police personnel, urging them to remain calm and keep their operations open during the FTAA. For example, the Chief and the City Administrator met with the Cruise Line industry based at the Port of Miami to assuage their safety concerns. The Chief assured the attendees of the safety of the Port and that the integrity of the ingress and egress routes would be maintained. Unfortunately, these efforts were unable to overcome their fears and the Cruise Lines moved operations to Fort Lauderdale for the week at a cost of more than \$600,000. The Chief also spoke at a luncheon for the Greater Miami Chamber of Commerce and repeated his message that while minor traffic inconveniences were possible, the police could guarantee their safety so they should not panic nor close their operations. The Chief delivered a similar message to his officers and those from outside agencies that were participating in the FTAA. Unfortunately, despite these efforts, the Police Department was unable to mitigate the powerful television images of Seattle and other locales and thus many businesses and institutions closed their operations during the FTAA week.

As discussed in more detail in the ““Additional Issues”” section below, throughout the FTAA week, each of the approximately 40 law enforcement agencies assigned to the event made independent decisions on the uniform attire and level of defensive body armor necessary at any given time in their respective geographic areas of responsibility. The Miami Police Department sought to wear ““soft”” uniforms when at all possible. During the initial days of the FTAA, there were instances when Miami Police Department officers did wear body armor in response to

specific intelligence and threats. However, even during those periods, all efforts were made to keep those officers out of view of the protestors and the public. Some members of the media could not resist the opportunity to photograph and broadcast images of the officers in their body armor but it is impossible to completely hide dozens of police officers on standby status. Miami Police Department bicycle officers accompanied the two high profile, lawfully permitted parades as well as other unsanctioned marches. The Miami Police Department made every effort to place our officers in more “friendly”, traditional police uniforms whenever possible. The Chief of Police and Deputy Chief of the Miami Police Department made numerous suggestions with varying success to their law enforcement partners requesting them to minimize the time spent in defensive gear. These Chiefs backed up their words by wearing bicycle uniforms the entire week.

TUESDAY, NOVEMBER 18, 2003 — OPENING DAY OF FTAA SUMMIT

On Tuesday morning, officers discovered that the bolts securing a portion of the security fence had been removed during the night. The sabotaged fencing was located in front of the Holiday Village, directly adjacent to the host hotel. The hardware was obviously removed by carnival workers who had access to the restricted area the previous evening.

On Tuesday morning and afternoon, several small-scale protest events in downtown Miami were policed without incident. These protests included two separate events held at the Torch of Friendship in front of the Bayside Marketplace. One was a permitted vigil by the Unitarian Universalistic Congregation and the second was an unsanctioned rally by the Essential Action organization.

On Tuesday afternoon, the Immocole Farm Workers March entered the City from the north in a properly permitted event protesting the plight of migrant farm workers. The parade had started days earlier in Palm Beach County. Bicycle officers escorted the marchers to Biscayne Boulevard directly outside the Intercontinental Hotel where an unscheduled, spirited rally was held. Protestors were allowed access to the fence and nearly all of the police presence was in non-public areas behind the fencing. Following the protest at the fence, the demonstrators were escorted to the Bayfront Amphitheater where a rally and concert was held for several hours, again without a single significant incident.

The concert was nearly derailed by the late realization of the promoters that the independent Bayfront Park Trust required a \$5,000 fee for police services. However, the Miami Police Department’s negotiating team and the Department’s Legal Counsel reached an agreement with the Park Trust whereby the Police Department essentially absorbed the security costs thus permitting the concert to proceed as scheduled.

WEDNESDAY, NOVEMBER 19, 2003

On Wednesday morning, the Chief of Police led the Mayor and City Manager on a tour of the security perimeter explaining the plans for that afternoon and evening and the following day. During this tour, they encountered John Sweeney, President of the AFL-CIO. Mr. Sweeney commented on his satisfaction with the planning for the union’s events and stated, in sum, “Not only does Miami have a good Mayor but it’s got a good Police Chief too.” These gracious remarks were televised in a Channel 4 newscast that was broadcast on December 4. The Chief of Police also met with Vincent O’Brien, the Field Mobilization Director for the AFL-CIO. Mr. O’Brien expressed his satisfaction with the cooperation of the Police Department and

he reiterated that the union was determined to prevent outsiders from using their event to cause the chaos as was seen in Seattle. Mr. O'Brien offered to turn around buses and send away union protestors if the situation on Biscayne Boulevard became volatile. The Chief provided Mr. O'Brien with his personal cell phone number in case he needed to contact him during the next day's events.

At approximately 1PM on Wednesday, two separate unsanctioned protest rallies were held. The first, at Burdine's department store on Flagler Street in downtown Miami, involved approximately 20-40 protestors who were monitored by Miami Police Department bicycle officers. The second protest was at an Office Depot store in a Miami neighborhood and involved approximately 25 protestors. These protests were uneventful.

There was an increase in violence committed by protestors throughout the day on Wednesday. Fireworks were thrown at a State Trooper on Brickell Avenue. A Channel 10 news vehicle had its tires slashed outside the protest convergence center. Patrol officers effected the arrest of seven burglars in an abandoned mansion and recovered weapons, gas masks and maps of the security fence line. Reports were received from at least five Starbucks locations that had cement poured in their toilets. Management at the Bayside Marketplace also advised that they were evicting coalition protestors who had rented space under the false pretense that they were affiliated with NBC television.

