

**STATEMENT
OF
THE HONORABLE MARK LEE GREENBLATT
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

**BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

**“DESECRATING OLE GLORY: INVESTIGATING HOW THE PRO-HAMAS PROTESTS TURNED
NATIONAL PARK SERVICE LAND INTO A VIOLENT DISGRACE”**

DECEMBER 10, 2024

Chairman Gosar, Ranking Member Stansbury, and Members of the Subcommittee:

Thank you for inviting me to testify regarding the Office of Inspector General’s work relating to the role of the National Park Service (NPS) and the United States Park Police (USPP) in permitting, planning for, and responding to First Amendment activities on Federal land. As you know, inspectors general have a direct reporting relationship to Congress. My office and I take this obligation seriously, and we appreciate your continued support for our fair, objective, and independent oversight.

Background

DOI OIG’s Mission and Operations

The Department of the Interior (DOI) Office of Inspector General’s (OIG) mission is to provide independent oversight to promote accountability, integrity, economy, efficiency, and effectiveness within the DOI. The OIG’s less than 300 employees oversee the programs and operations of the DOI, which has more than 70,000 employees, 11 Bureaus, Offices, and a range of diverse programs, including roughly \$10 billion in grants and contracts, \$20 billion in natural resource revenues, Federal trust responsibilities to 574 Federally recognized Indian Tribes and Alaska Native villages, stewardship of 20 percent of the Nation’s land, and management of lands, subsurface rights, and offshore areas that produce approximately 17 percent of the Nation’s energy.

Our work can be grouped into two general categories: (1) investigations on the one hand, and (2) audits, inspections, and evaluations on the other. Our Office of Investigations investigates allegations of criminal, civil, and administrative misconduct involving DOI employees, contractors, grantees, and programs. These investigations can result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions. Our Office of Audits, Inspections, and Evaluations (AIE) conducts independent reviews that measure DOI programs and operations against best practices and objective criteria to determine efficiency and effectiveness. They also audit contracts, examine financial statements, and conduct cyber security audits, to name a few examples. AIE’s work results in actionable recommendations to the Department that promote positive change in the DOI.

National Park Service's First Amendment Permit Process

The mission of the NPS is to “preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations.” NPS manages 429 individual units—commonly referred to as “parks”—covering more than 85 million acres in all 50 States, the District of Columbia, and U.S. territories. These units include the National Mall and Memorial Parks, national historic sites, and national monuments.

We recently completed an inspection of the NPS' First Amendment permit process, attached as Appendix A to today's testimony. Our objective was to explore both the permitting process and how NPS manages the events once permits are approved.

The NPS Permitting Process for Demonstrations

Demonstrations of more than 25 people on NPS park areas in Washington, DC, require a permit issued by the NPS. Pursuant to NPS regulations, the National Capital Region's Regional Director (Regional Director) is authorized to issue permits for demonstrations in NPS park areas in and around Washington, DC. According to NPS policy, the permit process is intended to ensure public safety and resource protection and to avoid conflicts with other permitted activities.

NPS regulations define the term “demonstration” to include “demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to draw a crowd or onlookers.”¹ As NPS policy explains, these activities constitute public expressions of views protected by the First Amendment of the U.S. Constitution as freedom of speech and freedom of assembly.² According to NPS' *Management Policies 2006* and *Reference Manual Special Park Uses*, when permits are issued for First Amendment activities, there are no fees or costs, and no insurance is required for the activities.

The NPS' First Amendment permit process begins when an organization or individual submits an application to conduct a First Amendment event. According to the NPS National Mall and Memorial Parks *Event Planning Guide*,³ the application provides NPS with the preliminary information necessary to begin an assessment of the appropriateness and feasibility of the activities, design, and timeframe for the proposed event. Federal regulations⁴ state that applications must be received by the Division of Permits Management at least 48 hours in

¹ 36 C.F.R. § 7.96(g)(1)(i).

² Nat'l Park Serv., *Management Policies 2006*, § 8.6.3 “First Amendment Activities” (Mgmt. Policies 2006); Nat'l Park. Serv., *Reference Manual 53: Special Park Uses*, Release Number 1, App. 3 – First Amendment Activities, p. A3-1. The First Amendment to the U.S. Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” U.S. Const. amend. I.

³ NPS, National Mall and Memorial Parks, *Event Planning Guide*, “Section 2: “Permitting Process.”

⁴ 36 C.F.R. § 7.96(g)(3).

advance and all demonstration applications are deemed granted, subject to all limitations and restrictions applicable to said park area, unless denied within 24 hours of receipt.⁵

According to the NPS, once the permit application is received, a permit specialist is assigned and will oversee the application throughout the permitting process. Per the *Event Planning Guide*, depending on the size, scope, and nature of the proposed event, the permit specialist will schedule a consultation planning meeting with the applicant regarding requirements and logistics to ensure proper use and resource protection. The *Event Planning Guide* states that the meeting will generally include a discussion of space availability, event operation, and remediation of any potential damages to the park. Depending on the event, the permit specialist can request and require the applicant to provide documentation to ensure public safety and the protection of resources, such as:

- A **Site Plan** that is drawn to scale and clearly displays all structures the applicant wishes to set up during the event, such as stages, video screens, food and beverage tents, first aid tents, security or crowd-control fencing, and portable toilets.
- An **Operations Inventory** that ensures the site will be set up, used, and broken down appropriately; if applicable, it will include requirements related to structures such as video production and displays, audio and lighting, and trash and recycling receptacles.
- A detailed chronological **Event Schedule** that contains information about installation, event operations, and removal procedures.
- A **Crowd Management Plan** that covers necessary arrangements for safe and efficient crowd management. This includes appropriate plans for queuing lines, safety personnel to manage safe access, safety staff inside the event, and staff to manage safe egress.
- A **Security, Communication, Sustainability, and First Aid Plan** must be submitted and coordinated with USPP and District of Columbia Department of Fire and Emergency Medical Services.
- A **Fire and Life Safety Plan**⁶ that provides documentation showing how the permittee plans to comply with fire and life safety codes and standards, including fire codes, commercial cooking controls, and standards for portable fire extinguishers. It must also include an emergency plan with evacuation procedures.

Per Federal regulation,⁷ NPS can deny a permit in writing on specified, narrow grounds if:

⁵ According to the Chief Division of Permits Management, although applications may be granted within 24 hours, a permit is not issued until the applicant provides all necessary documents to NPS.

⁶ National Park Service, Interior I – National Capital Region, NCR Fire and Life Safety Temporary Events Policy.

⁷ 36 C.F.R. § 7.96(g)(4)(vii).

1. It conflicts with a “fully executed prior application for the same time and place” that “has been or will be granted” and “authoriz[es] activities which do not reasonably permit multiple occupancy of the particular area”;
2. “It reasonably appears that the proposed demonstration or special event will present a clear and present danger to the public safety, good order, or health”;
3. The proposed demonstration “is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for,” reasonably considering “possible damage to the park”; or
4. “The application proposes activities contrary to any of the provisions of this section or other applicable law or regulation.”

Depending on the size and scope of an event, an NPS event compliance monitor may be assigned to the event. Per the *Event Planning Guide*, the assigned compliance monitor physically attends the event to ensure the permittee follows the conditions NPS set forth in the permit. The Chief of the Division of Permits Management told us that the compliance monitor may document, through photographs, the before and after conditions of an area by conducting “pre-event” and “post-event” walkthroughs to identify any damages to property resulting from the event. According to the *Event Planning Guide*, if damages occur during the event, the permittee is responsible for those damages.

The regulations also state that “where a permit has been granted, or is deemed to have been granted,” the NPS “may revoke that permit” under certain circumstances set forth in the regulation, which largely mirror the bases for denial of a permit in the first instance.⁸ Specifically, the USPP may revoke a permit during the conduct of a demonstration if continuation of the event presents a clear and present danger to the public safety, good order or health or for any violation of applicable law or regulation.

First Amendment Jurisprudence Related to Public Demonstrations

NPS policy regarding demonstrations is informed by the unique protections afforded to speech under the First Amendment and related jurisprudence. More specifically, Federal courts have consistently held that, under the First Amendment, the NPS is required to⁹ Related jurisprudence has likewise consistently held that public areas in the seat of the Federal Government in Washington, DC, such as the National Mall and the Ellipse, possess “unmistakable symbolic

⁸ 36 C.F.R. § 7.96(g)(3). The regulation states that “the Regional Director may revoke” a permit that has been granted or deemed granted “pursuant to paragraph (g)(6)” of the regulation. Paragraph (g)(6) states in pertinent part “[a] permit issued for a demonstration is revocable only upon a ground for which an application therefor would be subject to denial under paragraphs (g) (4) or (5).”

