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Patrick F. Gillham

Western Washington University, pat.gillham@wwu.edu

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**Securitizing America: Strategic Incapacitation and the Policing of Protest
Since the 11 September 2001 Terrorist Attacks¹**

Patrick F. Gillham
Gillham@uidaho.edu
Department of Sociology and Anthropology
University of Idaho
Moscow, ID

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Abstract

During the 1970s, the predominant strategy of protest policing shifted from “escalated force” and repression of protesters to one of “negotiated management” and mutual cooperation with protesters. Following the failures of negotiated management at the 1999 World Trade Organization (WTO) demonstrations in Seattle, law enforcement quickly developed a new social control strategy, referred to here as “strategic incapacitation.” The U.S. police response to the 11 September 2001 terrorist attacks quickened the pace of police adoption of this new strategy, which emphasizes the goals of “securitizing society” and isolating or neutralizing the sources of potential disruption. These goals are accomplished through 1) the use of surveillance and information sharing as a way to assess and monitor risks, 2) the use of preemptive arrests and less-lethal weapons to selectively disrupt or incapacitate protesters that engage in disruptive protest tactics or *might* do so, and 3) the extensive control of space in order to isolate and contain disruptive protesters actual or *potential*. In a comparative fashion, this paper examines the shifts in U.S. policing strategies over the last 50 years and uses illustrative cases from national conventions, the global justice movement and the anti-war movement to show how strategic incapacitation has become a leading social control strategy used in the the policing of protests since 9/11. It concludes by identifying promising questions for future research.

Key words: policing protest, public order management, repression, surveillance, social movements, dissent

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Securitizing America: Strategic Incapacitation and the Policing of Protest

Since the 11 September 2001 Terrorist Attacks

Democracy and policing oftentimes have an uneasy relationship evident in the tension between those concerned with protecting the right to protest and those that advocate for the maintenance of public order. The police are often viewed paradoxically by those seeking to preserve civil liberties central to democratic societies as well as by those pursuing social changes unpopular with powerful constituencies or the general public. Both the absence of policing and excessive policing poses fundamental threats to civil rights and liberties central to democratic societies. Thus, police agencies are both necessary to protect democracy and at the same time are an institution from which democratic societies need protection (Marx 1988, 2001). From this vantage a democratic society is one that provides the assurance that citizens can take their grievances into the public arena or onto the streets when regular institutional channels are perceived to be unresponsive or unfairly favor elite interests or selected constituencies over others.

In contrast, law and order advocates consider public protest to be a morally ambiguous activity and often treat activists as illegitimate professional agitators, or even as threats to democracy for eschewing the conventional political process in pursuit of their goals (Dahl 1967; Gamson 1975; P.A.J. Waddington 1994, 1998). Through most of the 1980s and 1990s this core tension of democratic societies remained in the background and played out with rather little public attention. Yet, in times of crisis and heightened concern for national security this fundamental tension of democratic societies becomes both more acute and more visible as has been the experience in the U.S. since the 11 September 2001 terrorist attacks (Church 1976; King 2007).

The tenth anniversary of the 9/11 attacks provides an occasion to take stock of the ways that U.S. law enforcement has changed and the possible impact of these changes on the exercise of civil and political liberties in our democracy. In the decade since the 9/11 attacks, U.S. police agencies at all levels increased their reliance on a new strategy of policing called “strategic incapacitation” (Gillham and Noakes 2007; Noakes and Gillham 2006; Noakes, Klocke and Gillham 2005). The central argument of this paper is that since the 9/11 attacks *strategic incapacitation* has displaced *escalated force* and *negotiated management* and now prevails as a dominant strategy utilized by law enforcement to police large protest events that authorities believe are at risk of becoming disruptive. As will be argued here, strategic incapacitation is characterized by the goals of “securitizing society” and isolating or neutralizing the sources of potentially disruptive protest actions or events. These goals are primarily accomplished through 1) the use of surveillance and information sharing as a way to assess and monitor risks, 2) the use of preemptive arrests and less-lethal weapons to selectively disrupt or incapacitate protesters that engage in disruptive protest tactics or *might* do so, and 3) the extensive use of fencing and barriers to isolate and contain disruptive protesters whether actual or *potential*.

The next section will present an overview of the historical development of predominant protest policing strategies in the U.S. since the 1960s. The article then examines the contours of strategic incapacitation and how it differs from prior strategies of escalated force and negotiated management by analyzing cases drawn primarily from global justice and anti-war protests since 9/11. I conclude by identifying promising questions for future research.

