



*To N&Pb*  
POLICE DEPARTMENT

NEW YORK, N.Y. 10038

August 23, 1988

From: Chief of Department  
To: Police Commissioner  
Subject: TOMPKINS SQUARE PARK INCIDENT

### Introduction

At your direction, I have conducted an examination of the Department's activities surrounding the policing of a demonstration to protest the imposition of a curfew in Tompkins Square Park on the evening of August 6th and the early morning hours of August 7th, 1988.

This review was necessitated by the appalling behavior of some members of the department assigned to the initial demonstration and some who responded to a police call for additional assistance. Because of the extensive broadcasting of film and video taken by the media and private citizens, most residents of this city have witnessed police officers striking demonstrators with night sticks and kicking other apparently defenseless people while they were lying on the ground. In addition, there were attempts made by several officers to conceal their identity by covering or removing their shields.

The most important issue now is to regain public confidence by taking measures to insure that such conduct will not happen again. This can best be accomplished by identifying and punishing those who violated their trust and by studying what went wrong with a view toward preventing similar mistakes in the future.

The investigation to identify police officers who should be disciplined is being conducted by the Civilian Complaint Review Board with assistance from the Internal Affairs Division. This report will address the questions of what actually happened during the demonstration, what went wrong and what changes are needed to prevent a recurrence.

To determine what took place at the demonstration, my staff and I examined all available video tapes, appropriate department records, Communication Division radio tapes and interviewed numerous witnesses and members of the department who were at the scene. It is clear from our investigation that the majority of the officers at the scene acted with restraint and professionalism in the face of provocation. Spitting, cursing, rock and bottle throwing, and the hurling of M-80 and M-100 fireworks reached a level reminiscent of anti-war demonstrations of the late 1960's. Eighteen police officers were injured during the demonstration. However, this in no way suggests that such provocation justifies unprofessional conduct on the part of the police.

### Background

Tompkins Square Park is located on the lower east side of Manhattan between Avenues A and B, from East 7th to East 10th Street. The park serves a racially, ethnically, economically and politically diverse East Village community and has generated a need for police attention since the 1960's. As a result of its diversity, the community has long been known for its tolerance of a wide variety of lifestyles.

This reputation for neighborhood tolerance gave added credence to the numerous complaints the department began receiving in June concerning late-night activity in and around the park. Responsible and respected community organizations, including the Avenue A Block Association, the Friends of Tompkins Square Park and Community Board #3, along with many individual residents of the area, asked that the Department take action to halt a number of illegal activities that were taking place in the park, particularly after midnight. These complaints included:

- \* Disorderly groups of men and women who were consuming alcoholic beverages, playing radios loudly and generally "partying" in the park between the hours of 9PM and 5AM.

- \* An influx of narcotics traffickers and drug users who were using the park to shield their activities from sidewalk observation of the police.

- \* Large numbers of the indigent and homeless, preferring summer residence in the park to the service and facilities of the Human Resources Administration.

To combat these conditions, Captain Gerald McNamara, the Commanding Officer of the 9th Precinct, instituted a program assigning foot patrol officers to the park to enforce the "Quality of Life" conditions. Parks Department regulations call for all parks to close at 1 a.m. unless otherwise posted. The program implemented by the Ninth Precinct required all but homeless people leave the park by 1 a.m. The homeless were permitted to stay in the southeast quadrant of the park. This program functioned effectively for 19 days, during which a vast improvement was noticed and praised by community leaders.



On Sunday, July 31st, however, an apparently premeditated rally was staged in the park to protest the curfew. When officers moved to enforce the curfew, a confrontation took place which resulted in four arrests. Five officers were injured.

On Tuesday, August 2nd, a meeting took place between 24 local community leaders and representatives of elected officials and Deputy Chief Thomas Darcy, the Executive Officer of Patrol Borough Manhattan South, in which unanimous support for the program was voiced by the official community representatives.