⁹ See, e.g., *A.N.S.W.E.R. Coal. v. Kempthorne*, 537 F. Supp. 2d 183, 194 (D.D.C. 2008) (“In public forums such as the areas within the Pennsylvania Avenue National Historic Park at issue in this case, the government’s ability to permissibly restrict expressive conduct is very limited: the government may enforce reasonable time, place and manner restrictions as long as the restrictions are content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.”) (internal citations omitted).

significance” for the exercise of First Amendment rights.¹⁰ Activities in these public spaces receive the strongest First Amendment protections, and “the government’s ability to permissibly restrict expressive conduct [in these areas] is very limited.”¹¹

In keeping with these strong First Amendment protections, it is under only rare circumstances that a permit can be denied or revoked. This is because the Supreme Court has held that “‘public places’ historically associated with the free exercise of expressive activities, such as streets, sidewalks, and parks,” are “public forums” where the government’s ability “to limit expressive activity [is] sharply circumscribed.”¹² In these public forums, the Government’s regulation of political speech “must be subjected to the most exacting scrutiny,” whereby the Government must “show that ‘the regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end.’”¹³

The NPS’ regulations reflect these principles, providing that the NPS can deny a permit application if “[i]t reasonably appears that the proposed demonstration or special event will present a clear and present danger to the public safety, good order, or health.”¹⁴ The regulations do not define or provide guidance on what constitutes “clear and present danger” sufficient to deny a permit. Federal case law articulating the “clear and present danger” standard, however, states that there must be clear evidence that a “substantive evil[]” will follow the speech and that the threat of such evil occurring is real and imminent.¹⁵ Nonetheless, as explained in NPS policy, “the NPS may reasonably regulate” First Amendment speech “to protect park resources and values, and to protect visitor safety.”¹⁶ The policy allows “certain aspects” of demonstrations to be regulated, “such as the time when, the place where, and the manner in which the activity is conducted.”¹⁷ The policy also provides, however, “that it is the conduct associated with the

¹⁰ *Id.* at 194; *see also A.N.S.W.E.R. Coal. v. Basham*, 845 F.3d 1199, 1215 (D.C. Cir. 2017) (stating that Freedom Plaza, the White House sidewalk, and Lafayette Park are “areas [that] have historic and symbolic importance” and quoting *Quaker Action IV*, in which the Supreme Court stated, “[T]he White House sidewalk, Lafayette Park, and the Ellipse constitute a unique situs for the exercise of First Amendment rights”); *ISKCON of Potomac, Inc. v. Kennedy*, 61 F.3d 949, 951-52 (D.C. Cir. 1995) (describing the Mall as “an area of particular significance in the life of the Capital and the Nation” that, among other uses, “is the place where men and women from across the country will gather in the tens of thousands to voice their protests or support causes of every kind. It is here that the constitutional rights of speech and peaceful assembly find their fullest expression.”).

¹¹ *See Price v. Barr*, 514 F. Supp. 3d 171, 186 (D.D.C. 2021) (“In a traditional public forum—parks, streets, sidewalks, and the like—the government may impose reasonable time, place, and manner restrictions on private speech, but restrictions based on content must satisfy strict scrutiny, and those based on viewpoint are prohibited. The same standards apply in designated public forums.”) (internal citations omitted).

¹² *U.S. v. Grace*, 461 U.S. 171, 177 (1983) (internal citations omitted); *Perry Educ. Ass’n v. Perry Loc. Educators’ Ass’n*, 460 U.S. 37, 45 (1983).

¹³ *Boos v. Barry*, 485 U.S. 312, 321 (1988) (internal citations omitted).

¹⁴ 36 C.F.R. § 7.96(g)(4)(vii)(B). Additional grounds for the NPS to deny a permit application, such as if a proposed event (1) conflicts with another event, (2) is of such a nature or duration that it cannot be reasonably accommodated in the area applied for, or (3) is contrary to other applicable laws or regulations. *Id.* § 7.96(g)(4)(vii)(A), (C), and (D), were not applicable here.

¹⁵ *Schenck v. United States*, 249 U.S. 47, 52 (1919); *Texas v. Johnson*, 491 U.S. 397, 419 (1989).

¹⁶ Nat’l Park Serv., Director’s Order #53: *Special Park Uses*, § 9.1 “First Amendment Activities.”

¹⁷ *Id.*

exercise of these rights that is regulated, and never the content of the message.”¹⁸ Moreover, when the NPS “allows one group to use an area or facility for expressing views, it must provide other groups with a similar opportunity, if requested . . . provided that all permit conditions are met.”¹⁹

The NPS’ Law Enforcement Components and Their Responsibilities

For public safety and to protect park resources, USPP will provide law enforcement services during NPS-permitted First Amendment events. USPP’s responsibilities include:

- Planning the security needs prior to the event.
- Maintaining a continual security presence during the event.
- Evaluating law enforcement activities after the event to document best practices and lessons learned, as well as reviewing live footage and other tools after the event to identify individuals who violated laws during the event.

According to USPP officials, to determine the security needs for NPS-permitted First Amendment events, officials from the Special Events Unit and the Intelligence and Counterterrorism Branch attend the consultation meetings the Division of Permits Management holds with the permit applicant. USPP officials told us that they fully participate in the meetings to obtain an understanding of the event, including the number of anticipated attendees; location; purpose of the event; planned activities occurring during the event; and information regarding any known potential threats specific to the event or counterdemonstrations. USPP also informed us that officials from DC Metropolitan Police Department, U.S. Secret Service, and U.S. Capitol Police may also attend the meetings if the planned activities cross into their jurisdictions.

A Lieutenant of the Special Events Unit told us information is collected from permit meetings with the applicant, interagency coordination meetings, and USPP’s Intelligence and Counterterrorism Branch. Using this information, officials from the Special Events Unit prepare either (1) an Incident Brief for smaller events that are less complex or where limited information is furnished by the applicant, or (2) an Incident Action Plan for planning more complex events or where more information is furnished by the applicant. According to the Lieutenant, both documents are used to brief assigned officers and provide guidance and information to commanders and officers in charge who are managing an event. USPP officials also told us that in preparing these documents, the Special Events Unit receives relevant intelligence information from USPP’s Intelligence and Counterterrorism Branch to assist in making security and staffing decisions for an event.

Prior to the event, the Special Events Unit develops a staffing plan to provide officers with their specific duties for the event, including reporting time and location. The Lieutenant of the Special Events Unit told us that staffing is determined based on the circumstances of each event, such as

¹⁸ *Id.*

¹⁹ Nat’l Park Serv., *Mgmt. Policies 2006*, at § 8.6.3 “First Amendment Activities.”

the number of people expected to attend, the location, and the nature of the infrastructure involved.

USPP officials also informed us that depending on the event, USPP can have a full-force presence, meaning all available law enforcement personnel must report for duty. For the July 24, 2024 demonstration, an organization submitted a permit application to demonstrate on Pennsylvania Avenue between 3rd and 5th Streets, and then march to Columbus Circle, with expected attendance of 5,000 people. According to the Lieutenant of the Special Events Unit, USPP had a full-force presence of 174 officers for the demonstration. On the day of the demonstration, attendees began to conduct acts of vandalism at Columbus Circle, including defacing monuments with spray paint. Media reports incorrectly stated that only 29 officers were at Columbus Circle; USPP officials informed us that staffing assignments are fluid and that when the vandalism began, officers stationed at other locations moved to Columbus Circle. In addition, USPP officials informed us that other events were occurring on July 24, 2024 that required officers from USPP, including a funeral and an address to Congress—both of which were attended by the Prime Minister of Israel.

Public Safety During the Event

According to the *Event Planning Guide*,²⁰ during a First Amendment event, USPP is responsible for maintaining a continual security presence. USPP General Order 2301 states that during the event, USPP employs crowd management techniques, consisting of traffic posts, patrolling, security fencing plans, and screening for prohibited items. Also, when providing security for the event, in addition to USPP officer assignments, USPP can incorporate a number of specialized law enforcement units such as helicopter operations, horse-mounted patrol, canine detection, and criminal investigation. An attorney from the Office of the Solicitor, who has over 20 years' experience with NPS' First Amendment activities told us that most First Amendment events are peaceful, and participants are lawful. According to the Lieutenant of the Special Events Unit, in cases where a few individuals cause civil unrest during an event, removing those few individuals from the crowd can resolve the issue. However, the Lieutenant of the Intelligence and Counterterrorism Branch told us that, in some cases, the crowd may swarm the officers who are trying to remove these individuals.

Per General Order 2301, if basic crowd control techniques are insufficient to restore order or there is a risk of injury to officers and the public, USPP will deploy the Civil Disturbance Unit, which is a specialized unit consisting of highly trained and equipped personnel whose mission is to bring a situation under control during violent and unlawful civil disturbances. According to the *Event Planning Guide*,²¹ the permittee must follow all USPP instructions, and failure to comply with USPP guidance and all established permit requirements may result in the revocation of the permit.²² Once a permit is revoked, USPP will close the park and clear everyone from the

²⁰ Section 1.4.4, "United States Park Police/Security."

²¹ *Id.*

²² 36 C.F.R. § 7.96(g)(6) authorizes the revocation of a permit if continuation of the event presents a clear and present danger to public safety.

area. General Order 2301 states that absent urgent circumstances, the crowd shall be given warnings and the opportunity to withdraw peacefully and disperse.²³

After the Event

Per Special Events Unit officials, after an event, USPP officers can provide the Special Events Unit feedback and identify best practices and lessons learned to improve future events. Special Event Unit Officials told us that after each event, employees and supervisors may voluntarily fill out an after-action review form or provide event feedback via email. Any feedback and potential changes are discussed during weekly USPP meetings and, if appropriate, the suggested changes identified are implemented. These officials told us that, depending on the event or upon request, the Special Events Unit can also solicit feedback by (1) sending standard or tailored questions to all USPP officers who participated in the event; (2) consolidating responses; (3) holding one-on-one meetings with USPP officials to clarify responses and get their feedback and ideas; and (4) evaluating potential changes based on the responses and one-on-one meetings. For example, the Special Events Unit officials told us that the Major Branch Commander for the Icon Protection Branch requested that this process be used after the July 24, 2024 permitted event that resulted in vandalism near Columbus Circle.

Challenges Policing First Amendment Events

OIG's work illustrates other challenges that the NPS and USPP often face when policing First Amendment demonstrations in Washington, DC.