Also on Wednesday, a reception was held at Vizcaya Palace for FTAA Ministers, other diplomats and business and political leaders from the region. The Marine Operations component escorted a private vessel carrying the Ministers from the Intercontinental Hotel to the Palace for the reception. Florida Highway Patrol secured the Brickell Avenue route that was used by buses to bring FTAA staff to the Palace and to bring all of the guests of the reception back to the Hotel at the close of the event. The Miami-Dade Police Department provided the on-site security for the event as the venue is a County property. The travel of hundreds of individuals made this event more highly vulnerable to attack or confrontation. However, the planning and implementation were executed without a hitch.

On Wednesday afternoon, the Miami Police Department Chief of Police met approximately 2,000 United Steel Workers at the Guzman Theater and the Chief led their march on his bicycle to the Bayside Marketplace. Union members attended a party at the Hard Rock Café and patronized other shops in the marketplace. The Chief and other officers mingled with the union workers and accommodated numerous requests to take photographs with the members. Following the party, a labor rally and concert was held at the Amphitheater next door. It was a well-attended and peaceful rally, however, a coalition leader was invited by the AFL-CIO to speak to the crowd during the rally. This person informed the crowd that a direct action was planned for the next day and invited the participation of the audience members. At the close of the rally, Miami Police Department officials facilitated the arrival of shuttle buses to the Amphitheater for transporting the union members back to their hotels.

THURSDAY, NOVEMBER 20, 2003

As expected, Thursday was the most challenging day of the FTAA week. True to their word, two separate coalition groups of an estimated 900 protestors set out on non-permitted marches at approximately 7AM, one from the protestor convergence center in Overtown and the other at the Steven P. Clark Government Center in Downtown Miami. Miami Police Department officers

followed these groups on bicycle.

The first group of approximately 200 demonstrators, many of whom were ““padded up” in protective gear and carrying improvised shields, marched throughout Overtown on the northern outskirts of Downtown and eventually stopped at 1 Court and NW 14th Street. A masked man emerged from the group and identified himself as their spokesman. A Police Department commanding officer communicated with this self-proclaimed spokesman for over half an hour and a march route was agreed upon by the police and the non-sanctioned marchers. Despite their failure to request a permit, police made it possible for the group to march and their voices to be heard. The bicycle patrol officers provided escorts for traffic and security protection of the marchers. They eventually stopped in front of the Miami Police Department headquarters where they remained for over an hour.

While this was occurring, the second group at the Government Center was growing in size to approximately 700 protestors. The situation was becoming more serious as there were two large groups of protestors without permits demonstrating in the Downtown area at the same time. These groups had made public their intention to execute a direct action at the security fence in front of the Intercontinental Hotel. Two different commanding officers were handling these situations simultaneously.

At this point, the group at the Government Center began marching without notice into the inner core of Downtown. They worked their way down Flagler Street. The group strung wire across the street in an apparent attempt to assault the bicycle officers following their movements. Both of the groups had become increasingly hostile and communication with them was diminishing. The commanding officer on Flagler Street directed his personnel to assume positions to prepare to respond safely to any unlawful actions by the crowd.

The demonstrators back at Police Headquarters abruptly began to march north back into the Overtown neighborhood. Once again, the bicycle officers, under direct instructions of a commanding officer, escorted the group. This non-threatening assistance was met with a violent response from the protestors at the corner of 1 Court and NW 13th Street. The protestors began throwing objects at the officers on bicycles. The officers quickly controlled the situation and were forced to take several marchers into custody. The others were allowed to disperse from the area.

By 9AM, the Police Department was being challenged and faced with two separate mobs of non-permitted demonstrators who were making it increasingly clear that their intention was to disrupt the City and the Ministerial meetings.

The police commanders at Flagler Street made numerous attempts to initiate dialog with the group at the location, but to no avail. In an extraordinary effort to provide the crowd with an opportunity to peacefully express itself, the police allowed them to proceed to the fence line on Flagler Street, which is the closest public point to the Intercontinental Hotel. Throughout this time, repeated announcements were made to the group that this non-permitted demonstration would be allowed to continue at the fence line as long as it was peaceful. The demonstrators responded to this gesture by assaulting and battering the police officers who had made it possible for them to reach the fence line to demonstrate. Police were attacked by marchers who linked arms and crashed into officers, attempts were made to pull some officers into the crowd, other officers were attacked from the rear as they attempted to make arrests, pepper spray was

deployed against some officers, and other officers were sprayed with unknown substances. A handful of arrests were made but police maintained their lines and the crowd continued its protest.

A short time later, calm was restored and the Mayor and the City Administrator visited the scene to survey the area and meet with the Chief of Police. As the Mayor engaged some protestors in a dialog, other began to attack the Mayor's vehicle at which time the security detail removed the Mayor from the area.

Not long after, at approximately 9:50 in the morning, without any provocation and in a coordinated attack, the demonstrators at Flagler Street threw fireworks and a tear gas container at officers guarding the fence line while attaching ropes and grappling hooks to the fence. As the crowd attempted to pull down the fence, courageous officers responded with pepper spray and beanbags to foil the attack. The confrontation was over in minutes. A modest number of arrests were made but the rest of the crowd was free to disperse.