Following this confirmation of support for the Department's efforts the police continued to enforce the curfew during that week. Information was received that a protest rally might take place in the park on the weekend of Friday, August 5th and Saturday, August 6th. To plan for this rally, a police detail of one (1) Deputy Inspector, one (1) Captain, two (2) Sergeants and twenty (20) Police Officers was initially planned for the park on Friday, with a slightly larger detail planned for Saturday. However on Friday, August 5th, an unsigned handbill was circulated in the neighborhood which advocated the destruction of homes in the community surrounding Tompkins Square Park in response to the nightly closing of the park. Because of this threat of violence, the police assignments for August 5th and August 6th were augmented.

On Friday, August 5th, the detail of police consisted of one (1) Deputy Inspector, one (1) Captain, eleven (11) Sergeants, and one hundred and ten (110) Police Officers from Manhattan South Precincts and Manhattan South Task Force. On Saturday, August 6th, the detail consisted of one (1) Deputy Inspector, one (1) Captain, eleven (11) Sergeants, and one hundred and fourteen (114) Police Officers. Inspector Robert Baumert, Commanding Officer, 2nd Division, and Duty Inspector for Patrol Borough Manhattan South (PBMS) and Patrol Borough Manhattan North (PBMN), on Friday, August 5th, was directed to oversee the police at Tompkins Square Park the first night. Deputy Chief Thomas Darcy, Executive Officer, PBMS, citywide duty chief, would supervise the police detail on Saturday, August 6th. On Friday, August 5th, the park was cleared without incident.

#### What happened Saturday, August 6

At approximately 8 p.m. on Saturday, August 6, a conference was conducted at PBMS. Chief Thomas Darcy, Deputy Inspector Joseph Wodarski, Commanding Officer Midtown South Precinct and Gerald McNamara, the Commanding Officer, Ninth Precinct met to plan and discuss tactics to be used at the rally scheduled in Tompkins Square Park for that evening.

The planning was based on the assumption that if a confrontation occurred it would happen when police began to clear the park at the 1 a.m. curfew. The July 31st confrontation happened at 1 a.m. when the police cleared the park and people refused to leave.

Four Sergeants and 40 Police Officers were assigned to entrances on the four sides of the park. The remaining officers and Mounted Unit personnel were to be held in strategic reserve until the park curfew was to be enforced. At that time two Sergeants and 20 Police Officers from the reserve were to move through the park as a "sweep team", informing people that the park was closed and asking them to leave. An additional Sergeant and 10 Police Officers, under the direction and supervision of Captain McNamara, were designated as an arrest team if people refused to leave the park. The "sweep team" was instructed not to take direct action against individuals who refused to leave the park but, rather, to request the arrest team. Special instructions were also given to the police regarding the homeless residing in the park. At the 1 a.m. curfew the police were to direct the homeless to the southeast quadrant of the park where they would be allowed to stay.

Deputy Inspector Wodarski and Captain McNamara reported to the temporary headquarters vehicle, located at the bandshell in the park.

Shortly after a rally in the park the demonstrators began a circular march within the confines of the park at approximately 11:40 p.m. During the march M-80 and M-100 fireworks were thrown in the direction of the police.

At approximately 12:15 a.m. the demonstrators surprised the police by leaving the park before the 1 a.m. curfew. It had been assumed that since they were protesting the curfew the demonstrators would stay in the park and refuse to leave at 1 a.m.

Instead, they began a spontaneous demonstration in the roadway of Avenue A between St. Marks Place and Ninth Street. At that point the demonstration escalated. Bottles and fireworks were thrown directly at the police. Some occupied vehicles were stopped and pounded upon by demonstrators. Some protestors sat down in the street to prevent the movement of traffic.

By this time, Deputy Chief Darcy had left the scene to return to his office at PBMS. Deputy Inspector Wodarski was in the temporary headquarters command vehicle located inside the park and Captain McNamara was on foot in the vicinity of Avenue A. To prevent the southerly movement of the demonstrators Captain McNamara moved the 10 Mounted Officers who were assigned to the detail from the park to a line facing north, in front of the demonstrators and across Avenue A, midway between East 7th Street and St. Marks Place.

The deployed Mounted officers immediately became the target of bottles and rocks thrown by the unruly crowd. They retreated a short distance, and then retreated a second time.