According to the Lieutenant of the Intelligence and Counterterrorism Branch, after an event that results in civil unrest, USPP will review live footage, body cameras, U.S. Department of Transportation cameras, and USPP's own surveillance cameras to identify individuals who may have engaged in criminal activity.

For example, this official told us that USPP made 10 arrests during the July 24, 2024 event and later identified another individual through surveillance footage. Based on a press release²⁴ from the United States Attorney's Office for the District of Columbia, this individual was arrested on October 4, 2024, for allegedly spray-painting the monument near Columbus Circle on July 24, 2024, during an NPS-permitted First Amendment event. The press release reported that the alleged criminal activity was captured on video USPP filmed from an observation post looking down at Columbus Circle, and the same event was captured on open-source video and photos that were later posted to various internet platforms.

In 2023, the OIG published the results of our review of the actions of the NPS and USPP in preparing for a demonstration at the Ellipse on January 6, 2021. Our review focused primarily on the NPS' permitting process and related activities. We found that the NPS complied with legal

²³ These warnings were not always effective. For example, in our review of USPP actions at Lafayette Park on June 1, 2020, we found that although the USPP issued three dispersal warnings to the crowd using a long-range acoustic device, evidence suggested that not all the protestors could hear and understand the warnings, and the USPP warnings also did not inform protestors where to exit or provide a safe escape route.

²⁴ U.S. Attorney's Office, District of Columbia, Press Release, *Protester Federally Charged with Damaging U.S. Government Property at Union Station* (Oct. 4, 2024).

requirements in issuing the permit for the demonstration and managed the permitting process in accordance with guidance pertaining to the First Amendment. We also found, however, that the NPS did not comply with notice requirements regarding prohibited items at the Ellipse.

Specifically, USPP officers reported that hundreds of people began arriving hours before the event with bags, backpacks, and other prohibited items. Once attendees realized that bags could not be brought into the Ellipse area, they began abandoning them in various locations on the ground and in trees on the National Mall. U.S. Secret Service officers and demonstration volunteers collected many of the bags and placed them into piles on Constitution Avenue, and USPP K-9 officers then swept the bags for explosives. The officers said that they were unable to sweep all the bags because there were so many, and some of them were buried under piles of other bags.

The NPS issued its “public use limitation” prohibiting the public from bringing certain items to the demonstration at 10:46 a.m., several hours after demonstrators had already begun arriving at the Ellipse. This limitation was issued at the request of the Secret Service in consultation with the USPP to help ensure public safety during the demonstration. The NPS, however, did not make its record of determination or list of prohibited items available to the public prior to the demonstration, as regulations require. The information did not appear on entrance way signage, nor did the NPS provide the information through electronic notification, press releases, social media radio announcements, or other available means.

In our review of U.S. Park Police actions at Lafayette Park on June 1, 2020,²⁵ we found that poor communication and coordination among the numerous law enforcement agencies involved—including USPP, U.S. Secret Service, Arlington County Police Department, the MPD, and the Bureau of Prisons—may have contributed to confusion and use of tactics that appeared inconsistent with the USPP’s operational plan. For example, we found that the Park Police and the Secret Service did not use a shared radio channel to communicate, that the USPP primarily conveyed information orally to assisting law enforcement entities, and that several law enforcement officers could not clearly hear the incident commander’s dispersal warnings. We recommended that the USPP improve its field communication procedures to better manage multiagency operations and to promote operational consistency among law enforcement organizations working jointly with the USPP. The USPP agreed with our recommendation and stated that it had adjusted its operational planning efforts and implemented procedures that ensure the full accountability of all law enforcement personnel. We consider this recommendation closed and implemented.

Park Police policy provides that, before the USPP acts against protestors, officers should generally provide people the opportunity to withdraw and disperse peacefully as well as provide a safe escape route. In the same review, we found that although the USPP issued three dispersal warnings to the crowd using a long-range acoustic device (LRAD) at Lafayette Park on June 1, 2020, evidence suggested that not all of the protestors could hear and understand the warnings. Other than using the LRAD, we did not identify any other steps that the USPP took to ensure that

²⁵ Review of U.S. Park Police Actions at Lafayette Park, available at <https://www.oversight.gov/sites/default/files/oig-reports/DOI/SpecialReviewUSPPActionsAtLafayetteParkPublic.pdf>.

protestors could hear the warnings. The Park Police warnings also did not inform protestors where to exit or provide a safe escape route. As a result, we recommended that the USPP develop a more detailed warning policy defining procedures for operations involving protests that may require use of force but do not involve high-volume arrests. Among other considerations, we recommended that the policy include detailed dispersal warning procedures and how the USPP will ensure that everyone, including all law enforcement officials and the individuals they are trying to disperse, can hear dispersal warnings. The USPP agreed to implement our recommendation, and issued an updated version of General Order 2301, “Demonstrations and Special Events,” in response. We also consider this recommendation closed and implemented.

In addition to these challenges, we have also identified issues related to the USPP’s radio system and dispatch center in the Washington, DC Metropolitan Area (WMA). The USPP’s radio system and its dispatch center personnel provide the backbone for the support infrastructure required to facilitate accurate, real-time communication and decision making for USPP officers and ensure officer and public safety. Dispatchers’ responsibilities include managing the USPP’s radio communications between USPP law enforcement personnel and with other Federal, State, and local agencies; deploying and tracking personnel and equipment; monitoring hundreds of emergency alarms located across NPS properties in the WMA; and coordinating emergency law enforcement, medical, and fire assistance for incidents reported by officers and the public.

In a Management Advisory published in February 2022, we reported that the condition of the dispatch center’s workspace and equipment undermined its ability to achieve its core public safety mission.²⁶ We found holes in the roof that allowed birds to enter and leave droppings on furniture and equipment, suspected black mold throughout the workspace, outdated and deficient equipment, longstanding staffing and training deficiencies, and failure to establish minimum standards and critical guidance. We made four recommendations to the USPP that we consider closed and implemented.

With respect to the USPP’s radio system in the WMA, Department of the Interior (DOI) policy requires the USPP to record all radio and phone communications to help support public safety and law enforcement needs. These recordings allow dispatchers to instantly play back radio communications or phone calls in emergency situations, and prosecutors frequently use the recordings as evidence. In July 2022, we reported on our review examining whether the USPP has had problems capturing recordings for its primary dispatch radio channel and its two secondary radio channels: the “admin” channel and the special events channel. Because the phone lines for the USPP dispatch operations center, like the USPP’s radio communications, are required to be recorded, we also examined any problems the USPP has had recording its phone lines.²⁷

²⁶ *Safety Concerns and Other Deficiencies at the U.S. Park Police’s Dispatch Operations Center in the Washington, DC Metropolitan Area*, available at [Safety Concerns and Other Deficiencies at the U.S. Park Police's Dispatch Operations Center in the Washington, DC Metropolitan Area \(oversight.gov\)](https://www.oversight.gov/safety-concerns-and-other-deficiencies-at-the-u.s.-park-police-s-dispatch-operations-center-in-the-washington-dc-metropolitan-area).

²⁷ *Review of the U.S. Park Police’s Communications Recording System in the Washington, DC Metropolitan Area*, available at [Review of the U.S. Park Police's Communications Recording System in the Washington, DC Metropolitan Area \(doi.gov\)](https://www.doi.gov/review-of-the-u.s.-park-police-s-communications-recording-system-in-the-washington-dc-metropolitan-area).

We found that, notwithstanding DOI requirements, the USPP failed to record radio communications from its admin channel from October 2018 through June 2020 and from its special event channel from at least March 2018 through August 2020. In contrast, we found that the USPP continuously recorded radio communications from its primary dispatch channel and dispatch center phone lines from 2018 through August 2020, when the analog recorder was replaced. We did not find evidence suggesting that the USPP intentionally failed to record its radio communications.

At the time of our review, we found that technical problems prevented the USPP from accessing recordings stored on the USPP's analog recorder, so the USPP could not meet its records retention obligations for recordings on that device. USPP installed its digital recorder in October 2020, and our review found that the digital recorder regularly recorded all radio and phone communications in the dispatch center. Still, we found the USPP's digital recorder does not fully comply with DOI policy because the USPP has not set up the recorder to instantly play back radio or phone communications, a critical feature dispatchers need in emergency situations. We also found that the USPP faces other ongoing challenges with the recorder, to include monitoring and maintenance, records retention, and IT approvals. We made five recommendations to the U.S. Park Police. The USPP has addressed each of our recommendations, and we consider them closed.

Damage to NPS Property During First Amendment Events

According to the *Events Planning Guide*, if the NPS identifies damage caused by the event, the permittee is responsible for all costs associated with the damage, including damage caused by demonstrations protected under the First Amendment.²⁸

Because the Division of Permits Management does not have a system in place to track damages that have occurred from First Amendment events, we asked the Chief of the Division of Permits Management to provide information about past events during which damage occurred.

According to this official's recollection, and discussions with the Superintendent of the White House and President's Park, the First Amendment events listed in Figure 1 resulted in damage to NPS property. NPS provided documentation showing the total estimated damages of \$317,694 for these events.

²⁸ Id.

Figure 1: Division of Permits Management First Amendment Event Damage Estimates

Date and Location of Event	Damages Amount
January 6, 2021, Ellipse and National Mall November 30, 2020-January 1, 2021, Ellipse December 10, 2020-December 19, 2020, Ellipse ²⁹	\$273,765
November 4, 2023, Lafayette Park	\$20,432
November 14, 2023, National Mall ³⁰	\$2,600
June 8, 2024, Lafayette Park	\$9,615
July 24, 2024, Columbus Circle	\$11,282
Total	\$317,694

In our prior review of the NPS' actions related to the demonstration on the Ellipse on January 6, 2021, we found that the NPS identified over \$213,000 in damages to the Ellipse turf caused by the demonstration. NPS, however, failed to retain pre-event photographs it took to document condition of the site prior to the demonstration and thus made the decision not to attempt to recover costs for damages. Without the photos, the NPS determined it did not have sufficient evidence to attribute the damages to the demonstration.