The MPD had been informed by the AFL-CIO that the coalition protestors had promised the union that their morning actions would cease in plenty of time for the union's events in the afternoon. As predicted by the police negotiators, this promise was broken. After the morning offensive, protestors from the same group remained downtown, lingering on Biscayne Boulevard and blocking streets intended for AFL-CIO access. Some buses were able to deliver passengers but soon access was made impossible as the crowd continued to grow (bus access discussed further in "AFL-CIO BUS ISSUES" section).

Union organizers made the decision to open their rally and march to all, including the coalition groups who had engaged in unlawful and violent behavior that morning. The union's decision to search all of those entering the rally was complicated by the volume of over-filled backpacks. The result was increased tensions on the line and even a physical scuffle. Despite the obstacles, MPD bicycle officers and Miami Community Relations Board members coordinated a peaceful and successful AFL-CIO march. An estimated 10,000 union members and retirees marched for approximately 2.5 miles through downtown Miami. The march was lively, high-spirited and incident free. While the march was underway, police commanders moved officers from the front of the Amphitheater where they had been stationed following the morning violence. At the conclusion of the parade, union members and other protestors returned to the Amphitheater for another rally.

Throughout the afternoon, MPD officers escorted union Marshals on several trips through the police lines for food and water. At approximately 3PM, at the request of Mr. O'Brien of the AFL-CIO, the Miami Chief of Police was personally arranging for buses to be escorted to the Amphitheater to pick up seniors wishing to leave the rally. At this point, coalition members began to regroup on Biscayne Boulevard. It was known that another direct action on the police line was planned for 5PM after the union's activities were complete. This intelligence was supported by graffiti in the portable toilets leased for the union's rally. However, this early gathering of protestors on the Boulevard was quickly growing in size and distemper.

As officers lined up a full block south of the Amphitheater, coalition protestors exiting the Amphitheater and those already on Biscayne Boulevard began pelting the police with projectiles. This attack, coming without warning or provocation, included rocks, bottles, marbles, smoke bombs and pepper spray. In minutes, the mob set several fires in the street. A civilian in a

business suit who tried to extinguish one such fire was beaten and knocked to the ground. As police prevented union members from exiting the Amphitheater into the violence outside, multiple orders to disperse were given to the crowd on the Boulevard. The pummeling of the police line by projectiles continued from those within the remaining, non-compliant crowd. After approximately 15 minutes on the receiving end of this violent attack and after numerous orders to disperse went unheeded, the police used non-lethal tools to methodically move the crowd away from the Amphitheater, Biscayne Boulevard and downtown Miami.

All of those who remained in the crowd when police used necessary force were in violation of the dispersion orders. Even those claiming that they were peacefully protesting within the group were providing cover and opportunity to those others in their midst that were obviously committing violence. If all the self-proclaimed ““nonviolent”” protestors had complied with police dispersion orders, it would have made it more difficult for those in the mob to continue their violent attacks. The refusal by any single protestor to disperse facilitated further violence and vandalism. Several times, the police issued warnings, used necessary force and then paused for minutes, long enough for dispersion by members of the crowd. During each pregnant pause, the violent crowd continued its mayhem, assaulting officers, erecting roadblocks, setting fires and vandalizing property. Those who remained in the crowd were fully cognizant of the police orders to disperse and the violence coming from within their ranks.

While unfortunate, it is certainly plausible that a member of the press could have been unintentionally injured in the clash. The press took certain risks to be at the center of the action and it is very regrettable if any of their members were injured. It is also regrettable that a number of police officers suffered injuries of varying degree during the course of their FTAA duties. On Thursday alone, 17 police officers reported receiving injuries including six requiring hospital treatment. Many other officers did not formally report less serious injuries and incidents in which their protective body armor protected them when struck with projectiles. Even more officers were spared serious injury from protestor projectiles because of the less lethal projectiles used by police such as the sponge rounds and the pepper balls. When the protestor projectiles hit the officers, the force behind them was often dissipated by the separation provided when violent protestors sought to avoid the less lethal tools. This distance certainly contributed to minimizing the number of officers that were seriously injured.

Approximately 75 arrests were made as a direct result of Thursday’s confrontations with police. Most of these arrests were effected by officers from the Miami Police Department and the Broward Sheriff’s Office who were on the police lines assaulted by the mobs. Additional arrests made by the Dade County Police Department on Thursday and throughout the FTAA week will be discussed separately in that Department’s own After-Action Report. Of the aforementioned 75 arrests, the oldest arrestee was 71 years old and the next oldest was 60 years old. The average age of the remaining arrestees was approximately 26 years old with three-quarters of those being under 28 years of age.

The Miami Police Department made every attempt to protect the rights of protestors to peacefully express their opinions. Numerous spirited parades and rallies, both sanctioned and unsanctioned, were accommodated by police without significant incident. After the violence on Thursday morning, the AFL-CIO’s events were not cancelled despite the right of the police to do so in the interest of public safety.