From escalated force to negotiated management

The most influential research on strategies of protest policing yet offered identifies a shift during the 1970s in U.S. protest policing strategies from an *escalated force* style to one of *negotiated management* (McCarthy and McPhail 1998; and McPhail, Schweingruber, and McCarthy 1998). Differences between these two strategies of policing are evident when compared across five “dimensions of protest policing” including the extent that police *respect First Amendment rights* of protesters, the extent of their *tolerance for community disruption*, the *nature of their communication* with demonstrators, and the extent and manner of the *use of arrests* and the *use of force* to manage protesters. Each of these dimensions constitutes a continuum on which can be placed protest policing practices. The degree to which police respect protesters’ First Amendment rights and tolerate community disruption reveal police goals and the other dimensions reflect the police tactics used to achieve those goals (McPhail, Schweingruber, and McCarthy 1998).

Escalated force was a major law enforcement strategy used during the period of significant social unrest in America in the 1960s. Police sought to maintain law and order often trampling on protesters’ First Amendment rights, and frequently resorted to mass and unprovoked arrests and the overwhelming and indiscriminate use of force. By the early 1970s “on-the-job troubles” in the form of deaths, injuries and property damage resulting from the escalated force strategy gave rise to “in-the-job troubles” in the form of public criticism and pressures from political elites sufficient to motivate police to search for an alternative approach (Barkan 1984; Boykoff 2007a; Gillham and Noakes 2007; Kerner 1968; McCarthy and McPhail 1998; Scranton 1970; P.A.J. Waddington 1994; Walker 1968).

Negotiated management first emerged in the District of Columbia through the joint efforts of the U.S. Park Police and the local Metropolitan police department who collaboratively

police several thousand demonstrations, rallies, vigils and marches occurring each year in the Capital.

The new strategy encouraged active cooperation between police and protesters through the use of a standardized permitting system (McCarthy and McPhail 1998; McPhail, Schweingruber, and McCarthy 1998). The permitting system institutionalized the negotiated management strategy and made both the planning and enacting of protest events more predictable and routine. Requiring protesters to secure permits ensured that police and protesters would meet in advance to make mutual concessions that would facilitate less disruptive and less violent protest events. This style benefited police by reducing on-the-job and in-the-job troubles and simultaneously benefited newly professionalized social movement organizations that wanted to direct attention away from police confrontations and instead focus attention on their issues and organizational maintenance concerns (McCarthy and McPhail 1998; McPhail and McCarthy 2005; McPhail, Schweingruber, and McCarthy 1998; Noakes and Gillham 2006).

The differences between negotiated management and escalated force are stark when viewed on the dimensions of policing. In contrast to escalated force, negotiated management placed high priority on the protection of First Amendment rights and increased tolerance for community disruption. To accomplish these goals, police welcomed communication with protesters during both the mobilizing period before the event and the event itself. During the permitting process, police informed protest groups about restrictions over time, place and tactics. Parties settled disagreements over these restrictions through negotiation and compromise. Police used as little force as necessary to protect people and property and used arrests only symbolically at the request of activists or as a last resort and only against those breaking the law (McPhail, Schweingruber, and McCarthy 1998). By the early 1980s negotiated management became the

primary protest policing strategy used in the U.S. and in other western democracies (Della Porta and Reiter 1988; Della Porta, Peterson and Reiter 2006).

From negotiated management to strategic incapacitation

The effectiveness of negotiated management began to breakdown in the face of new challenges posed by the emerging global justice movement (For a detailed discussion see Gillham and Noakes 2007 and Williams 2007). These new challenges were related to the organizing structure and tactics being employed by a new generation of activists and were particularly evident during the 1999 World Trade Organization (WTO) protests in Seattle. During the WTO protests police and thousands of demonstrators clashed in the streets, the mayor declared a curfew and established a no protest zone in the center city, and the governor declared a state of emergency and called up the National Guard to help police reclaim the streets. On-the-job troubles included hundreds of arrests, millions of dollars in property damage, and the disruption and failure of the World Trade Organization meetings. In-the-job troubles that resulted include the resignation of the Seattle chief of police, a lost re-election campaign for the Seattle mayor, a city council report that criticized police actions as misguided and overly forceful, and several costly lawsuits waged against the city. (Gillham and Marx 2000; Gillham and Noakes 2007; Smith 2001).

The failure of negotiated management is attributed to several organizational and tactical factors (Gillham and Noakes 2007). These include the inability of Seattle police to properly prepare for contingencies and allocate resources necessary to control the unpredictable tactics employed by direct action protesters. Further, police could find no one with whom to negotiate from groups using leaderless, affinity group organizational structures. Police were also unable to infiltrate such uncooperative groups—both because of the close knit nature of such groups and because of local laws adopted during the negotiated management period that prohibited police surveillance of political groups that had not yet committed a crime (Gillham and Marx 2000)—leaving officials without accurate intelligence on the specific plans of many groups. The protester's goal to “shut down” the World Trade Organization

meetings was widely known, yet police had only limited ideas on how this would happen. Finally, police could not predict the outcome of group decisions or disrupt communications between potentially unruly protest groups that utilized consensus and decentralized decision making procedures.