In our most recent inspection, we reported that despite being authorized to recoup damages from First Amendment permittees, we found no evidence that NPS pursued this course of action. An attorney from the U.S. Department of the Interior's Office of the Solicitor, who has over 20 years of experience with NPS' First Amendment activities, told us that NPS has explored the possibility of recouping damages from First Amendment events over the last 15 years. The attorney stated that various discussions with colleagues in the U.S. Department of Justice over that time have caused NPS law enforcement to prioritize identifying and prosecuting³¹ individuals that caused the damage rather than pursuing permit organizers.

This concludes my testimony, and I look forward to answering your questions.

²⁹ The total estimated damages include \$213,185 at the Ellipse South Quadrant, \$13,300 at the Ellipse Green Roadway, and \$47,280 at the National Mall Plant Library. According to the Superintendent of the White House and President's Park, the estimated damages at the Ellipse South Quadrant and the Green Roadway may include damages from all three events at the Ellipse. This is because two events took place prior to the January 6 demonstration, and NPS did not assess the damages from those events.

³⁰ According to the Chief of the Division of Permits Management, the permittee voluntarily paid for these damages.

³¹ This allows the Government to potentially seek restitution and deter future activity.



FLASH REPORT: THE NATIONAL PARK SERVICE'S FIRST AMENDMENT PERMIT PROCESS

In accordance with Federal regulations,¹ the National Park Service (NPS) authorizes the use of designated park areas for public assemblies, demonstrations, and other public expressions of views protected under the First Amendment of the U.S. Constitution.² First Amendment activities in NPS-managed parks include distribution of “printed matter” and other message-bearing items, speechmaking, marching, picketing, and religious services.

Governing Federal regulations³ require that groups consisting of more than 25 people⁴ wanting to engage in First Amendment activities at NPS-managed parks obtain a First Amendment permit from NPS. According to NPS policy,⁵ the permit process is intended to ensure public safety and resource protection and to avoid conflicts with other permitted activities. The relevant NPS policy states, “No group wishing to assemble lawfully may be discriminated against or denied the right of assembly provided that all permit conditions are met.”⁶

Several NPS-permitted First Amendment demonstration events in the National Capital Region have resulted in damages to U.S. Government property. For example, on January 6, 2021, an NPS-permitted demonstration at the Ellipse,⁷ which is part of the President’s Park, resulted in damage to the Ellipse and the National Mall.

More recently, on July 24, 2024, an NPS-permitted demonstration protesting the Prime Minister of Israel’s speech to Congress resulted in demonstrators defacing monuments near Columbus Circle in Washington, DC. This demonstration raised congressional concerns regarding whether NPS has held permittees accountable for violating permit conditions and NPS’ ability to provide adequate support for the U.S. Park Police (USPP).

We are issuing this flash report to summarize NPS’ First Amendment permit process and how NPS manages events once it has approved permits. We also provide information on the improvements NPS told us it has made to the permit process because of recent events, as well as the challenges that NPS still faces.

¹ 36 C.F.R. §§ 2.51(a), (b)(1) and 7.96, which includes special permit regulations for the National Capital Region.

² U.S. Const. amend. I.

³ 36 C.F.R. §§ 2.51(b)(1) and 7.96(g)(2).

⁴ 36 C.F.R. § 7.96 includes exceptions such as a permit requirement for any event that includes constructing a temporary structure, regardless of group size.

⁵ NPS, *Management Policies 2006*, § 8.6.3, “First Amendment Activities.”

⁶ *Id.*

⁷ The amended permit for the demonstration stated that the purpose was for a first amendment rally called the “March for Trump” to demand transparency and protect election integrity.

Definitions

The **First Amendment to the U.S. Constitution** states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

An NPS **permit** is written authorization to conduct an activity on NPS-administered land with conditions for using the park that take into consideration public safety, resource protection, and established park purposes.

Superintendents must **designate park areas** as available for demonstrations, for the sale or distribution of printed matter, and for the free distribution of other message-bearing items.

Printed matter means message-bearing printed material such as books, pamphlets, magazines, or leaflets, provided that the matter is not solely commercial advertisement.

Other message-bearing items that are not “printed matter” and are not solely commercial advertisement include but are not limited to readable electronic media such as CDs, DVDs, and flash drives; clothing and accessories such as hats and key chains; buttons; pins; and bumper stickers.



NPS First Amendment Permits

NPS' mission is to preserve the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. NPS' website states that these areas include some of the Nation's most treasured and irreplaceable resources. NPS has 7 legacy regions⁸ that manage 431 individual units—commonly referred to as “parks”—covering more than 85 million acres in all 50 States, the District of Columbia, and U.S. territories (see Figure 1). These parks include national monuments, national parks, and national historic sites.

Figure 1: Map of Legacy NPS Regions



NPS Special Park Uses Program Office and First Amendment Permits

NPS' Washington Support Office, Special Park Uses (SPU) Program Office serves as the principal policy advisor to NPS leadership regarding issuing and managing special use permits,⁹ which include First Amendment permits. The SPU Program Office is responsible for providing servicewide coordination for managing special park uses, including budget and policy initiatives and litigation, regulatory, and legislative issues. The SPU Program Manager is responsible for providing national-level oversight, technical assistance, and guidance and advice about the proper application of laws, regulations, and policy for implementing the SPU Program. According to the SPU Program Manager, each region has collateral duty regional coordinators who assist the SPU Program Manager in managing special park uses.

The SPU Program Office serves as a technical expert in the issuance of First Amendment permits within the regulatory framework.¹⁰ According to NPS policy,¹¹ these permits regulate the time, location, number of

⁸ In 2018, the U.S. Department of the Interior reorganized to 12 unified regions. NPS uses the legacy regional structure for First Amendment permits. NPS' legacy regions are as follows: Alaska, Intermountain, Midwest, National Capital, Northeast, Pacific West, and Southeast.

⁹ Special use permits can encompass special events, such as sporting events, ceremonies, pageants, and expressions of views protected under the First Amendment of the Constitution. Our report focuses on First Amendment events, not including photography and filming.

¹⁰ These regulations include 36 C.F.R. § 2.51-2.52 for most NPS units and 36 C.F.R. § 7.96(g) for NPS units located in the National Capital Region.

¹¹ *Management Policies* 2006, § 8.6.3.



NPS First Amendment Permits



participants, use of the facilities, and number and type of equipment used, but not the content of the message presented. This policy also requires that First Amendment permits be issued “without any requirement for fees, cost recovery, bonding, or insurance.” This does not preclude NPS’ ability to recoup cost for damages.¹² NPS First Amendment permits include general terms and conditions, such as reasons for revoking a permit, permittee’s liability for damages to Government property, and a hold harmless clause against the Government and its employees resulting from the permitted activities. Per the SPU Program Manager, of the 431 parks, approximately 420 parks¹³ are required to provide areas within the park for First Amendment activities; therefore, these parks may potentially issue First Amendment permits.

First Amendment Permits Issued by Individual Parks

According to the SPU Program Manager, First Amendment activities can occur at any of the 420 parks discussed above. This official also informed us that for most of the parks, the Superintendents at each respective park are responsible for issuing and denying permits. Based on data provided by 307 parks that issue permits individually,¹⁴ there were a total of 893 First Amendment permits issued by 95 parks in calendar year 2023. Of those parks, most issued between 1 and 25 First Amendment permits with only 11 issuing more than 25 permits. For example, Mount Rushmore National Monument and Yellowstone National Park reported that in 2023, they issued 66 and 71 First Amendment permits, respectively. In addition, officials at these parks told us that they do not typically have large First Amendment demonstrations. Specifically, a Yellowstone National Park official told us that most of its First Amendment permits are issued for small religious groups, with larger permitted events of approximately 200 people for Easter and Christmas Eve services. Similarly, a Mount Rushmore National Monument official informed us that the park’s largest events (with several hundred attendees) are typically related to church services that occur a couple of times a year.

Yellowstone and Mount Rushmore permitting officials told us that the First Amendment permit process is generally as follows:

1. The park receives an application for the permit.
2. NPS communicates with the applicant and clarifies information on the application, if necessary.
3. NPS drafts and issues the permit.
4. Park rangers oversee the event to ensure the permit conditions are being met.

The SPU Program Manager confirmed that this First Amendment permit process is similar for most NPS parks. (See Figure 2 for the organization structure related to the First Amendment permits issued by individual parks.)

¹² 54 U.S.C. §§ 100721-100725 gives NPS the authority to recoup damages.

