

Use of Frozen Zones Outside Places of Religious Worship

I. Introduction

The NYPD has long used frozen zones, consistent with the First Amendment, to prevent physical obstruction, physical injury, intimidation, or interference when individuals are entering or leaving a place of religious worship. Pursuant to Local Law 82 of 2026, the NYPD is required to memorialize considerations that it uses in connection with security perimeters—what the NYPD refers to as frozen zones—outside places of religious worship. Pursuant to Executive Order 2 of 2026, the Mayor directed the NYPD and the Law Department to review the NYPD’s use of frozen zones outside places of religious worship. This document satisfies the requirements of Local Law 82 and Executive Order 2. It is not intended to change, and does not change, pre-existing NYPD practice. Rather, it articulates considerations already used by the NYPD. The terms “interference,” “intimidation,” “physical obstruction,” and “place of religious worship” have the definitions contained in Local Law 82.

Individuals must be able to enter and leave a place of religious worship without obstruction, physical injury, intimidation, or interference. There must be clear, unobstructed means of access and egress from a place of religious worship. To the extent protesters are engaged in criminal conduct outside a place of religious worship, the incident commander will, consistent with the settlement of *In Re: New York City Policing During Summer 2020 Demonstrations*, 20-cv-8924 (CM) (GWG) (S.D.N.Y. 2023) (the “Protest Settlement”), direct enforcement action. At the same time, members of service must ensure that protesters’ First Amendment rights are protected. Properly planned and executed, a frozen zone helps ensure secure pathways in and out of a place of religious worship while simultaneously upholding the free speech rights of protesters.

II. Communication in Connection with Protests Outside Places of Worship

1. Upon learning of an anticipated protest outside a place of religious worship, Community Affairs officers will make best efforts to:
 - a. Communicate with the leaders of the place of religious worship to learn the following:
 - i. The layout of the place of religious worship, including the location of entrances and exits, as well as any parking locations for the place of religious worship.
 - ii. What hours the place of religious worship is open and closed.
 - iii. What events are planned at the place of religious worship for the day of the protest.
 - iv. For each such event:
 1. The anticipated duration.
 2. The anticipated number of individuals attending.

- v. Any additional information that may be relevant to preventing physical obstruction, physical injury, intimidation, or interference outside a place of religious worship.
 - vi. Any additional information that they wish to share.
 - b. Communicate with protest leaders to learn the following:
 - i. The anticipated time and duration of the protest.
 - ii. Whether the protesters intend to march, and if so, where.
 - iii. The anticipated size of the protest.
 - iv. Any additional information that may be relevant to ensuring that protesters' free speech rights are protected.
 - v. Any additional information that they wish to share.
 - c. Provide a Community Affairs officer's contact information to both the leaders of the place of religious worship and the protest leaders.
 - d. Convey to both the leaders of the place of religious worship and the protest leaders that physical obstruction, physical injury, intimidation, or interference will not be tolerated and that there will also be no tolerance for any infringement on the free speech rights of protesters.
- 2. All information learned by the Community Affairs officers is conveyed to the incident commander, the highest-ranking uniform member of service on scene at the protest.
- 3. Upon learning of an anticipated protest outside a place of religious worship, one or more Community Affairs officers will have the communications described above as soon as possible. If the NYPD has notice of an anticipated counter-protest outside the place of religious worship, Community Affairs officers will make best efforts to contact the counter-protest leaders and obtain the same information regarding the counter-protest.
- 4. In the event that there is an unanticipated protest outside a place of religious worship, and members of service are responding in real time to a protest already underway, Community Affairs officers will still make best efforts to have the communications described above. That said, depending on the circumstances, there may be limited or no opportunity to do so.
- 5. Both before the protest and for the duration of the protest, Community Affairs officers will make best efforts to be in regular contact with the leaders of the place of religious worship and protest leaders. To the extent leaders of the place of religious worship or protest leaders have concerns, they have a readily available point of contact in the Community Affairs Bureau to share those concerns. In the event that, as discussed below, the NYPD is utilizing a frozen zone and designated protest areas, Community Affairs officers will make best efforts to convey to everyone on scene—including those attending the place of religious worship, protesters, and counter-protesters—the scope of the frozen zone, the designated protest areas, and the secure paths of access and egress from the place of religious worship.