The use of such transgressive or disruptive tactics and organizational styles was not entirely new. What was new was the large number of activists that used them in Seattle to stymie police. Going back to the 1980s and increasing over the years in popularity among small, grassroots and radical groups was the rejection of negotiated management and the choreographed demonstrations that the permitting system produced. Activists complained that demonstrations orchestrated with police were overly accommodating and ineffectual for promoting their goals (McPhail and McCarthy 2005; Kaufman 2002; Rootes 1999; Walls 1999; Kauffman 2002). Instead, radical groups ranging from environmental to anti-abortion and gay rights refused to use “contained” or familiar and undisruptive tactics and instead engaged in “transgressive” or innovative and confrontational tactics (Tilly 2000), rejecting the former on both philosophical and tactical grounds (Rootes 1999; Walls 1999). The coalescence in Seattle of multiple groups that refused to participate in negotiate management represented “the culmination of a thirty-year-long process of political reinvention [among grass-roots organizations, and] the creation ... of an effective, decentralized, multivocal radicalism based on direction action” (Kauffman 2002:35).

The contentious events in Seattle and the breakdown of negotiated management there sent a warning to public order managers across the country: the next protest cycle would not be easily managed. Police interpreted Seattle as a watershed and “the start of a new genre of protests” (Gainer 2001) that would require retooling and retraining of police across the country (Fisher 2001; Gainer 2001; Noakes and Gillham 2006). In the few months following Seattle, police responded by coordinating a cooperative effort between federal law enforcement agencies and police from large municipalities where disruptive protests were considered most likely to occur. National trainings and conferences brought together public order experts and officials from cities that had hosted large events in the past and from those that would host such events in the future.

The purpose of these gatherings was to develop and share neutralizing strategies useful for undermining the actions of transgressive protesters (Beasley et al. 2000; Fernandez 2008; Fisher 2001; Gainer 2001; Narr et al. 2006).

Besides the failure of negotiated management, the police response to Seattle was shaped by a shift in the broader criminal justice system informed by a *new penology* philosophy. It conceives crime as systemic rather than individualized and stresses the need to identify potential victims and preemptively protect them (Feeley and Simon 1992; Garland 2001). Preemptive protection is best achieved by conducting risk assessments to identify aggregates of people most likely to offend and incapacitating them (Auerhahn 1999; Feeley and Simon 1992). The shift away from negotiated management accelerated in the changed political context after the 9/11 terrorist attacks as security and neutralization of threat became the central focus of law enforcement. Combined these factors played out in the rapid development and adoption of strategic incapacitation as a leading strategy for policing large protests events where authorities anticipated that protesters would likely engage in unruly and unpredictable actions.

Characteristics of strategic incapacitation

U.S. police agencies retooled their approach to protest events through a back and forth process of responding to transgressive tactics employed by activists then readjusting their own response guided by the new penology framework of risk assessment (Gillham and Noakes 2007; Oliver and Meyer 2001). Between the Seattle protests in 1999 and the terrorist attacks in September 2001, the contours of the strategic incapacitation approach to protest policing began to emerge. That process would only intensify in the decade since the 9/11 attacks as strategic incapacitation has become an increasingly common strategy employed in the policing of large demonstrations.

The primary goals for police in this new era are to preserve security and to neutralize those most likely to pose a security threat. To reach these ends strategic incapacitation emphasizes the application of selectivity whereby police distinguish between two categories of protesters—contained and transgressive—in order to target those perceived most likely to engage in disruptive activities. Contained protesters, often referred to by police as “good protesters” are generally known by police, use conventional and legal tactics, negotiate with police, make self-interested demands, and are generally older. By contrast protesters considered “bad” or transgressive articulate more abstract demands, use unpredictable and often illegal tactics, do not negotiate with police, and are generally younger (Tilly 2000).

The central characteristics of strategic incapacitation are identifiable by comparing it to prior strategies on the five dimensions of policing discussed earlier, plus the addition of three other dimensions needed to fully capture how strategic incapacitation differs from previous protest policing strategies. Table 1 consolidates these differences. For each of these dimensions, I contrast the prior strategies with strategic incapacitation and use an illustrative case to show how police are now employing the latter when managing mass demonstrations they anticipate will be unpredictable, disruptive and pose a possible security threat.