But the hail of fireworks, bottles and debris continued. Captain McNamara put together a formation of a few foot officers with large plastic shields on the sidewalks to protect the Mounted police and additional 30 foot officers that had been placed behind the horses. He directed these officers to move north for a short distance to clear the crowd from the the sidewalks along the left and right flanks of the police. This operation was accomplished in an orderly fashion and stablized the situation for the moment.

At this juncture, a decision was made by Captain McNamara to move the Mounted officers into the crowd. The rationale given for the move into the crowd was that people were trapped in autos and were in an immediate dangerous situation. There is independent evidence to support this contention regarding the endangerment of people trapped in cars. Specifically, the street had not yet been closed to traffic and two witnesses who were in the vicinity of Tompkins Square Park have been located who report attempts by the demonstrators to pull them out of their autos in order to attack them or damage cars, shouting "Get the yuppies!" (a reference to the anti-gentrification sentiments held by some in the East Village area).

As the Mounted Unit and foot officers moved north into the demonstrators, a confrontation took place between some officers and some of the crowd. Most of the demonstrators ran north on Avenue A and west on 9th Street toward First Avenue, but some charged south directly at the police.

As a result of this confrontation, Captain McNamara called the Communications Division and ordered the Task Force Units of the Manhattan North Area and the Brooklyn North Area to respond to the scene. In addition, as confrontations continued between the officers and demonstrators on Avenue A, Captain McNamara, feeling that his force was undermanned, called a "10-85 Forthwith" several times over his radio for all available personnel to respond immediately to St. Marks Place and Avenue A. This call is widely interpreted as being of an extreme emergency nature. Over the next several hours radio cars with officers from all over the city responded. The random nature of this response meant that officers who had not been briefed about the event, who were not equipped for such an encounter (for example, no protective helmets) and who were not under direct supervision of a superior officer, responded directly to the scene of the confrontation.

Although, in retrospect, this type of call for assistance may have been unwise, it is difficult to second guess the Captain's judgement that immediate additional help was needed. Experienced officers realize that such a call is, in fact, a two edged sword -- large numbers of officers will rapidly arrive on the scene but they will be unsupervised, come from disparate units and may not be able to communicate with each other because of different radio frequencies.



Officers responded from 50 different units and precincts during the next 2-hour period. When the situation stabilized at St. Marks Place and Avenue A, some of the officers were in reserve in Tompkins Square Park while others were given posts on Avenue A.

At approximately 1 a.m., a large group of demonstrators and onlookers gathered south of East 7th Street and Avenue A and began to pelt officers with bottles. Captain McNamara directed a group of officers to move this crowd south toward East 6th Street but the crowd resisted being moved. Some officers ran forward of their line when bottles were thrown and began to strike some of the demonstrators with nightsticks. Eventually, this police line was reformed on Avenue A between 6th and 7th Streets facing south where it remained for the rest of the morning.

Because bricks and bottles had been thrown from the rooftops along Avenue A, an Aviation Unit helicopter was directed to scan the rooftops in the area with its searchlight. The helicopter hovered at too low an altitude for too long, causing debris to be blown about the area and more onlookers to gather.

First Avenue in the vicinity of St. Marks Place was the scene of sporadic confrontations between the demonstrators and police from 1 to 4 a.m. As protestors attempted to disrupt traffic and pelt automobiles with bottles, officers who had responded to the "10-85 Forthwith" confronted them.

During the early morning hours two "Assist Police Officer" calls were transmitted from First Avenue resulting in several officers from the reserve in Tompkins Square Park going to the scene apparently without the direction of a supervisor. At one point Deputy Inspector Wodarski arrived and a police line was formed on the east side of First Avenue at St. Marks Place while the demonstrators and onlookers remained on the west side of First Avenue.

The focal point of the demonstration remained on Avenue A and 6th Street throughout the night. Deputy Chief Darcy and Captain McNamara met with various representatives of the community at that location.

At approximately 4 a.m. a fire truck responding to the scene of small fires set in trash baskets at 5th Street and Avenue A was pelted with debris from the crowd and also from a large apartment building. Some officers broke ranks and engaged in confrontations with the demonstrators.