The coalition actions and attacks dominated Thursday's events but there were other incidents of note on that day. On Thursday morning, two Army recruitment stations were vandalized with windows broken and graffiti spray painted on the locations. Amnesty International also held a permitted rally at 10AM at the Torch of Friendship in front of Bayside Marketplace. The organizers had predicted a small crowd of 200-300 people but actual attendance was in the single digits. Organizers blamed police for making it difficult for protestors to attend the event. There were hundreds of people in the area from the unsanctioned morning marches and rallies but the Amnesty International event likely failed to draw attention from the more energetic activities developing on the Boulevard as well as their ill-conceived decision to hold the event in almost direct competition with the much larger AFL-CIO events.

FRIDAY, NOVEMBER 21, 2003

The FTAA Ministerial concluded its business on Thursday, one day earlier than originally anticipated. The streets were much quieter on Friday than the previous day but there were still bands of demonstrators wandering the Downtown area. Police scaled back their operations and by the end of the day most outside agencies had returned home. However, there were still some events requiring police attention during the day.

The parade scheduled by the FTAA Welcoming Committee was cancelled due to a low turnout. Police and event organizers negotiated an amendment to the permit for a rally instead of the parade. Approximately 200 people attended the rally.

After observing a number of groups wandering seemingly aimlessly throughout the Downtown corridor, the Chief of the Miami Police Department suggested that the movement could be a distraction for actions planned in another area. The Florida Highway Patrol had earlier been released from the Brickell Avenue security detail so the Chief and a small handful of officers traveled by bicycle to that area. In the almost deserted Financial District, police observed several individuals, alone and in small groups, congregating in the area and communicating amongst themselves. When approached in conversation by police, it was confirmed that these individuals were members of various coalition groups in Miami to protest the FTAA. Additional officers were reassigned to Brickell Avenue and the groups dissipated.

Later that afternoon, a protest was policed by the Miami-Dade Police Department at the Miami-Dade Justice Center. A number of arrests were made and that incident will be discussed in that Department's own After-Action Report.

By nightfall on Friday, the security fence was disassembled and the partner law enforcement agencies had been released back home.

X) POLICE RESPONSE TO RESISTANCE

The Miami Police Department and its law enforcement partners went to great lengths to avoid using force during the FTAA, even in those circumstances where it was fully justified to do so. When the use of force was unavoidable, the emphasis was to use less lethal tools to target the specific individuals committing or facilitating acts of violence. As planned and trained, force was used only as a measured response to violence and the use of force ceased when the threat was mitigated.

The Miami Chief of Police created a video message to his entire Department. The message, broadcast repeatedly in the weeks and days prior to the FTAA, emphasized the importance of professionalism and restraint. This message and the Rules of Engagement restricting the use of force were also shared with all our law enforcement partners. The clear message was that the overwhelming vast majority of protestors would be peaceful. Officers were directed to expect and accept all forms of derogatory verbal abuse. The Chief told officers and the public alike that our guiding rule was that the protestors could say anything they want but they must also ““keep your hands to yourself.””

The Miami Police Department, the City Legal Department and the FTAA Training Committee developed the Rules of Engagement. These Rules memorialized the strict, self-imposed guidelines on when the use of force could be authorized. The Rules were presented to all participating agencies in a formal setting at the Miami Police Department. In addition, a Power-Point presentation and video was provided to all the agencies. The Rules of Engagement are based on a Force Continuum; the police react to the protestors’ actions and the Rules emphasize the minimum necessary force required to stabilize a situation. The Continuum begins with omnipresence and verbal commands and steadily increases in response to the resistance brought against officers.

When a physical threat or harm to property or persons is presented, the force continuum escalates to authorize the use of mechanical or chemical tools. At this level, officers can utilize baton strikes, Tasers, and chemical agents to restore order, protect life and property, and in self-defense. Whenever practical, police favored the less lethal tools such as Tasers and pepper spray over the traditional police impact weapons such as nightstick strikes which have a greater likelihood of inflicting long term injury. All of the levels of force discussed thus far required the authorization of a Lieutenant or higher rank as clearly delineated in the Rules of Engagement.

The next level of force required the authorization of a SWAT Lieutenant or Captain of Police or higher rank. At this level, protestors are physically aggressive and imminent physical harm is likely. Protestors are using objects such as bricks, marbles propelled by sling shot, bolts, etc. to cause harm to officers. Less lethal munitions are proper to stop this threat including the deployment of sponge rounds and pepper balls. SWAT team members deploy these munitions. The permissible amount of force escalates in order to meet the force of the violent protestors then deescalates as the threat decreases. All deployment considerations for mechanical and chemical weapons are based on safety, effectiveness, deliverability, authorization and accountability.

It was known from the violent demonstrations in Seattle and other cities that anarchists used the cover of large crowds to carry out their hit-and-run attacks. The challenge was to take appropriate action against the violent actors without endangering lawful protestors in the larger crowd. A cornerstone of the force training for the FTAA event was the emphasis on targeting less lethal tools at specific individuals committing violent acts rather than the crowd as a whole. For that reason, all the law enforcement agencies agreed in advance to strictly limit the deployment of teargas or other wide-dispersing, non-discriminatory tools.

It is important to note the distinction between the types of crowds used by anarchists and other violent demonstrators as cover for their attacks. A lawful, permitted parade of protestors is far different in culpability and intent than an unlawful assembly that refuses to disperse despite orders to do so. The first group is used unwittingly by the anarchists and could be expected to

disperse if directed by law enforcement. The second group intentionally defies police orders to disperse and purposely provides opportunity and access to the anarchists in their midst to throw projectiles at police, set fires and commit vandalism. This group will include those who claim that they were peaceful in their own actions, which may or may not be true. However, they knowingly shield the actions of the anarchists and their refusal to disperse makes the attacks possible.