[TABLE 1 ABOUT HERE]

1. First Amendment Rights. During the escalated force period police tended to ignore First Amendment rights of all protesters. In contrast, during the negotiated management period, police stated that their highest priority was to respect the First Amendment even for those that expressed unpopular messages (McPhail, Schweingruber, and McCarthy 1998). Now, when

applying strategic incapacitation police openly declare that only protesters who agree in advance to engage in the permitting process and follow police-determined guidelines will be accorded protection of their rights to free speech and peaceful assembly.

For example, at the request of Miami police, just days before the 2003 Miami Free Trade Area of the Americas (FTAA) ministerial the city commission passed an ordinance prohibiting the assembly for any purpose of eight or more people in any public space for more than 30 minutes without having previously obtained an official permit. City officials openly acknowledged that the ordinance was passed to deal with the thousands of participants expected for FTAA protests (Fernandez 2008). Other examples include policing during the 2004 and 2008 Democratic National Conventions, held in Boston and Denver respectively. In both locales police promised only to protect the rights of protesters willing to confine their political speech to pre-established “free-speech zones” (Baard 2004; Klein 2004; Cardona 2008).

2. Tolerance for Community Disruption. When applying the escalated force strategy police usually refused to allow disruption tolerating only occasionally the most polite, orderly forms of public dissent. Anything more was seen to be appropriate for police intervention. In contrast, the negotiated management strategy allowed for community disruption so long as it was prearranged through the permitting process. During pre-event planning police *and* protesters decided together on the “place, time and manner” of protests including the use of symbolic civil disobedience (McPhail, Schweingruber, and McCarthy 1998). With strategic incapacitation police now selectively determine in advance the locations, times and behaviors that will be tolerated. The only option available to protesters who wish to engage in activities that will be tolerated by police is to follow unilaterally and pre-established guidelines, rather than pre-

negotiated and mutually agreeable ones. Any deviation from such guidelines results in the threat that police will not allow the protest event to occur at all.

Police response to a large anti-war rally and march planned to occur in New York City in February 2003 illustrates this point. United for Peace and Justice (UFPJ) sought to secure a parade permit for 50,000-100,000 people to start with an opening rally and then make a round trip march for several blocks past the United Nations headquarters before returning to the original rally point. After several failed negotiations NYPD and the mayor informed UFPJ organizers that no march would be allowed anywhere in the city. Anti-war demonstrators would only be allowed to rally at Dag Hammarskjold Plaza near the United Nations building. UFPJ organizers challenged in court the containment of their First Amendment rights arguing that the city had approved the forthcoming Saint Patrick's Day Parade and that in the past large political marches had passed by the UN without incident. The NYPD police chief responded that large cultural celebrations were carried out by "known groups of participants, and did not involve any rally at the end of the march" (NYCLU 2003, 4). The NYPD indicated that abstract concerns about potential terrorism influenced their decision to ban the UFPJ march even though no intelligence suggested that it posed any actual terrorist threat. Agreeing with the police the judge concluded that the march posed a security risk. Thus, even though UFPJ had negotiated in good faith for several months with the NYPD, in the end, they were forced to settle for a rally in a location specified by police, not in a rally and march of their choosing (NYCLU 2003).

3. *Communication.* Under the escalated force strategy, police refused to formally communicate with protesters before or during demonstrations. Thus, police often misinterpreted unfolding events which led to their increased and sometimes excessive use of force. The negotiated management strategy used the event permitting process to adopt open, two-way

communication between police and protesters in order to mutually orchestrate events including the negotiation of unexpected details arising during events. Police viewed the two-way communication as necessary both to minimize disruption and to protect demonstrators First Amendment rights (McPhail, Schweingruber, and McCarthy 1998).

Current practices using the strategic incapacitation strategy blend elements of prior strategies. With protest groups willing to seek permits, police now use a selective one-way communication process to inform organizers what protest activities will be allowed. This is a substantial departure from the two-way negotiations and cooperation characteristic of negotiated management. Under strategic incapacitation police often refuse to communicate at all with possible or actual transgressive protesters except to issue commands once protest events have already begun. For example, during the first post-9/11 anti-war protests occurring in Washington, DC at the end of September 2001, police refused to talk directly with several hundred protesters and bystanders. The group which included a few dozen self-proclaimed anarchists had been corralled by the police into a large pen outside the World Bank and International Monetary Fund headquarters after engaging in an unpermitted march from the Capitol. Police had driven the crowd into this enclosure of portable barricades which abruptly ended the march. After two hours of detention, police conveyed the terms under which protesters would be released to a neutral third party of legal observers and not to the detained protesters (Noakes, Klocke and Gillham 2005). Similar corralling and refusal to communicate with selected protesters has occurred at many other events (e.g. Boghosian 2004, 2007; Vitale 2005, 2007), further illustrating how police communication has become substantially more one-sided and authoritarian than had been the case with negotiated management.