Shortly after 4 a.m. Assistant Chief Mario Selvaggi arrived on the scene to take command. The number of demonstrators had dwindled to about 150 people and it was obvious that they intended to remain all night. At about 4:15 a.m., with negotiations broken down because the demonstrators would not listen to community leaders, Chief Selvaggi decided that arrests would be made to end the confrontation.



Deputy Inspector Wodarski was directed to return to the park and assemble arrest teams of one sergeant and five police officers. At the same time, Captain McNamara was directed to assemble the majority of the police personnel on East 7th Street between Avenues A and B. The arrest teams were dispatched, along with patrol wagons and vans, to Avenue A. Some delays resulted because as reinforcing units arrived, some vehicle operators, in their haste to lend assistance, had blocked other department vehicles.

Final warnings to disperse, along with a reasonable period to comply, were given to the demonstrators. The plan was that if the warnings were ignored arrest teams would then move in and arrest the remaining demonstrators.

As more time passed it was apparent that the tension was dying down. It was decided to move some of the officers to East 7th Street, between Avenue A and B, out of sight of the demonstrators. Most officers had already been removed with the exception of the arrest teams which proved, in the end, not to be needed.

Since by now it was almost daybreak and in a short period of time the park would again be legally open to the public, all but the small police contingent at East 6th Street and Avenue A were ordered to regroup at Avenue C and East 14th Street. At about 5:45 a.m., just before sunrise, the park was reopened to the public. At 6 a.m., Task Force personnel were dismissed. At 6:30 hours, all other units were dismissed.

At the conclusion of this incident police had made nine arrests and 18 officers suffered line of duty injuries. As of August 16th, 98 civilian complaints had been filed. Since that time an additional nine complaints have been recorded which are not reflected on the attached incident maps. Four other complaints were also filed that are outside the time frame of this incident.

#### What went wrong: Police Tactics

The seriousness of individual police officers taking independent unlawful action can not be overstated. Each officer is responsible and will be held accountable for his actions. Meanwhile it is important to look at the whole incident from a management and tactical point of view to see what added to the confusion and the breakdown of professional police behavior.

As already explained, police planning for this event was based on the assumption that the demonstrators would remain in the park. When the demonstration moved into the street and turned violent the police were not prepared with the resources they had on hand to deal with the situation. The streets were not immediately closed to traffic and critical rooftops were not immediately secured which added to the dangerousness of the situation.



The decision to move the police formation into the crowd was made with the intent of dispersing the demonstrators, ending the bottle throwing, freeing the trapped cars, and gaining control of the situation.

However, instead of having that effect it caused the crowd to become more agitated. In fact some of the demonstrators ran toward the police line sparking direct confrontations.

These confrontations triggered the Captain's calling for additional assistance to Avenue A and St. Marks Place at the heart of the activity. Approximately 300 police officers from around the city responded to that call.

Police procedure would normally be to cancel the "10-85 Forthwith" to the scene, as soon as the immediate situation was stabilized and redirect responding officers to a mobilization point away from the situation. At that designated mobilization point they would be formed into teams, instructed and inspected, recorded as present and sent out to specific locations with a supervisor.

However, that night no cancelling of the "10-85 Forthwith" call or regrouping was done, which left responding officers without proper instructions and supervision. Some officers obviously responded badly to these conditions, taking excessive independent actions and attempting to evade accountability by concealing their identities.

While most officers responded directly to the vicinity of Avenue A, some officers took up positions on First Avenue in an attempt to quell disturbances there. For the most part they were left unsupervised and handled disturbances and confrontations throughout the morning.

The tactical use of Aviation Unit, as noted above had a mixed effect, attracting crowds to a scene that was already cramped and tense.

It is an obvious principle of police work that a volatile situation requires the highest degree of control, coordination, and communication. But it is evident that in this incident commanders and a number of individual officers performed well below the standards for which the New York City Police Department is usually highly praised.