Each Response Platoon assigned to the FTAA was equipped with two MK-46 chemical agent dispersal systems. The MK-46 is a handheld canister the same size as a small fire extinguisher. It delivers pepper spray in a concentrated stream to a target. In addition, each Response Platoon Commander supervised an officer trained and equipped with a MK-9 chemical agent dispersal system worn on a backpack. These high-capacity pepper spray delivery systems were authorized for use only at the direction of the Response Platoon Commander.

All SWAT Teams assigned to the FTAA event were trained and equipped with a full complement of less lethal and chemical agents that were available in their inventory. Furthermore, only a SWAT Lieutenant or a Captain of Police could authorize the use of wide-dispersing, airborne chemical agents, particularly tear gas.

One of the primary tools selected for targeting specific individuals was the pepper ball round. Fired in different sizes from different weapons, these pepper balls are small plastic shells containing an amount of powder or liquid pepper spray like that carried by most police officers in their everyday duties. The rounds are designed to strike the target and deliver an irritating blast of pepper spray that hampers the target's breathing and vision but with no long-term ill effects. In short, the pepper balls were intended to neutralize the target's ability to commit violence. Unfortunately, they were far less effective than hoped. A large number of the balls failed to open on contact and those that did failed to have the desired effect. SWAT members reported that as many as five or more pepper ball rounds were necessary for a target to show the intended effects. This figure is consistent with the manufacturer's suggested deployment numbers. Future operations must consider the ultimate effectiveness of these pepper ball rounds and evaluate whether other tools can be utilized to better achieve the desired goal with a reduction in munitions volume.

The days preceding the FTAA Ministerial were relatively peaceful as were the first two days of the event. Even the violent attack upon the fence line on Thursday morning was met with a limited response by police. In that incident, officers were pushed, struck, doused with unknown liquids and pepper spray. The officers kept their cool and maintained the police line. When the crowd threw grappling hooks over the fence and attempted to pull it down, officers responded with two disorienting concussion grenades, seven beanbag rounds and one discharge of a 37MM stinger cartridge that deploys a tight grouping of small rubber projectiles at the feet of a target. This deployment of less lethal tools was over in seconds and had the desired result of preventing the toppling of the security fence. The crowd dispersed and police officers in formation were able to keep them from regrouping and move them away from the fence line.

On Thursday afternoon, violent protestors attacked police again. This time it was a far more vicious attack specifically aimed at injuring police officers and destroying property. Without provocation, protestors pummeled police with projectiles including rocks, bottles, ignited road flares, fireworks, and slingshot-propelled ball bearings, marbles and metal bolts. Police used

pepper balls, beanbag rounds, and rubber stinger cartridges to disperse the crowd. Police waited approximately 15 minutes before deploying these tools in an effort to permit bystanders to leave the scene and to allow officers to seal off the Amphitheater before innocent people could exit and walk directly into the violent mob. These tools were not used until repeated orders to disperse delivered by bullhorn were disregarded. With each volley of less lethal tools, police moved the crowd away and waited up to several minutes before taking additional action.

Every person in the violent crowd had the legal obligation and ample opportunity to disperse, both before any munitions were deployed and after each volley. Nevertheless, much of the crowd returned time and again with those in the front shielding those in the back as they continued their attacks, setting of fires and destruction of property.

During the FTAA week, the Miami Police Department deployed 87 beanbag rounds, 310 pepper ball rounds, 32 impact sponge rounds and 53 impact sponge rounds with pepper spray contents. A team of officers from the Immigration and Customs Enforcement was working with the Miami SWAT teams on the police line and they deployed 86 FN203 pepper ball rounds. Most other participating agencies utilized little or no less lethal munitions. The agencies manning the police line assaulted on Thursday afternoon utilized the most munitions. The Broward Sheriff's Office is finalizing its report which will be attached to the appendix of this report. Given Broward's position in the direct line of assault by the protestors, it is likely that they utilized a volume of munitions similar to that of the Miami Police Department. The Miami-Dade Police Department is preparing their own After-Action Report. One agency did deploy four canisters of teargas on Thursday afternoon. That agency is conducting its own review to ensure that the deployment was within the guidelines established for the FTAA event.

Through the adoption of the Rules of Engagement, officers from all agencies were instructed that, except in a dire emergency, the use of force would be limited and controlled at the order of their platoon commander. Force was used only in response to force and at the direction of a ranking supervisor. Every effort was expended to use force only on those particular individuals committing violent acts. Miami Police Department officers and our partners followed their training and did not respond to the expected verbal provocation. Officers knew that many professional and amateur cameramen would document their actions. Restraint and professionalism were the professed and practiced keys to law enforcement's success at the FTAA.

XI) CIVILIAN COMPLAINTS

The Internal Affairs Division of the Miami Police Department received five complaints of police misconduct in the eight weeks following the FTAA. One involved an allegation brought against a member of the Miami Police Department and is being investigated by Internal Affairs. Each of the other four complaints was closed without investigation because they either involved allegations against agencies other than the Miami Police Department or the allegations themselves were too vague for follow-up. All of the complaints that could be traced to a specific agency were forwarded to that agency. Copies of all of the complaints were forwarded to the City of Miami's Citizen Investigative Panel.