4. *Extent and Manner of Arrests.* The role of arrests in strategic incapacitation offers a sharp contrast from negotiated management under which police showed a great deal of restraint, used arrests as a last resort, and then only arrested individuals who had violated laws. Sometimes the arrests were even pre-arranged during earlier negotiations to allow for symbolic and orderly expressions of civil disobedience (McPhail, Schweingruber, and McCarthy 1998). Under strategic incapacitation, arrests are selectively applied to neutralize known or suspected transgressive actors often times before any crimes are committed. Preemptive arrests neutralize both individuals and organizations whose actions police cannot predict with certainty. Such arrests and detentions are frequently made without gathering evidence and with the intention of dropping charges after activists are released from custody, usually just before the 24 hour statutory deadline for charges to be filed (Noakes and Gillham 2006; Gillham and Noakes 2007).

There are many post-9/11 examples of this occurring (e.g. Boghosian 2004, 2007; Committee of the Judiciary 2004; Fernandez 2008; Noakes and Gillham 2006). One illustrative case occurred during the 2003 FTAA protests in Miami, where police not only pre-emptively arrested perceived transgressive protesters, they also arrested scores of union members and student activists walking to permitted events, as well as credentialed reporters and curious bystanders. By all indications most of those arrested were unaware that they had violated orders to disperse, failed to obey a lawful command, or violated the city's new anti-assembly law passed just days before the protests. Bails were set high as a further way to keep those arrested off the streets. After being detained overnight most were released with all charges dropped (ACLU 2005). Such pro-active policing detains potentially disruptive actors from protest situations and sends a message to all others that regardless of their actual actions they are targets for arrest if they fit the profile of a transgressive protester.

5. *Extent and Manner of Using Force.* Under the strategy of escalated force police relied on spectacular shows of force that quickly escalated and often turned brutal and occasionally fatal. Frequently, police used force indiscriminately against both violent and non-violent protesters as an alternative to arresting people. By contrast, in negotiated management, the use of force was the tactic of last resort and even then was applied proportionally to threats displayed, and only at those clearly breaking the law ((McPhail, Schweingruber, and McCarthy 1998).

Under strategic incapacitation police have routinely used force selectively against perceived or actual transgressive protesters. Less-lethal weapons such as tear gas, pepper spray, Tasers, rubber bullets, wooden missiles and bean bag rounds are now the weapons of choice. They are less likely to maim or kill, although they have caused serious injury and death. Evidence suggests that police use these weapons as a means to temporarily incapacitate potentially disruptive protesters and repel others away from areas police are trying to defend such as entrances and exits to secured zones (Noakes and Gillham 2007). These tactics were proactively used during the 2000 World Bank and International Monetary protests in Washington, DC and have since been refined and used in subsequent U.S. protests (ACLU 2005; Boghosian 2004, 2007; Fernandez 2008; Narr et al. 2006). Case in point is the 2009 G20 protests in Pittsburgh where police used teargas, pepper spray and sound cannons that emitted a painfully loud noise in order to disperse people assembled outside of the temporary fence surrounding the G20 gathering (ACLU PA 2010; Urbina 2009). In this and other cases, police appeared to preemptively use non-lethal force to neutralize threats, perceived or actual, posed by transgressive protesters Quite often bystanders and contained protesters acting within the limitations of their protest permits were also incapacitated as the effects of such non-lethal

weapons spilled over beyond their intended targets (Gillham and Marx 2000, 2003; see example, AFL-CIO 2003).

At this point an observer might conclude that police attempt to use negotiated management with contained protesters and escalated force with transgressive ones. That police are using a new strategy of strategic incapacitation becomes clear when three other tactical dimensions on which police now rely are included in the analysis.

6. *Use of Surveillance.* Under escalated force police utilized surveillance, often by means of infiltration or informants, to gather intelligence that identified influential or radical individuals and groups and their organizational affiliations. They also surreptitiously compiled data on influential activists regarding personal friendships and extra-marital affairs. Less detailed information such as current address, organizational memberships, and events attended was collected on larger populations of less vital activists and movement sympathizers (Boykoff 2007a; Church 1976). The information gathered from these different sources was then used “to disrupt or discredit the activities of groups and individuals deemed a threat to the social order” (Church 1976, 1; see too Marx 1974, 1979; Powers 1987). When using negotiated management police relied much less on surveillance and instead used the event permitting system to gathered information directly from protest organizations themselves (Gillham and Noakes 2007). By contrast, surveillance is used extensively in current applications of strategic incapacitation with some similarity to escalated force but also with some pronounced differences to the previous strategies.