The major early tactical decisions in this incident - - the use of the Mounted Unit, the "10-85 Forthwith" call, and the use of a helicopter were made by the lowest ranking commander, Captain McNamara. The highest ranking and the more experienced commander Chief Darcy had left the Tompkins Square area about 11:15 p.m. and returned to PBMS headquarters.



The Temporary Headquarters Vehicle (THV) for this demonstration was situated in Tompkins Square Park. While this location was questionable even if the demonstration remained in the park, when the protest became violent and no outside mobilization point was established, some officers had to make their way through the crowd to get to the headquarters in an attempt to receive information.

Additional problems occurred in the THV because no supervisor was left in charge there and no command log was kept to record the major events of the night.

There was also a serious breakdown in the department's procedure for notifying top commanders, apparently because the police officer in charge of the THV was not apprised of the seriousness of the situation. Higher command notifications were not made until much later (2:30 a.m.). The lack of an experienced supervisor certainly contributed to that breakdown.

### Accountability

Deputy Chief Thomas Darcy, the Executive Officer of Patrol Borough Manhattan South and in command of the Borough was the highest ranking member on the scene from 1 a.m. until 4 a.m. - - well after the majority of police activity had taken place. He was performing duty on the 4 p.m. to 12 midnight tour of August 6th, meaning that he was on call to respond to major events throughout the city. Earlier that evening, there had been a "brown out" in the northern section of Manhattan but, since the power was being restored, Chief Darcy did not need to respond.

As Acting Borough Commander of the Manhattan South Command, he had reviewed the plan for the policing of the Tompkins Square Park demonstration with Deputy Inspector Wodarski and Captain McNamara. All plans are based on assumptions and given that the demonstration of the previous night was orderly and controlled, the plans seemed appropriate. He visited the THV in Tompkins Square Park at approximately 11:15 p.m. when the demonstration was relatively quiet. Chief Darcy informed Deputy Inspector Wodarski that he was returning to his office on East 21st Street and could be reached by telephone if needed. At approximately 12:15 a.m. Deputy Inspector Wodarski called Chief Darcy and informed him that the demonstration was getting serious and that he should return. The time that Chief Darcy arrived at Avenue A and 7th Street is in question but by all accounts he was present by 1 a.m. The initial clash between the police and demonstrators had already taken place and protestors had formed up once again on Avenue A between 6th and 7th Streets. Chief Darcy ordered Captain McNamara to move along Avenue A with a line of police officers and move the crowd south toward 6th Street.

Large numbers of police officers began to arrive in the area and position themselves primarily in Tompkins Square Park. Chief Darcy was never informed that a "10-85 Forthwith" signal had been broadcast over eight division radio frequencies but assumed that a mobilization plan had been put into effect by either Deputy Inspector Wodarski or Captain McNamara.



Chief Darcy did not have a division radio with him at any time during the evening nor did he monitor a radio when he was in the borough office. The only directed deployment of officers for the remainder of the incident was the line of officers positioned across Avenue A in the vicinity of East 6th Street. The stream of officers responding to the area as a result of the call for assistance continued for the next three hours until approximately 4 a.m. Most of these officers made their way to Tompkins Square Park and remained there. No superior officer was ever placed in charge of the THV to identify, record and assign reporting officers. No formation of responding officers into teams under the direction of a supervisor was ever accomplished.

Demonstrators periodically blocked traffic and threw bottles along First Avenue from 7th to 9th Streets. Officers, acting independently, and with virtually no direction from the command structure attempted to deal with these sporadic acts of violence. Twenty-five percent of the civilian complaints generated by the demonstration came from the area of First Avenue between midnight and 4 a.m.

No attempt was made to identify over three hundred officers who responded to the call for assistance until 6 a.m. when the entire detail was assembled on Avenue D and 14th Street. This type of uncontrolled, unstructured atmosphere is conducive to independent action and greatly raises the potential for police misconduct.

It is not clear that the initial confrontation between the police and the demonstrators on Avenue A would have been any different if Chief Darcy had been on the scene. It is obvious that the demonstrators wanted a confrontation. During that initial confrontation the breaking of police ranks and the independent action on the part of some officers was largely a result of their inexperience in a disorder or riot situation.