The Miami Police Department also reviewed a number of complaints raised in the press by alleged witnesses to police misconduct. One such complaint involved an allegation that at least four businesses in downtown Miami were ordered by Miami police officers to remove signs

expressing opposition to the FTAA and given pro-FTAA material to disperse instead. The ACLU claimed in an Op-Ed to have documentation of these events and a local television reporter also claimed to have copies of these complaints. The Miami Police Department has not been provided with these complaints despite promises made by the reporter to do so. It has therefore not been possible to address these specific claims. However, interviews with police supervisors and storeowners generated no support for the allegations. Some storeowners were visited by officers but only after they called the police to report that they had been approached by unknown individuals to display anti-FTAA literature in their businesses. These businesses called police to express their suspicion and discomfort with the visits from the unknown protestors.

Another complaint lodged only in the press is that police disrupted a meeting at a church in downtown Miami because it was attended by anti-FTAA protestors. Police officials visited the church following the publication of these complaints and learned that the only complaint involved one of the law enforcement agencies using church property to park vehicles without permission. In a letter published in the Miami Herald, a police supervisor from the Miami-Dade County Police Department presented his first-hand experience at the incident in question. He stated that the officers at the church were there in soft clothes (short sleeves and short pants) and provided assistance in escorting a number of attendees to the meeting. The supervisor wrote of the warm greetings and show of appreciation that he and many of his officers were given by the attendees. It is telling that no formal complaint has been made regarding this incident although it has since been built into a legend by the ACLU and others.

A Miami-Dade Circuit Court Judge made front page headlines with his own claim that he personally observed the commission of “no less than 20 felonies” by police officers on an unknown date during the FTAA meetings held from November 17 to 21, 2003. Given the nature of these allegations, the Chief of Police directed Internal Affairs investigators to interview the Judge on Monday, December 22, 2003, the first business day after the Judge’s statements came to light. Unfortunately, the Judge declined to speak with the investigators. On December 23, 2003, the Miami Chief of Police requested that the City’s independent Civilian Investigative Panel use its influence and its subpoena power to determine what crimes were witnessed by the Judge. It is important to any thorough investigation of the FTAA event that the Judge’s public allegations of criminal activity and his observations are brought to light.

Despite the lack of formal complaints, the Miami Police Department is conducting an exhaustive review of the actions of its police officers during the FTAA. This review includes examination of complaints raised in the press and viewing of hundreds of hours of videotape from police, protestor and media cameramen. Any incidents raising serious questions about over-aggressive searches or unnecessary usage of force are being submitted to the Internal Affairs Division for a thorough investigation despite the lack of a formal complainant. Furthermore, Internal Affairs is conducting its own review of the videotape. It is important that law enforcement determines whether any individual officers did deviate from the strict guidelines and training put into effect for the FTAA. Any such cases must be addressed through training and, if appropriate, with discipline. It has already been determined that one officer from a partner agency utilized teargas arguably outside the protocol established for such usage. That case has been referred to the command of the officer's department for internal review and any necessary action. The Miami Police Department's own internal review is ongoing and will continue as long as new information and materials become available.

One lesson learned from the FTAA is that the participation of multiple law enforcement agencies requires a mechanism for receiving and investigating complaints made against officers from any of the participating jurisdictions. The Miami Police Department's Internal Affairs Division can only investigate allegations brought against members of its own department. Even civilian review panels have authority limited to actions taken by officers working for their same jurisdiction. Planning for similar future events should include steps to establish formal complaint processes and investigative protocol for civilian complaints. The public and all participating agencies should know upfront what the process entails and how complaints are going to be dispersed to the relevant agencies for review. All of the participating agencies should agree to hold their officers accountable to policies put in place for the particular event. Each agency should submit their findings to the IA and/or civilian review panel of the host jurisdiction for a final tally and publishing of the outcome of each case.

XII) ADDITIONAL ISSUES

CREDENTIALS

One unanticipated obstacle was created by the insufficient process initially established for the issuance of credentials to the FTAA events held in the host Intercontinental Hotel. This task was not entrusted to any law enforcement agency but was instead assumed by the Office of the U.S. Trade Representative. Credentials were eventually issued for thousands of Summit participants and neighboring businesses with legitimate need for access to the frozen security zone. Thousands more media personnel also received credentials and access to FTAA activities. Unfortunately, the process for issuing these credentials was greatly compromised. Only the ingenuity and enormous effort of the law enforcement personnel manning security checkpoints combined with considerable good fortune prevented any dangerous infiltration of the FTAA site by those seeking to exploit this serious security shortcoming.

It was the understanding of the law enforcement planners that the credentials were to consist of numerically-assigned, photographic identification cards issued after the completion of a modest background check. Similar systems have been utilized by law enforcement at political conventions and other sensitive events for at least the past decade. It was learned on Monday, November 17th, one day prior to the formal commencement of the FTAA Summit, that law enforcement's understanding of the credential process was far different than the process actually implemented.