Ascertaining the extent of police surveillance currently remains difficult given the level of secrecy surrounding its use. Nevertheless, patterns of police behavior are becoming visible. First and similar to escalated force, police collect extensive amounts of information on activists

and advocacy groups *between* protest events. Most often surveillance activities are covert such as monitoring activist websites, joining in discussion lists (Miami Police Department 2004; Narr et al. 2006) or tracking activists over long distances as they travel from home to protest events (ACLU 2005). Less often it takes overt form as when activists are questioned in their homes. Most controversial perhaps are covert efforts to infiltrate groups, which police appear to be doing on a frequent basis (ACLU 2010; Boghosian 2007). For example, between 2003-2006 local police and sheriff deputies in several California cities infiltrated and spied on anti-war, anti-police brutality, and union groups (Boghosian 2007; Schlosberg 2006). Much of the information was gathered for unknown reasons, yet police acknowledged using some of the information to prepare for protest events being planned by the organizations (Schlosberg 2006).

Second, police now collect large amounts of information *during* protest events which contrasts sharply with the routine application of both the escalated force and negotiated management strategies. Under escalated force police surveilled activists during events using simple visual observations made by officers on the streets as a way to identify leaders and provocateurs (Stark 1972). With negotiated management police used surveillance sparingly during events since the terms of protester actions had been negotiated in advance. There was little need for an elaborate surveillance system when the primary duty of police during events was to direct traffic away from demonstration routes. Under strategic incapacitation police now rely on the extensive use of surveillance during events that entails the collection of both real time and static information by officers in the street and remotely. Real-time information has until recently been available only via radio communications routed through dispatch. Today, real-time surveillance benefits greatly by technological changes that allow for collection of an almost unlimited number of images and sounds not filtered through the officer in the field (Marx 2002).

Real-time information is used most often to alert law enforcement to locations where disruptive protest activities are occurring. Thus, closed circuit TV cameras (CCTV) are often set up outside of police designated “no-go” zones and legally sanctioned free-speech zones. Further the authorities now align march routes with preexisting CCTV infrastructure and supplement CCTV with police videographers on rooftops, behind barricades, on scaffolding and in cherry pickers along demonstration routes. Real-time images are then sent back to a central command center where decisions to allocate necessary officers in the field are made including the deployment police “flying squads” in order to neutralize or incapacitate unruly or potentially unruly protesters (Fernandez 2008; Gillham and Noakes 2007). Static information is collected in similar ways as is real-time information, with police officers videographing and photographing events as they unfold. This information is later used as criminal evidence, for after action reports, and to provide favorable images to the media (Fernandez 2008; Narr et al. 2006).

7. Information Sharing. During the era of escalated force, information sharing across agencies was limited because of the decentralized nature of the U.S. criminal justice system (Gillham and Noakes 2007). When it did occur federal agencies shared information with state and local law enforcement agencies on a “need-to-know” basis for carrying out joint operations. Larger police departments started their own intelligence units, accumulating files on thousands of people and organizations, including those involved in civil rights and anti-war movements. Less discriminating than the federal agencies, they often shared this information with other local police and federal agencies (Cahill 1962; Church 1976; Schlosberg 2006). During the negotiated management period, cross agency information sharing on political activism declined as police stressed the protection of First Amendment rights across all but the most threatening groups and as the permitting process institutionalized and localized the information necessary to carry out

protest events. In current applications of strategic incapacitation, police rely extensively on information shared across federal, state and local agencies. Further, they now selectively engage the media using sophisticated public relations tactics. Three examples illustrate some of the ways law enforcement share among themselves information collected on protest groups and protest events as well as their selective sharing of information with the media as a way to channel public perceptions of protest and limit public criticism.

First, between events information related to protest organizations is routinely disseminated from federal agencies to state and local police through weekly FBI intelligence bulletins (U.S. DOJ 2003) and through local FBI offices (U.S. DOJ 2010). Homeland Security offices disseminate information on protest organizations widely through regular threat assessment bulletins. For example, the Pennsylvania Office of Homeland Security releases a tri-weekly intelligence bulletin to all state and local law enforcement departments as well as the targets of protest such as natural gas drillers (Gilliland 2010). The bulletins focus on social movement organization activities across a spectrum of liberal and conservative issues (Davis 2010; Gilliland 2010), use language that frame protest as closely akin to terrorism, and assign a threat level assessment score to each potential action. Sources of information for these bulletins include the FBI and private-sector security companies specializing in anti-terrorism (Pennsylvania Office of Homeland Security 2010).