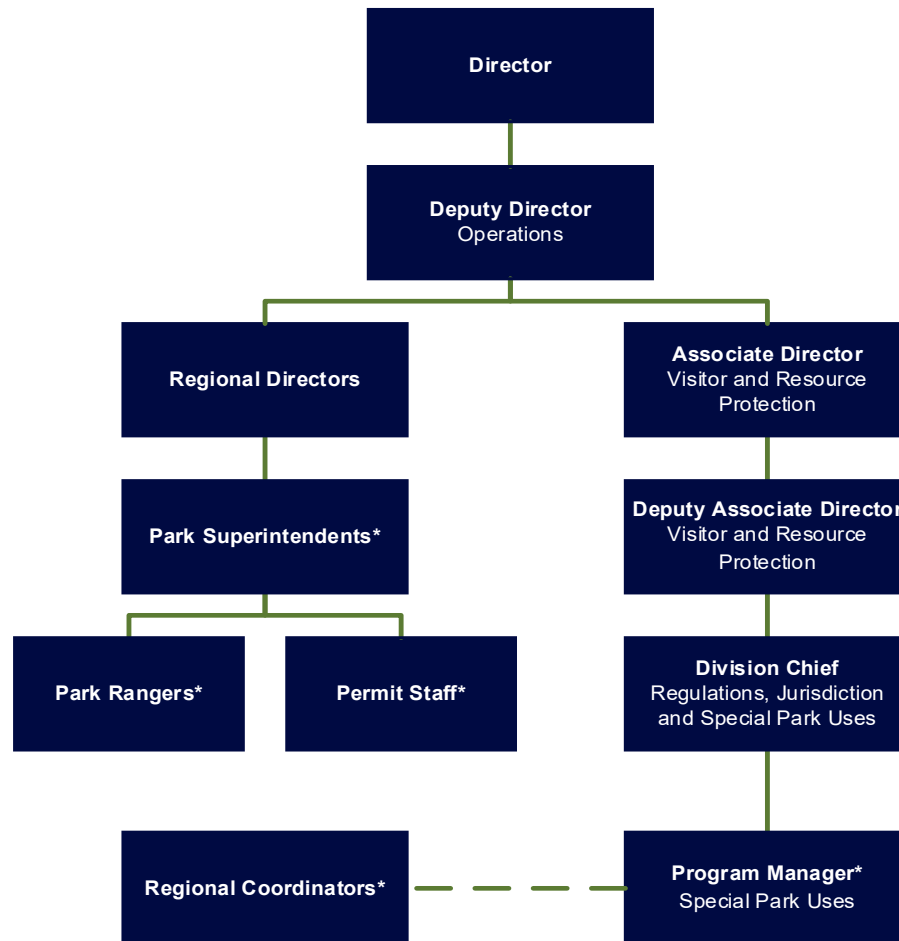
¹³ According to the SPU Program Manager, some parks have received a waiver for providing designated areas for First Amendment activities because the parks do not have an outside area, or the parks have shared space.

¹⁴ This information was obtained from an annual self-assessment conducted by the SPU Program Office. According to the SPU Program Manager, not all parks responded to the data call used to conduct the assessment.



NPS First Amendment Permits

Figure 2: Organization Structure for Individual NPS Parks



* Individuals marked with an asterisk may be involved in the permit process.

First Amendment Permits Issued by the Division of Permits Management

In contrast, the Nation's Capital, Washington, DC—and by extension, NPS' National Capital Region—has historically been the site of large First Amendment demonstrations, rallies, protests, and marches. Within the National Capital Region, common NPS demonstration sites include areas around the Lincoln Memorial, Jefferson Memorial, Washington Monument, and the White House (e.g., the White House sidewalk, Lafayette Park, and the Ellipse).

First Amendment activities in the National Capital Region are subject to special demonstration regulations. According to Federal regulations,¹⁵ the Division of Permits Management within the National Mall and Memorial Parks must centrally administer and process First Amendment permits for parks within certain geographical areas of the National Capital Region.¹⁶ The Chief of the Division of Permits Management informed us that this includes 9 of the 14 parks in the National Capital Region—the President's Park, National Mall and Memorial Parks, George Washington Memorial Parkway, Rock Creek Park, National Capital Parks-East, Wolf Trap National Park for the Performing Arts, Manassas National Battlefield Park, Prince William Forest Park, and

¹⁵ 36 C.F.R. §§ 7.96(a), (g)(3).

¹⁶ Under 7.96(g)(2)(ii), certain park areas in this region may have demonstrations without a permit.



NPS First Amendment Permits



portions of the Chesapeake and Ohio Canal National Historical Park.¹⁷ Based on NPS data, between fiscal years 2019 and 2024, the division issued on average 369 First Amendment permits each year.¹⁸ Also based on this same data, many of the First Amendment permits are for events anticipating under 500 people; however, these parks can have larger events with over 50,000 anticipated participants. (See Figure 3 for a breakout of the First Amendment permits issued and the number of anticipated participants by fiscal year.)

Figure 3: Division of Permits Management First Amendment Permits and Anticipated Participants by Fiscal Year¹⁹

No. of Anticipated Participants	2019	2020	2021	2022	2023	2024
Under 500	341	261	330	317	317	260
501-1,000	28	16	27	52	60	22
1,001-5,000	28	15	16	10	27	22
5,001-50,000	4	5	10	10	7	7
50,001-250,000	0	0	1	2	2	2
Over 250,000	1	1	1	0	0	1
Totals	402	298	385	391	413	314

In addition, USPP is charged with protecting National Icons²⁰ in these parks and therefore has a substantial role in ensuring public safety and protecting resources during First Amendment events. Specifically, USPP's Special Events Unit, in collaboration with USPP's Intelligence and Counterterrorism Branch, determines USPP security needs for First Amendment events. (See Figure 4 for the organization structure for the Division of Permits Management and USPP within NPS.) Per NPS policy,²¹ USPP "shall facilitate the public's attendance of special events and protect individual rights related to all persons and groups to organize and participate in peaceful demonstrations, protests, and other First Amendment activities, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interests of persons not participating in the assemblies."

¹⁷ Three parks in the National Capital Region for which this regulation applies—Wolf Trap National Park for Performing Arts, Manassas National Battlefield Park, and Prince William Forest Park—are not currently submitting permit applications they receive to the Division of Permits Management for processing.

¹⁸ In addition to issuing permits for First Amendment events, the Division of Permits Management also issues other special park use permits. For example, in calendar year 2023, the Division of Permits Management issued 398 First Amendment permits and 2,449 other special park use permits.

¹⁹ According to NPS, these permit numbers are approximate due to a computer system change.

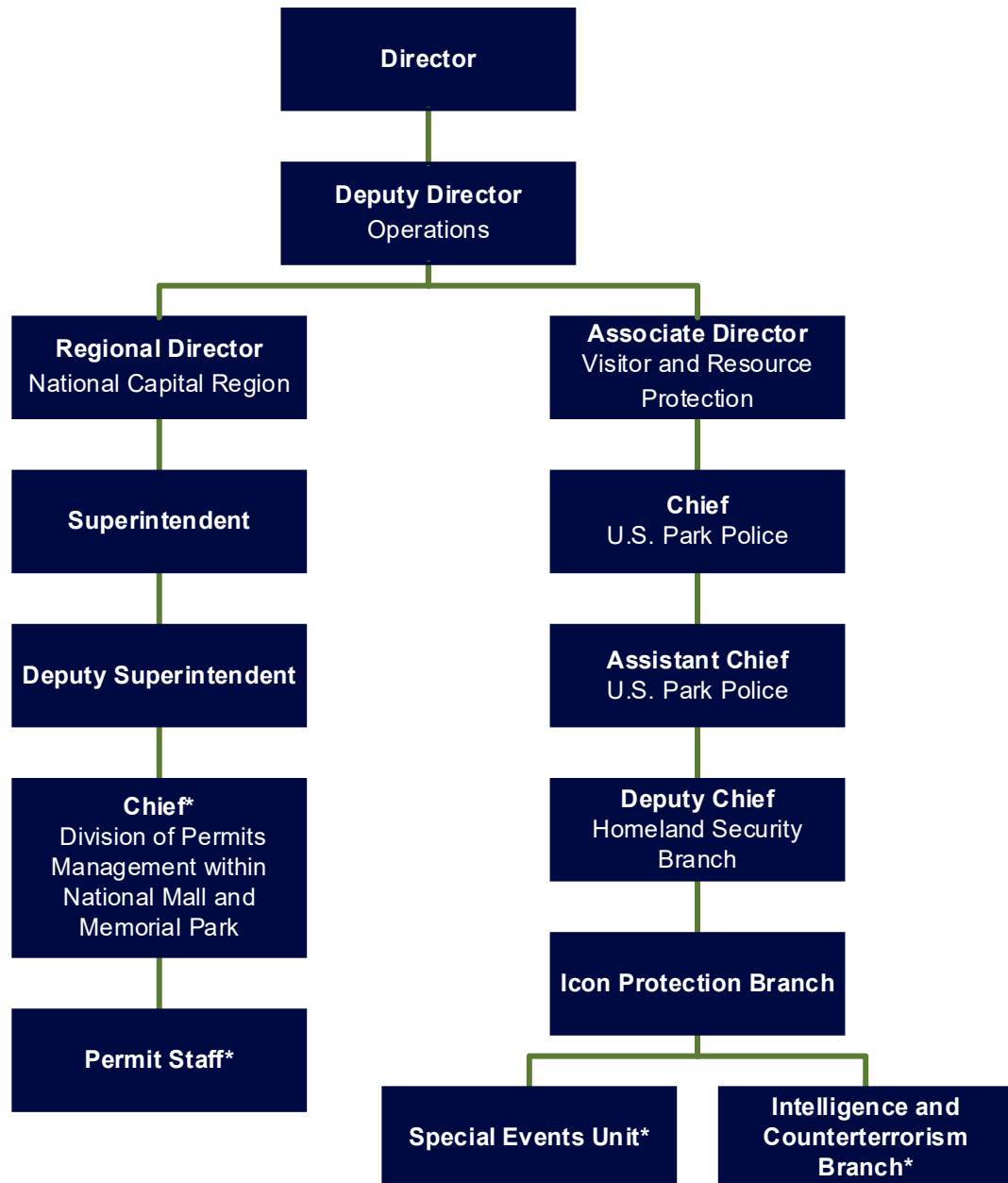
²⁰ USPP describes "National Icons" as "the Statue of Liberty, the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, and other well-known monuments and memorials." <https://www.nps.gov/subjects/uspp/intelligence.htm>.