Most of the credentials issued were not of the variety that depicted a photograph of the individual being given access. The media credentials did have photographs but a walk-through of the process for securing such credentials demonstrated that easily-counterfeited letterhead or even an email was enough to validate the applicant as a member of the press. Even less secure were the non-photographic identifications provided to FTAA participants, staff, law enforcement personnel and neighboring business people. These common plastic cards contained only the FTAA logo and a serial number. There was no name indicated let alone a photograph. Worse yet, the serial numbers did not correspond to any particular individual and the cards were given in bulk lots of several hundred to the private security personnel in neighboring office buildings for dispersion to the workers in those buildings. To further complicate matters and despite assurances to the contrary, the credentials failed to indicate which of the 17 security gates the holder should utilize when entering the security zone.

The system designed to permit entry of motor vehicles to the frozen zone was similarly flawed. The vehicle pass was made from ordinary stationary with a small hologram that could be easily reproduced with a square of aluminum foil. The haphazard manner in which the credentials and vehicle passes were issued created severe security concerns for law enforcement. There could be enormous potential damage caused by even a single anarchist gaining access to the host site with bad intentions. For instance, a smoke bomb or unidentified powder could have forced the evacuation of the entire site.

The law enforcement personnel responsible for on-site security at the Intercontinental Hotel immediately developed an alternate security plan. In the hours before the event, police officers tracked down private security personnel and developed partial lists that corresponded names with the numbers on the credentials. Those individuals seeking entry to the secure area were asked to provide official identification such as a driver's license in addition to their credentials, prompting many of them to ask why the credentials were issued in the first place. An additional layer of secondary inspections was implemented to address those people requiring further review. Additional police were assigned to direct people to the proper access gates. The site was not breached during the event due to these ad hoc contingencies and perhaps an over-estimation of the security of the credential process by potential infiltrators. In the future, law enforcement officials should demand control of the credentialing process. Enormous expenditures in equipment and manpower were dedicated to hardening the security zone around the host site. However, the credentialing process made it far easier for anarchists or other potential infiltrators to walk in the front door had they attempted to do so.

SLEEPING DRAGONS

One surprise during the protests by the coalition groups was their failure to use any sleeping dragons devices to lock down traffic intersections or building accesses. A sleeping dragon is most commonly constructed by a group of protestors linking themselves together by placing their hands into hollow piping with metal or cement fortification on the outside of the pipe. The pipes must be cut with construction tools in order to separate and remove the protestors. These devices have been used in many recent protests and the FTAA law enforcement plan included significant preparation for their removal by highly-trained and equipped "cut teams".

It is possible that the coalition protestors decided that using sleeping dragons would be less effective during this event due to media coverage of the expertise developed by those officers charged with removing such devices. There were also public pronouncements by the Chief of Police that individuals using the sleeping dragons would be given low priority and left in their self-imposed shackles for as long as necessary. The removal of such protestors was to occur only when law enforcement determined it absolutely necessary. Perhaps the protestors also saw limited public relations value in causing traffic jams that would delay the travel of people who were not involved in the FTAA discussions. A more sinister possibility is that protest organizers consciously decided to instead seek a violent confrontation in order to bring greater attention to their movement. Whatever the case, this law enforcement operation, and other similar ones to come, must be prepared for the use of these devices both as obstacles to pedestrian and vehicular traffic but also as diversionary tactics to lure police personnel away from more serious actions.

BODY ARMOR

There has been much discussion regarding the decision made by some police agencies to dress their officers in defensive body armor during relatively calm periods of the FTAA week. Dressing officers in ““riot gear”” certainly provides a deterrent to those contemplating unlawful actions and prevents any delay that would occur if officers were forced to suit up after an incident has commenced. In Seattle, one of the findings in their After-Action review was that some officers were caught without protective gear and faced increased danger when attacked by violent mobs. In fact, the single biggest weakness identified in Seattle’s After-Action report was the failure to prepare for the ““worst case scenario””.

At the same time, law enforcement leaders must balance the need for preparedness with the unintended potential effects of publicly placing officers in body armor at events and times where physical confrontations are less likely. The image of officers in such gear could reasonably be perceived as intimidating to lawful protestors. In the worst case, some protestors may decide to forgo their rights to free speech out of a perception that the police are anticipating a physical confrontation. The presence of police in body armor is also an irresistible lure for the media looking for a dramatic image or as a backdrop for those protestors seeking to propagandize the presence of the officers as evidence of their claimed existence of a police state. As a purely practical matter, law enforcement must consider the effect on the health, comfort, disposition and energy levels of police officers who must wear body armor for extended periods of time in the heat of South Florida.

On a similar note, it is also critical that the lead agency confirm in advance that their law enforcement partners have identifying numerals and agency insignia on their body armor. Not all agencies participating in the FTAA had such identifiers. The Miami Police Department’s own officers did have them but even some of these officers had lettering and numerals that were scratched and difficult to read. Law enforcement commanders and the public alike must be able to identify any officer who has taken action outside the established guidelines and training.

COMMAND AND CONTROL LESSON

When police lines are maneuvering a violent group away from a vulnerable area, a reserve Patrol Response Platoon must be kept mounted and available should the command decide it necessary to seal off the group for arrest. The tactic of boxing in and isolating the violent protestors near the Miami-Dade Community College Campus was not successful because the agency called to block the group could not quickly enough move their Field Forces into position. Once the violent mob made it clear that they were not going to disperse or stop their attacks, a tactical action to surround and arrest them could have been executed. Their weapons would have been confiscated and in effect their role in FTAA would have ended. Less munitions would have been required. If practical, a reserve Patrol Response Platoon should be mounted and prepared for assignment at all times.