III. The Decision to Designate a Frozen Zone and Protest Areas

1. The decision whether to create a frozen zone and designated protest areas, as well as the location and contours of those areas, rests with the incident commander. Whether to create a frozen zone, the scope of any frozen zone, and the designation of protest areas are highly specific, fact-intensive determinations, that depend on numerous considerations. The touchstone in making these decisions is reasonableness, subject to the constraints set forth below. When making these decisions, the incident commander consults with a Legal Bureau attorney in advance of the protest. If there is an unanticipated protest outside a place of religious worship, and members of service are responding in real time to a protest already underway, the incident commander will consult with a Legal Bureau attorney regarding these matters as soon as is reasonably practicable.
2. If the incident commander reasonably determines, in light of all available information, that an anticipated protest outside a place of religious worship creates a risk that those entering or leaving the place of religious worship will be subject to physical obstruction, physical injury, intimidation, or interference, the incident commander will order the creation of a frozen zone outside the place of religious worship. Members of the general public, whether protesters or otherwise, are not allowed inside the frozen zone. Only those who are attending an event at the place of religious worship, or who are going to a residence or establishment within the frozen zone, are permitted access.
3. In determining whether a frozen zone is warranted, the incident commander considers all relevant factors. These include, without limitation, the following:
 - a. All information provided by leaders of the place of religious worship and the protest leaders to Community Affairs officers.
 - b. Whether individuals are anticipated to be entering or exiting the place of religious worship during the time of the protest.
 - c. The anticipated location, size, and duration of the protest.
 - d. The physical configuration of the place of religious worship, including the locations of entrances and exits.
 - e. The layout of streets and sidewalks surrounding the place of religious worship.
4. Any frozen zone outside a place of religious worship must meet the following requirements:
 - a. The scope, duration, and enforcement of the frozen zone must not be based on the subject matter of a protest or the viewpoint expressed by protesters.
 - b. Protesters must have ample alternative means of communicating their message. In particular, one or more designated areas must be set aside for protesters so that they have “sight and sound” to the entrance to the place of religious worship. Individuals entering and exiting the place of religious worship must be able to see

- and hear the protesters in the designated area. Protesters cannot be compelled to go to this area, but it must be available to them.
- c. While the frozen zone must be designed to ensure that there are secure paths for those entering and leaving the place of religious worship, it must not burden substantially more speech than necessary to achieve this goal.
 - d. The frozen zone must be in accord with applicable federal, state, and local law; with otherwise applicable Patrol Guide procedures; and with the Protest Settlement, including, without limitation, the provisions governing the role of the incident commander, the role of the First Amendment Activity Senior Executive, and the tiered response to protests.
 - e. The frozen zone must be implemented in a way that allows for emergency access to, and egress from, a place of religious worship, including but not limited to access and egress by emergency personnel.
5. When determining the locations and configurations of frozen zones and protest areas consistent with the objectives and requirements set forth above, the incident commander reasonably considers all relevant factors. These include, without limitation, the following:
- a. All information provided by leaders of the place of religious worship and the protest leaders to Community Affairs officers.
 - b. The anticipated location, size, and duration of the protest.
 - c. Whether the protesters are going to march, and if so, where.
 - d. The anticipated volume of people entering and exiting the place of religious worship.
 - e. The physical configuration of the place of religious worship, including the locations of entrances and exits.
 - f. The layout of streets and sidewalks surrounding the place of religious worship.
 - g. The time of day.
 - h. Other sensitive locations and critical infrastructure in the vicinity of the place of religious worship.
 - i. Other protests in the vicinity.
 - j. Other events in the vicinity.
 - k. Pedestrian and traffic patterns in the vicinity.
 - l. Police resources on scene.
6. In the event of a counter-protest, every effort is made to treat protesters and counter-protesters in substantially the same manner. If a frozen zone is being utilized, a protest area is designated for counter-protesters, subject to the same rules as those for protesters. While the areas set aside for protesters and counter-protesters must be within sight and sound of each other, there also must be sufficient distance between these areas to minimize the risk of physical confrontation between protesters and counter-protesters.
7. For an anticipated protest, the scope of any frozen zones and designated protest areas is determined and clearly demarcated before the protest begins. How they are demarcated—

whether via the use of metal barriers, the positioning of members of service, or otherwise—is at the discretion of the incident commander. For an unanticipated protest, any such determination and demarcation occur as soon as possible after members of service arrive on scene.

8. A frozen zone is in place only for so long as reasonably necessary to prevent a risk of physical obstruction, physical injury, intimidation, or interference when individuals are entering or exiting the place of religious worship. The incident commander may expand or contract the contours of a frozen zone in light of changed circumstances outside the place of religious worship.
9. An unanticipated protest, in which members of service are responding in real time to a protest already underway, poses particular challenges. The incident commander will not have had the opportunity to plan and at least initially may have very limited police resources on scene. The incident commander acts reasonably under the circumstances to ensure that there is no physical obstruction, physical injury, intimidation, or interference when individuals are entering or leaving a place of religious worship, while also ensuring that the free speech rights of protesters are protected.

IV. Point of Contact for Members of the Public

Questions from members of the public regarding the use of frozen zones outside places of religious worship should be directed to the Office of the Deputy Commissioner of Community Affairs at 646-610-5323.