²¹ USPP, General Order 2301, "Demonstrations and Special Events" (June 9, 2022).



NPS First Amendment Permits

Figure 4: Organization Structure for the Division of Permits Management and USPP Within NPS



* Individuals marked with an asterisk are involved in the permit process.

Given the number and the magnitude of the First Amendment events that occur at the National Capital Region parks, we further examined the permit process in place at the Division of Permits Management and how USPP manages safety during the events.





Division of Permits Management First Amendment Permit Process

The Chief of the Division of Permits Management explained that the Division of Permits Management's First Amendment permit process begins when an organization or individual submits an application to conduct a First Amendment event involving more than 25 people.²² According to NPS' National Mall and Memorial Parks *Event Planning Guide*,²³ the application provides NPS with the preliminary information necessary to begin an assessment of the appropriateness and feasibility of the activities, design, and timeframe for the proposed event. Federal regulations²⁴ state that that applications must be received by the Division of Permits Management at least 48 hours in advance and all demonstration applications are deemed granted, subject to all limitations and restrictions applicable to said park area, unless denied within 24 hours of receipt.²⁵

According to the Chief of the Division of Permits Management, once the permit application is received, a permit specialist is assigned and will oversee the application throughout the permitting process. Per the *Event Planning Guide*, depending on the size, scope, and nature of the proposed event, the permit specialist will schedule a consultation planning meeting with the applicant regarding requirements and logistics to ensure proper use and resource protection. The *Event Planning Guide* states that the meeting will generally include a discussion of space availability, event operation, and remediation of any potential damages to the park. Depending on the event, the permit specialist can request and require the applicant to provide documentation to ensure public safety and the protection of resources, such as:

- A **Site Plan** that is drawn to scale and clearly displays all structures the applicant wishes to set up during the event, such as stages, video screens, food and beverage tents, first aid tents, security or crowd control fencing, and portable toilets.
- An **Operations Inventory** that ensures the site will be set up, used, and broken down appropriately; if applicable, it will include requirements related to structures such as video production and displays, audio and lighting, and trash and recycling receptacles.
- A detailed chronological **Event Schedule** that contains information about installation, event operations, and removal procedures.
- A **Crowd Management Plan** that covers necessary arrangements for safe and efficient crowd management. This includes appropriate plans for queuing lines, safety personnel to manage access, safety staff inside the event, and staff to manage safe egress.
- A **Security, Communication, Sustainability, and First Aid Plan** must be submitted and coordinated with USPP and District of Columbia Department of Fire and Emergency Medical Services.
- A **Fire and Life Safety Plan**²⁶ that provides documentation showing how the permittee plans to comply with fire and life safety codes and standards, including fire codes, commercial cooking controls, and standards for portable fire extinguishers. It must also include an emergency plan with evacuation procedures.

²² The Chief of the Division of Permits Management stated that groups under 25 people (with the exception of some uses set forth in 36 C.F.R. § 7.96) may submit an application, but it is not a requirement.

²³ NPS, National Mall and Memorial Parks, *Event Planning Guide*, "Section 2: Permitting Process."

²⁴ 36 C.F.R. § 7.96(g)(3).

²⁵ According to the Chief of the Division of Permits Management, although applications may be granted within 24 hours, a permit is not issued until the applicant provides all necessary documents to NPS.

²⁶ NPS, *NCR Fire and Life Safety Temporary Events Policy*, dated January 1, 2024.



Division of Permits Management First Amendment Permit Process

The Chief of the Division of Permits Management explained that, once an applicant submits the required documentation, the permit specialist identifies all applicable conditions that must be incorporated in the permit and then prepares and issues the written permit on behalf of the Regional Director of the National Capital Region. Per Federal regulation,²⁷ NPS can deny a permit for several reasons:

- It conflicts with a “fully executed prior application for the same time and place” that “has been or will be granted” and “authoriz[es] activities which do not reasonably permit multiple occupancy of the particular area.”
- “It reasonably appears that the proposed demonstration or special event will present a clear and present danger to the public safety, good order, or health.”
- The proposed demonstration “is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for,” reasonably considering “possible damage to the park.”
- “The application proposes activities contrary to any of the provisions of this section or other applicable law or regulation.”

If the Regional Director determines that the location of the proposed demonstration is not appropriate because of a conflicting use or because the location cannot reasonably accommodate the proposed use, the Regional Director will propose an alternate site to the applicant.²⁸

Also, according to policy as described by the Chief of the Division of Permits Management, depending on the size and scope of an event, an NPS event compliance monitor may be assigned to the event. Per the *Event Planning Guide*, the assigned compliance monitor physically attends the event to ensure the permittee follows the conditions NPS set forth in the permit. The Chief of the Division of Permits Management informed us that the compliance monitor may document, through photographs, the before and after conditions of an area by conducting “pre-event” and “post-event” walkthroughs to identify any damages to property resulting from the event. According to the *Event Planning Guide*, if damages occur during the event, the permittee is responsible for those damages.

Because the Division of Permits Management does not have a system in place to track damages that have occurred from First Amendment events, we asked the Chief of the Division of Permits Management to provide information about past events during which damage occurred. According to this official’s recollection, and discussions with the Superintendent of the White House and President’s Park, the First Amendment events listed in Figure 5 resulted in damage to NPS property. NPS provided documentation showing the total estimated damages of \$317,694 for these events.

First Amendment permits include the following requirements:

“ If Permittee or its agents/representatives/ contractors/subcontractors cause any injury or damage to park system resources, they may be liable for costs and damages in accordance with the System Unit Resource Protection Act, 54 USC §§ 100721-100725. ”

“ Permittee will be responsible for any injury to, loss of, or damage to federally owned or controlled lands, waters, or resources (natural or cultural resources or facilities) resulting from permittee’s activities under this permit, 18 USC § 1361. ”

[applicable only to those permits issued by the Division of Permits Management]

²⁷ 36 C.F.R. § 7.96(g)(4)(vii)(A) to (D).

²⁸ 36 C.F.R. § 7.96(g)(4)(vii)(A), (C).



Division of Permits Management First Amendment Permit Process

Figure 5: Division of Permits Management First Amendment Event Damage Estimates

Date and Location of Event	Damages Amount
January 6, 2021, Ellipse and National Mall November 30, 2020-January 1, 2021, Ellipse December 10, 2020-December 19, 2020, Ellipse ²⁹	\$273,765
November 4, 2023, Lafayette Park	\$20,432
November 14, 2023, National Mall ³⁰	\$2,600
June 8, 2024, Lafayette Park	\$9,615
July 24, 2024, Columbus Circle	\$11,282
Total	\$317,694

Despite being authorized to recoup damages from First Amendment permittees, we found no evidence that NPS pursued this course of action. An attorney from the U.S. Department of the Interior's Office of the Solicitor, who has over 20 years of experience with NPS' First Amendment activities, told us that NPS has explored the possibility of recouping damages from First Amendment events over the last 15 years. The attorney stated that various discussions with colleagues in the U.S. Department of Justice over that time have caused NPS law enforcement to prioritize identifying and prosecuting³¹ individuals that caused the damage rather than pursuing permit organizers. This attorney also stated that they believed that holding a permittee liable for damages would require substantial evidence.



²⁹ The total estimated damages include \$213,185 at the Ellipse South Quadrant, \$13,300 at the Ellipse Green Roadway, and \$47,280 at the National Mall Plant Library. According to the Superintendent of the White House and President's Park, the estimated damages at the Ellipse South Quadrant and the Green Roadway may include damages from all three events at the Ellipse. This is because two events took place prior to the January 6 demonstration, and NPS did not assess the damages from those events.

³⁰ According to the Chief of the Division of Permits Management, the permittee voluntarily paid for these damages.

³¹ This allows the Government to potentially seek restitution and deter future activity.



Managing Public Safety at First Amendment Events Permitted by the Division of Permits Management

For public safety and to protect park resources, USPP will provide law enforcement services during NPS-permitted First Amendment events. USPP's responsibilities may include:

- Assessing and planning the security needs prior to the event.
- Maintaining a continual security presence during the event.
- Evaluating law enforcement activities after the event to document best practices and lessons learned, as well as reviewing live footage and other tools after the event to identify individuals who violated laws during the event.

Public Safety Planning

According to USPP officials, to determine the security needs for NPS-permitted First Amendment events, officials from the Special Events Unit and the Intelligence and Counterterrorism Branch attend the consultation meetings the Division of Permits Management holds with the permit applicant. USPP officials told us that they fully participate in the meetings to obtain an understanding of the event, including the number of anticipated attendees, location, purpose of the event, planned activities occurring during the event, and information regarding any known potential threats specific to the event or counterdemonstrations. USPP also informed us that officials from the DC Metropolitan Police Department, U.S. Secret Service, and U.S. Capitol Police may also attend the meetings if the planned activities cross into their jurisdictions. For example, if the applicant plans to conduct a march, an official from the DC Metropolitan Police Department attends the meeting to determine needed road closures during the march.