Second, extensive information is gathered and shared during actual protest events. For selected large gatherings referred to as “National Special Security Events” multiple federal, state and local agencies work under the command of the U.S. Secret Service (Narr et al. 2006) which establishes central command centers to collect, evaluate, disseminate and act on real-time intelligence. For example, during the 2004 G8 summit in Sea Island, Georgia, the Secret Service

established a Federal Joint Operations Command Center electronically linked to the Multi-Agency Command Center operated by Georgia state and local law enforcement. Real-time intelligence garnered from the protests was simultaneously piped into each command center (McFarland 2006). Information gathered at such events informs After Action Reports and is disseminated widely to other agencies for subsequent “lessons learned” exercises (Narr et al. 2006).

Police agencies have changed substantially how they use the media in the era of strategic incapacitation by taking a “proactive stance” to actively manage the flow of information to the media in the period leading up to, and during large protests as a way to channel the content of media coverage and deter public criticism (Narr 2006). Authorities’ engagement of the media is nothing new (Boykoff 2007a, 2007b), but under strategic incapacitation the media is engaged much more consciously than in the previous two eras. Two tactics are illustrated here. First, public information officers working out of a centralized media information center consolidate and control the flow of suitable information released to the public and especially to media outlets preferred by the public information officer (Narr et al 2006). Information released before events occur include claims by police that exaggerate both the projected size of forthcoming protests and the threat of violence posed by activists as happened with the 2003 FTAA protests in Miami (Fernandez 2008). Some scholars suggest that the fear generated among the public by such claims raise expectations that police will need to curtail civil liberties, use force, and make mass arrests in order to minimize violent protests and maintain order (Fernandez 2008; Starr et al. 2008). In contrast, information released during events by public information officers allows the media to “fully” cover a protest without interviewing activists or ever directly observing the event. Second, police manage media portrayals of events by embedding reporters in front line

police units, as was the case during the 2003 Miami FTAA protests (Miami Police Department 2004). Embedded reporters provided stories and photos capturing a “more comprehensive view than if the cameras are only on the protesters’ side” (Narr 2006, 69), yet only if they agreed to accept police determined restrictions on their coverage (Narr 2006).

8. *Controlling Space*. Under escalated force police used barricades and police lines to consolidate protesters into one place in order to make mass arrests or to punish them with force. Control of space was primarily reactive as police responded to confrontations as they occurred (Stark 1972). The negotiated management strategy used barriers as a way to guide protesters to the areas they had agreed during the permitting process would be off-limits. Police treated the rights of protesters to gather on par with the rights of protest targets to do the same, often allowing protesters to be within earshot of the targeted gathering (Gillham and Noakes 2007).

In current applications of strategic incapacitation, police decide in advance with no input from protest planners where demonstrations will be allowed and divide public and private spaces into three types of securitized zones. *Hard zones* are areas where targets of protest gather and are off limits to everyone without proper credentials and security clearance. *Free-speech zones* are areas where police decide in advance to allow legal protest to occur and are increasingly located far away from the targets of protest like a political convention. *Soft zones* are public spaces usually adjacent to hard zones where First Amendment rights are temporarily curtailed. These are the spaces where police and protesters are most likely to clash. Individuals entering soft zones are considered to be transgressive protesters whether they are in fact bystanders, journalists, or other. Their presence outside the designated free-speech zone provides police with a rationale for neutralizing them and curtailing their First Amendment rights.

Under strategic incapacitation police now rely on elaborate fencing systems to establish extensive hard zones around the targets of protest. For example, during the 2004 Democratic National Convention, Boston authorities erected a 7 foot high metal panel fence extending out several blocks around the convention center. The fenced perimeter established an extensive buffer of “defensible space” accessible only through heavily fortified check points (MSNBC 2004). The interior perimeter of the fence was secured by uniformed Secret Service police carrying assault rifles and monitored in real-time by CCTV linked to both the local command center and the Homeland Security Center in Washington, DC (Baard 2004; Narr et al. 2006).

The free-speech zone for protests deemed legitimate by the police was set up several blocks away completely out of sight and sound of the convention center located inside the hard zone (Baard 2004; Harris 2006; Klein 2004). This “freedom pen” as activist euphemistically called it resembled a portable minimum-security prison yard. Demonstrators who voluntarily restricted their protests to this space were completely enclosed inside a double-layered chain link fence mounted on concrete barricades, topped with razor wire and covered by overhead netting. Moreover, the zone was guarded by heavily armed police on raised platforms and by a real-time CCTV feed to the central command center (Baard 2004; Democracy Now 2004). The space accommodated approximately 1,000 protesters—only a fraction of those who planned to demonstrate— and according to police was necessary to ensure public safety (Democracy Now 2004; Klein 2004).