PRISONER PROPERTY

There have been claims in the press that police failed to properly safeguard prisoner property. At the writing of this report, the Miami Police Department has received only two claims for property that cannot be accounted for. Both of these claims involve personal items such as clothing and personal papers. The Police Department has also taken steps to address an often-repeated claim that police failed to properly secure the bicycle of a disabled veteran following

his arrest. This individual was arrested after refusing multiple orders to disperse. Each time, he came from within the violent mob and rode directly at the police line before steering away at the last moment. This individual was properly arrested and he physically resisted that arrest. However, in the effort to prevent the violent mob from taking over the streets, the bicycle was lost. The Miami Police Department has met with this individual and taken steps to expedite his claim for approximately \$1,000 to replace his bicycle.

CONCLUSION

For nine months, the Miami Police Department met with both FTAA and protest organizers to arrange a mutually acceptable plan for policing the FTAA Summit in November 2003. The meetings were facilitated by the City of Miami's independent Community Relations Board. The protest groups were expertly represented by the ACLU and their own in-house counsel and professional negotiators. All parties recognized the very real potential for violence by mobs infiltrating lawful protests. Nevertheless, plans were negotiated that aimed to fairly balance the need for security with the constitutional right to protest.

For four days during the FTAA week, the plans created by both sides were implemented with great success. Tens of thousands of protestors enthusiastically expressed their viewpoints on the formation of the FTAA in marches and rallies. A number of non-sanctioned protest events were also accommodated by police without significant incident despite the failure of these groups to meet with officials or secure proper permits. Unfortunately, on Thursday November 20, the final day of the FTAA Summit, those individuals and groups that traveled to the City of Miami with the intent to infiltrate lawful protests and inflict violence upon the City set about committing their premeditated attacks. Police demonstrated extraordinary restraint in the face of attack. This restraint was met with an increasing escalation of the violence, compelling law enforcement to use swift and firm action to put an immediate end to the attacks. There is no doubt that any less of a response would have resulted in much greater property damage and higher injury tolls.

Unfortunately, there were some innocent people that were inconvenienced or even put in harm's way. However, the danger was directly and intentionally created by the violent mobs with the witting and unwitting facilitation of others. To these violent criminals, the harm to innocent protestors and their ability to protest is not merely "collateral damage" but a direct result of intentional tactics. The direct application of violence is universally condemned and would fail miserably in the face of properly trained and equipped law enforcement. Those intending to commit violence must infiltrate law-abiding crowds to obtain the cover and opportunity they need for conducting their criminal operations. Police must use tactics that recognize this reality. Protest organizers must take affirmative steps to prevent their members from being used and placed at risk. During the FTAA week, the AFL-CIO attempted to avoid a repeat of their past failures to prevent anarchists from infiltrating union events including, most notably, the 1999 WTO Conference in Seattle. Unfortunately, but not surprisingly, their chosen tactic of appeasement failed. Those who have the sole aim of violence cannot be trusted to surrender their sole means of achieving that aim. As predicted by the Police Department, a promise from these violent actors not to use innocent protestors as opportunity and cover for their attacks proved to be worthless. If the AFL-CIO somehow did not recognize this reality before the FTAA, it is imperative that they do so in the future.

There are also lessons that the Miami Police Department and the greater law enforcement

community should learn from the policing of the FTAA event. For instance, law enforcement must recognize the need to carefully determine when officers are to be suited in body armor. Even when in reserve positions, the media simply cannot resist broadcasting images of police in ““riot gear.”” Police should not resort to such gear until there is a reliable, specific concern for officer safety. The vision of officers in body armor when the threat of violence is low can appear uninviting and, at worst, can intimidate some from exercising their rights to free expression. Police commanders, even in multi-jurisdictional operations, must secure upfront commitments from their law enforcement partners that these agencies will adopt and follow specific guidelines for wearing body armor. Just as each agency agrees to a single guideline and command for the use of force, each must do the same for the wearing of armor. So important is this issue that only those who agree beforehand should be asked to participate in the security plans.

Another lesson that can be taken from the FTAA event is the feasibility of securing overwhelming cooperation and dedication to a single command and single plan by dozens of law enforcement agencies. The magnitude and level of interagency cooperation during the FTAA week was unprecedented in American law enforcement. These agencies put aside their independence for one week and operated largely as a single entity. Nowhere is this concept more important than in the use of force. While there was the very occasional independent action such as the arguably unnecessary use of tear gas by a single officer, on the whole, the FTAA law enforcement team operated as one. The FTAA event demonstrated that such inter-agency cooperation is possible with proper planning, guidelines and training.

The policing of the FTAA event was an overall success. The mutually agreed upon plan was implemented with little variation. The FTAA Ministers exercised their right to meet without disruption in the facilities they properly reserved and paid for. Tens of thousands of protestors were given the opportunity to energetically express their viewpoints in a meaningful manner. The people and businesses of Miami faced a minimum of inconvenience with resiliency and good humor. Those who came to commit violence faced an intelligent, measured police plan determined to minimize the effect of their criminal tactics.

F.T.A.A. 2003

AFTER ACTION REPORT

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