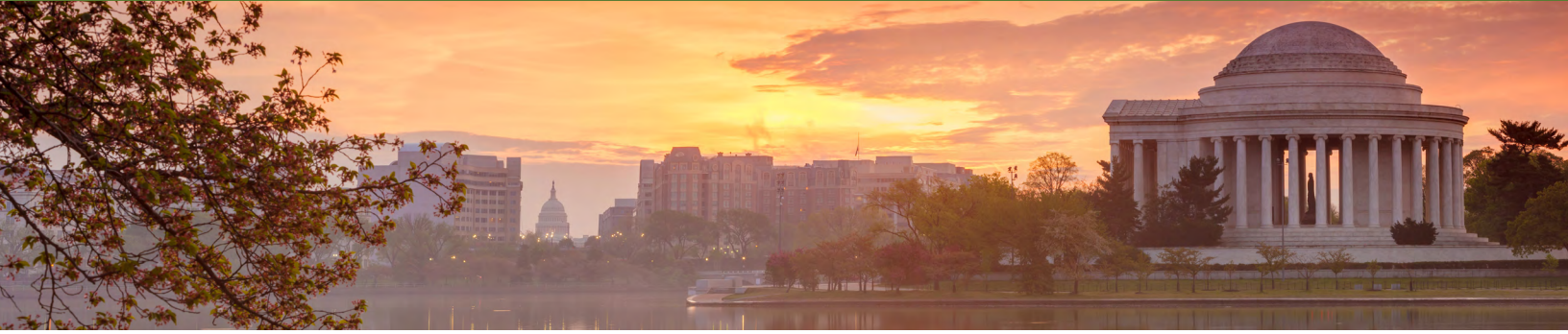
A Lieutenant of the Special Events Unit told us information is collected from permit meetings with the applicant, interagency coordination meetings, and USPP's Intelligence and Counterterrorism Branch. Using this information, officials from the Special Events Unit prepare either (1) an Incident Brief for smaller events that are less complex or where limited information is furnished by the applicant, or (2) an Incident Action Plan for planning more complex events or where more information is furnished by the applicant. According to the Lieutenant, both documents are used to brief assigned officers and provide guidance and information to commanders and officers in charge who are managing an event. USPP officials also told us that in preparing these documents, the Special Events Unit receives relevant intelligence information from USPP's Intelligence and Counterterrorism Branch to assist in making security and staffing decisions for an event.

Prior to the event, the Special Events Unit develops a staffing plan to provide officers with their specific duties for the event, including reporting time and location. The Lieutenant of the Special Events Unit told us that staffing is determined based on the circumstances of each event, such as the number of people expected to attend, the location, and the nature of the infrastructure involved. A Sergeant of the Special Events Unit also told us that typically the staffing plan correlates to a single event; however, staffing plans can take into consideration multiple events and activities.





Managing Public Safety at First Amendment Events Permitted by the Division of Permits Management



USPP officials also informed us that depending on the event, USPP can have a full-force presence, meaning all available law enforcement personnel must report for duty. For the July 24, 2024 demonstration, an organization submitted a permit application to demonstrate on Pennsylvania Avenue between 3rd and 5th Streets, and then march to Columbus Circle, with expected attendance of 5,000 people. According to the Lieutenant of the Special Events Unit, USPP had a full-force presence of 174 officers for the demonstration. On the day of the demonstration, attendees began to conduct acts of vandalism at Columbus Circle, including defacing monuments with spray paint. Media reports incorrectly stated that only 29 officers were at Columbus Circle; USPP officials informed us that staffing assignments are fluid and that when the vandalism began, officers stationed at other locations moved to Columbus Circle. In addition, USPP officials informed us that other events that required officers from USPP were occurring on July 24, 2024, including a funeral and an address to Congress—both of which were attended by the Prime Minister of Israel.

Public Safety During the Event

According to the *Event Planning Guide*,³² during a First Amendment event, USPP is responsible for maintaining a continual security presence. USPP General Order 2301 states that during the event, USPP employs crowd management techniques, consisting of traffic posts, patrolling, security fencing plans, and screening for prohibited items. Also, when providing security for the event, in addition to USPP officer assignments, USPP can incorporate a number of specialized law enforcement units such as helicopter operations, horse-mounted patrol, canine detection, and criminal investigation. The attorney from the Office of the Solicitor, who has over 20 years of experience with NPS' First Amendment activities, told us that most First Amendment events are peaceful, and participants are lawful. According to the Lieutenant of the Special Events Unit, in cases where a few individuals cause civil unrest during an event, removing those few individuals from the crowd can resolve the issue. However, the Lieutenant of the Intelligence and Counterterrorism Branch told us that, in some cases, the crowd may swarm the officers who are trying to remove these individuals.

Per General Order 2301, if basic crowd control techniques are insufficient to restore order or there is a risk of injury to officers and the public, USPP will deploy the Civil Disturbance Unit, which is a specialized unit consisting of highly trained and equipped personnel whose mission is to bring a situation under control during violent and unlawful civil disturbances. According to the *Event Planning Guide*,³³ the permittee must follow all USPP instructions, and failure to comply with USPP guidance and all established permit requirements may result in the revocation of the permit.³⁴ Once a permit is revoked, USPP will close the park and clear everyone from the area. General Order 2301 states that absent urgent circumstances, the crowd shall be given warnings and the opportunity to withdraw peacefully and disperse.³⁵

³² Section 1.4.4, "United States Park Police/Security."

³³ *Id.*

³⁴ 36 C.F.R. § 7.96(g)(6) authorizes the revocation of a permit if continuation of the event presents a clear and present danger to public safety.

³⁵ In our review of USPP actions at Lafayette Park on June 1, 2020, we found these warnings were not always effective. Specifically, although USPP issued three dispersal warnings to the crowd using a long-range acoustic device, evidence suggested that not all the protestors could hear and understand the warnings, and USPP's warnings also did not inform protestors where to exit or provide a safe escape route.



Managing Public Safety at First Amendment Events Permitted by the Division of Permits Management

After the Event

Per Special Events Unit officials, after an event, USPP officers can provide the Special Events Unit feedback and identify best practices and lessons learned to improve future events. Special Events Unit Officials told us that after each event, employees and supervisors may voluntarily fill out an after-action review form or provide event feedback via email. Any feedback and potential changes are discussed during weekly USPP meetings and, if appropriate, suggested changes are implemented. These officials told us that, depending on the event or upon request, the Special Events Unit can also solicit feedback using the following process: (1) sending standard or tailored questions to all USPP officers who participated in the event and consolidating their responses; (2) holding one-on-one meetings with USPP officials to clarify responses and get their feedback and ideas; and (3) evaluating potential changes based on the responses and one-on-one meetings. For example, the Special Events Unit officials told us that the Major Branch Commander for the Icon Protection Branch requested that this process be used after the July 24, 2024 permitted event that resulted in vandalism near Columbus Circle.

According to the Lieutenant of the Intelligence and Counterterrorism Branch, after an event that results in civil unrest, USPP will review live footage, body cameras, U.S. Department of Transportation cameras, and USPP's own surveillance cameras to identify individuals who may have engaged in criminal activity. For example, this official told us that USPP made 10 arrests during the July 24, 2024 demonstration and later identified another individual through surveillance footage. Based on a press release³⁶ from the United States Attorney's Office for the District of Columbia, this individual was arrested on October 4, 2024, for allegedly spray-painting the monument near Columbus Circle on July 24, 2024, during an NPS-permitted First Amendment demonstration. The press release reported that the alleged criminal activity was captured on video USPP filmed from an observation post looking down at Columbus Circle, and the same demonstration was captured on open-source video and photos that were later posted to various internet platforms.



³⁶ U.S. Attorney's Office, District of Columbia, Press Release, *Protester Federally Charged with Damaging U.S. Government Property at Union Station* (Oct. 4, 2024).



Improvements to the First Amendment Permit Process

According to the Chief of the Division of Permits Management, in response to First Amendment events that resulted in civil unrest and to improve the permit process, NPS has implemented or is in the process of implementing policy changes to the permit process.

Specifically, the Division of Permits Management implemented:

- A new requirement that applicants must specify on their permit application the exact date and location of their event. NPS told us that many applicants do not list a specific date or location, which results in the permit staff spending significant time and resources to deconflict the date and location. According to the updated policy, the Division of Permits Management's previous practice was to provide provisional authorization to applicants who submitted applications with nonspecific dates and locations. Acceptance of those nonspecific permit applications resulted in challenges and delays for both the Division of Permits Management and USPP in managing permits, events, and demonstrations.
- A new requirement that applicants wishing to change the date of their event must submit a new application rather than amending their existing application. Previously, applicants amended their original application, which presented problems when applicants changed the date just a few days prior to a scheduled event. This had an adverse effect on the Division of Permits Management completing a full review of the documents related to the application.
- A requirement that there must be two NPS event compliance monitors at an event instead of one. The June 2024 permitted demonstration at Lafayette Park (during which a compliance monitor was by himself and was assaulted) reinforced the need for this requirement.

Additionally, the Division of Permits Management:

- Is in the process of updating the permit application to include language that would require the applicants to certify all the information provided in the permit application is complete and correct, and the permittee has not included false or misleading information or statements. This change occurred as a result of our report on the Department of the Interior's actions related to January 6, 2021.³⁷
- Is updating and solidifying its event guidelines to make sure that written policies and standard operating procedures are accurate and up to date.

In addition, the Lieutenant of the Special Events Unit informed us that for some events, NPS requires the permittees to furnish their own volunteers as unarmed marshals to help with crowd control, including assisting with participants staying on the designated route during marches. Attorneys from the Office of the Solicitor told us that due to past issues (e.g., marshals who were not responsive to USPP or who participated in illegal conduct during the events), in August 2024, NPS began requiring the permittee to provide contact information for lead or chief marshals and information showing the specific geographic areas where those individuals have been assigned. According to these attorneys, the change will ensure that (1) marshals are dispersed at specific areas known to NPS permit staff and USPP; (2) NPS permit staff and USPP have the ability to directly contact a known person in each area of the event; and (3) permittees have control over their marshals in each area to give direction, provide for participant safety, and prevent illegal or damaging behavior. An attorney from the Office of the Solicitor told us that such a requirement is intended to compel the permittees to make good faith efforts to control their own crowds.