By contrast, protesters unwilling to use the free-speech zone congregated in the soft zone just outside the hard zone's fortified perimeter, where they were treated as self-sorted and more immediate security threats. Some were neutralized through arrests which they “invited” by gathering inside the soft zone. Doing so signaled “suspect” intentions and justified their

neutralization as apparent threats to security. While there were no reports that police used less-lethal weapons in Boston, there are several post-9/11 instances where police used these weapons to neutralize protesters and bystanders in soft-zones. Examples include the 2003 FTAA protests in Miami, the 2008 Republican National Convention in Minneapolis, and the 2009 G20 protests in Pittsburgh (ACLU PA 2010; Boghosian 2007; Miami Police Department 2004; Hohmann 2008).

Conclusion

The failures of negotiated management and the increased focus on security since 9/11 led U.S. police agencies to adopt new protest management strategies. As argued here police rely more and more on strategic incapacitation with the primary goals of minimizing risk by identifying and neutralizing *possible* threats. To reach these goals police rely on an assortment of surveillance and information sharing tactics to identify and label potentially disruptive protesters. They also utilize preemptive arrests, less-lethal weapons and control of space tactics in order to temporarily neutralize potentially and actually disruptive protesters. Neutralization is done in ways expected to reduce the risk of on- and in-the-job troubles for police.

The analysis presented here examined three distinct strategies of protest policing—escalated force, negotiated management and strategic incapacitation—that have been employed during different time periods over the last 50 years. An analytic strength of research that emphasizes police strategies is its ability to organize in a theoretically meaningful way the broad and rapidly evolving tactical repertoire used by police that might otherwise be little more than a descriptive laundry list of tactics (Earl 2003). Moreover, the analytic emphasis on policing strategies provides a way to integrate the complementary, but often separate, streams of prior

research on protest events (e.g. Della Porta 1995; King and Waddington 2005; D. Waddington 1992, 2007; D. Waddington, Jones and Critcher 1989) with research on the repression of particular groups between events (e.g. Boykoff 2007a, Cunningham 2003; 2004).

The research presented here suggests that future scholarship focus on two broad set of questions. One set of questions relate to the normalization and dissemination of strategic incapacitation. Strategic incapacitation is clearly a leading post-9/11 strategy now employed to police large U.S. demonstrations when authorities anticipate non-hierarchically organized protesters will employ innovative and disruptive protest tactics. To what extent has the adoption of strategic incapacitation been aided by post-9/11 discursive opportunities exploited by political leaders and police, court decisions favoring security concerns over civil liberties, the federal funding of state and local security offices, direct marketing by private security firms, or corporate sponsorship of police conferences? Has strategic incapacitation become *the* normative strategy institutionalized across a majority of police departments large and small when dealing with potentially disruptive protests? Is it routinely used for other mass gatherings such as political rallies, sporting events, festivals, local Halloween celebrations and end of semester college parties? If so, what forces besides those described above are contributing to the consolidation of this new hegemony?

A second set of questions addresses the impact and consequences of strategic incapacitation on democratic societies. Strategic incapacitation is substantially more expensive monetarily than previous strategies of protest policing, yet is it worth it (CBC 2010; Nguyen 2010)? Does its use make our society safer or merely cultivate the perception of reduced risk? Does the profiling, labeling and sorting of activists favor some messages over others? To what extent does police management of both space and the media affect public opinion? Does the

normalization of strategic incapacitation have a chilling effect on protest or drive it underground where it becomes more radicalized (cf. Boykoff 2007a; della Porta 1988; Fernandez 2008; Hadden and Tarrow 2007; Starr et al. 2008)? Questions raised here make clear that continued research into the strategies and tactics of protest policing is crucial for understanding the social control of dissent and future prospects of issue advocacy in post-9/11 America.

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TABLE 1. Strategies of Policing Protests (adapted from Noakes and Gillham 2007)

Characteristic/ Dimension	Escalated Force (Pre-1970s)	Negotiated Management (1970s-90s)	Strategic Incapacitation (current in United States)
<i>First Amend Rights</i>	Ignored	Stated top priority	Selective
<i>Toleration of Disruption</i>	Low	High	Selective
<i>Communication</i>	Low	High	Selective & One-way
<i>Use of Arrests</i>	Frequent	Last resort	Selective & Proactive
<i>Use of Force</i>	High	Last resort	Selective & Less Lethal
<i>Surveillance</i>	Moderate	Low	Extensive & Real Time
<i>Information Sharing</i>	Moderate	Low	Extensive, Cross Agencies & Media Conscious
<i>Controlling Space</i>	Localized & Reactive	Localized & Proactive	Selective, Extensive & Proactive

Note: The last three dimensions are added here to the five dimensions originally identified by McPhail, Schweingruber and McCarthy (1998).