³⁷ Review of the U.S. Department of the Interior's Actions Related to January 6, 2021 (Report No. 21-0286), issued December 2023, available at <https://www.doi.gov/reports/special-review/review-us-department-interiors-actions-related-january-6-2021>.



NPS Challenges

Our previous work illustrates past challenges that NPS faced with First Amendment demonstrations in Washington, DC:

- In 2021, we published the results of our review of the actions USPP took to disperse protestors in and around Lafayette Park in Washington, DC, on June 1, 2020.³⁸ Our report noted, among other things, that not everyone could hear the dispersal warnings to the crowd, and USPP and the Secret Service did not use a shared radio channel to communicate. We recommended that USPP develop more detailed dispersal warning procedures to ensure everyone can hear dispersal warnings and that it improve its field communication procedures to better manage multiagency operations. NPS implemented all recommendations related to this report.
- In 2023, we published the results of our review of NPS and USPP actions in preparing for a demonstration at the Ellipse on January 6, 2021,³⁹ which focused primarily on NPS' permitting process and related activities. Our report noted that NPS complied with legal requirements when issuing the permit for the demonstration. However, we noted, among other things, that NPS did not comply with public notice requirements regarding prohibited items at the Ellipse, including the prohibition of backpacks and bags. This resulted in attendees abandoning bags, and USPP officers having to collect abandoned items and sweep them for explosives. There were no recommendations for this report.

In addition to our prior work, NPS officials told us that they currently face challenges with staffing, retention, and recruitment; law enforcement training; and unpermitted events, for which NPS did not receive an application or authorize a permit. In addition, according to NPS officials, there are challenges working around compressed timelines when issuing permits and planning the security for events.

Staffing, Retention, and Recruitment

Multiple officials told us that staffing presents a challenge for the Division of Permits Management in issuing permits and for USPP in providing law enforcement to protect the public and park resources during events. Particularly, within the Division of Permits Management, 9 of the 16 positions are vacant; however, the division is currently recruiting for 6 of the vacant positions. The Chief of the Division of Permits Management told us that operating with these vacancies is a challenge as permit staff have to work overtime to issue and monitor permits. This official also stated that the Division of Permits Management is not only responsible for issuing permits, but it is also responsible for creating policies and updating guidelines and standard operating procedures.

Furthermore, according to NPS' response to congressional letters regarding the vandalism that took place on July 24, 2024, USPP's staffing levels have "declined over 15% over the last decade, as funding provided through the annual appropriations process has not been sufficient to meet the program's capacity and fixed costs needs."⁴⁰ The Lieutenant from the Intelligence and Counterterrorism Branch told us that, along with providing law enforcement for First Amendment events, USPP is a full-service law enforcement agency overseeing a multitude of locations, as well as being responsible for providing 24-hour patrolling duties. USPP officials also told us that USPP was understaffed compared to other Federal law enforcement agencies. According to a Special Events Unit officer, the decrease in staffing levels has resulted in more officers working 18-hour shifts, and the Special Events Unit Lieutenant told us that he is concerned about officer burnout due to

³⁸ *Review of U.S. Park Police Actions at Lafayette Park* (Report No. 20-0563), issued June 2021, available at <https://www.oversight.gov/sites/default/files/documents/reports/2021-06/SpecialReviewUSPPActionsAtLafayetteParkPublic.pdf>.

³⁹ *Review of the U.S. Department of the Interior's Actions Related to January 6, 2021*.

⁴⁰ We did not verify the information provided in this statement.



NPS Challenges

the longer shifts and demands resulting from having fewer officers. The Lieutenant of the Special Events Unit also informed us that staffing shortages present a challenge for permitted and unpermitted events, as USPP must cancel days off and mandate overtime to meet the staffing requirements necessary to maintain public safety. This official told us that during 2024, USPP had to cancel days off and mandate overtime for approximately 72 events.

USPP officials told us that retaining and recruiting law enforcement staff is also a challenge Nationwide because there are few people pursuing law enforcement jobs and USPP's pay is not competitive. The Lieutenant of the Special Events Unit stated that other law enforcement organizations are offering recruitment bonuses and higher pay, and USPP cannot compete with these organizations. NPS' response to congressional letters further states:

The USPP pay scale is set by statute, and it is among the least advantageous of the federal uniformed police agencies, including those of the Department of Homeland Security and the Department of Justice. When competing for the same applicant recruits, this pay disparity has a negative impact on USPP recruitment and hiring. Similarly, the USPP lacks pay parity with its local law enforcement partners. For example, the starting annual salary for USPP officers in the San Francisco Field Office is \$75,253, while the San Francisco Police make \$103,116 and the Oakland Police make \$102,000, challenging our ability to recruit and retain officers.⁴¹

Law Enforcement Training

A Sergeant of the Special Events Unit told us that USPP faces challenges ensuring officers are prepared to handle potential civil unrest. In particular, this official told us that the demonstration near Columbus Circle on July 24, 2024, was the first time many officers had dealt with an escalating crowd control situation. According to the Lieutenant of the Special Events Unit, new USPP officers receive crowd control training through the Federal Law Enforcement Training Center during their basic police training. This Lieutenant told us that refresher crowd control training is necessary to help officers prepare for such situations; however, staffing and budgetary constraints have made providing this type of training a challenge.

Unpermitted Events

USPP officials informed us that managing unpermitted First Amendment events is a challenge for USPP. Unpermitted events, according to a Sergeant of the Special Events Unit, are those that occur without the organizers providing notice and obtaining a permit to demonstrate at an NPS park. According to USPP officials, an unpermitted event can be as small as one person and as large as an event that requires a USPP full-force presence. The Lieutenant of the Special Events Unit told us that large-scale unpermitted events present a challenge for USPP because there is not a planning cycle with established deadlines for furnishing information between NPS, the organizer, and relevant emergency response agencies; therefore, USPP cannot leverage that information to provide staff and plan contingencies for the event.

As a result, per this Lieutenant, USPP relies on publicly available information, and because this information is not coming directly from the organizer, it can be difficult for USPP to find out about an event and obtain necessary details in advance. Per USPP officials, the Intelligence and Counterterrorism Branch continuously monitors publicly available information to identify possible unpermitted events. The Lieutenant of the Intelligence and Counterterrorism Branch told us that his branch works with the DC Metropolitan Police

⁴¹ We did not verify the information provided in this statement.



NPS Challenges

Department to obtain more information about the event, such as the number of planned attendees. Per the Lieutenant of the Special Events Unit, locating and evaluating information about unpermitted events is an administrative burden due to the significant number of unpermitted events that occur, in addition to the permitted events and USPP's regular patrolling duties. This Lieutenant told us that from January 2023 through October 2024, there were 502 unpermitted events identified by the Intelligence and Counterterrorism Branch through online sources and partner agencies. According to the Lieutenant, this number would increase by approximately one-third if they considered the unpermitted events that emerged without an online presence, thus not identified by the Intelligence and Counterterrorism Branch.

Compressed Planning Timelines

The Chief of the Division of Permits Management and USPP officials, told us that some First Amendment events arise with short notice and require a quick approval; in such cases, this presents a challenge because NPS has to accelerate the permit process and security planning. The Chief of the Division of Permits Management stated that this is a challenge due to regulations stating that permit applications may be submitted 48 hours in advance of the event, which leads applicants to expect a permit to be issued in this timeframe. This official also told us that permits submitted with short notice cause the Division of Permits Management officials to compress the timeline for the planning and review process. Moreover, the Lieutenant of the Special Events Unit stated that a compressed timeline presents challenges to administrative and operational planning, as well as challenges with the execution of plans during an event. A Sergeant from the Special Events Unit told us that First Amendment events typically occur in response to current events, and as a result, most of these events are organized quickly and provide only two to three weeks from the submission of the application to the issuance of the permit. An attorney from the Office of the Solicitor informed us that this time period could be as short as five days. Per the Lieutenant of the Special Events Unit, a recent example of a compressed timeline was for a large NPS-permitted First Amendment event related to the Presidential election where thousands of people attended. According to the Lieutenant, the planning cycle for this event, which involved the Vice President, began on October 21, 2024, for an event date of October 29, 2024.





Scope and Methodology

We conducted our inspection in accordance with the *Quality of Standards for Inspection and Evaluation* as put forth by the Council of the Inspectors General on Integrity and Efficiency. To accomplish our objectives, we:

- Obtained background information on NPS.
- Gathered documentation related to the First Amendment permit process.
- Reviewed relevant policies, procedures, laws, and regulations.
- Met with the following officials:
 - NPS SPU Program Manager
 - NPS National Mall and Memorial Parks Chief of the Division of Permits Management
 - NPS USPP officers, sergeants, and lieutenants
 - Department of the Interior Office of the Solicitor attorneys

We gathered the information in this flash report directly from NPS or from publicly available sources.

Photo Sources

p. 1: Gregory/stock.adobe.com, p. 2: NPS, p. 3: lucky-photo/stock.adobe.com, p. 5: John/stock.adobe.com, p. 6: Silverman Media/stock.adobe.com, p. 9: Ben/stock.adobe.com, p. 10: spiritofamerica/stock.adobe.com, p. 11: f11photo/stock.adobe.com, p. 12: littleny/stock.adobe.com, p. 16: Igor/stock.adobe.com, p. 17: Philip/stock.adobe.com.



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