Demonstrations such as these will always be attended by some confusion and disorganization. However, it is reasonable to expect that once a Deputy Chief of Police is on the scene of such a disorder he would in fairly rapid order, consolidate his forces, identify his personnel and assume control of the situation. This was never done.

In summary, the control of the situation was lost during the first confrontation between police and demonstrators and never sufficiently regained. For this Chief Darcy, the highest ranking member of the department at the scene, must be held accountable.

Although designated to be in charge of the detail, Deputy Inspector Joseph Wodarski was recently assigned to the borough and unfamiliar with the history of the park and its current difficulties. Captain McNamara was the 9th Precinct commander and had handled the demonstration the previous night without incident. As a result, Deputy Inspector Wodarski deferred to Captain McNamara on tactical decisions. However, certain basic administrative lapses such as no headquarters log being established in the THV and a lack of bullhorns for crowd control can be attributed to Deputy Inspector Wodarski.



He too was never informed of the "10-85 Forthwith" and assumed that some of the units arriving were doing so as a result of the mobilization of the Brooklyn North and Manhattan North Task Force that had been placed on standby. He too did not have a division radio with him and was therefore unable to hear the message or the subsequent radio transmissions. There is also no indication that Deputy Inspector Wodarski ever advised Chief Darcy that a consolidation or organization of the responding units should take place. Deputy Inspector Wodarski received a neck injury while making an arrest but remained on duty until after the detail was dismissed at 6:30 a.m.

Captain McNamara has been the commander of the 9th Precinct since October, 1987. There was and continues to be significant community support for his efforts in Tompkins Square Park. During the previous evening's demonstration in Tompkins Square Park he was an assistant to the detail commander, Inspector Robert Baumert. That demonstration was handled without incident. He had played a major role in formulating the plan for the enforcement of the curfew on both August 5th and 6th. On the evening of August 6th he instructed all police officers assigned to the detail on how they would handle arrests.

When the protestors unexpectedly left the park and began demonstrating in the roadway of Avenue A Captain McNamara immediately began directing the actions of police officers on the scene. He ordered the Mounted officers to move forward and disperse the crowd. He took command and made decisions at a critical time.

When he felt additional officers were needed he called for a mobilization of the Brooklyn North and Manhattan North Task Forces. He also transmitted a "10-85 Forthwith" several times to bring additional officers immediately to the area. This resulted in a flood of police officers into the area, accompanied by few if any supervisors. It is unfair to second guess his judgement that additional help was needed but not monitoring the results of such a call and not emphatically cancelling the call when sufficient units had arrived added to the mass confusion at the scene. This lack of control over the number of officers coming to the assistance of fellow officers thought to be in danger turned out to be a significant problem. There is also no indication that Captain McNamara discussed with Chief Darcy the necessity of organizing and assigning the large number of officers who had responded to the scene.

### Recommendations

#### Training:

Institution of a department wide multi-level, re-training program in crowd control and effective policing of street disorders. The key elements will be:

- Legal authority and limitations;
- Advance and contingency planning;

- Briefing of all members of police details leading to full understanding of the nature of the demonstration, its participants, their goals, their past history and potential;
- Restraint in the face of provocation;
- A primary reliance on a supervised, trained, disciplined team effort for both crowd control and arrests;
- Team training - including tactical simulations - of sergeants and police officers working together;

#### Executive Level:

Our executive corps has a breadth and depth of policing experience unparalleled in the Nation. However, as we find ourselves two decades away from the protests of the 1960's, some have not had first-hand experience in crowd and disorder policing. Several days of executive-level training will be planned by the Chief of Personnel utilizing the skill and expertise of those executives with experience in planning and policing demonstrations. Course material will be presented by experts from both inside and outside the department. Included in this training will be:

- Department policy and pertinent state and federal law;
- Advance assessment and planning;
- Mobilization;
- Crowd control, containment and dispersal;
- Team tactics;
- Use of plain clothes officers to identify those violating the law;
- Use of support units and equipment;
- Simulated situations with sergeants and police officers;
- Command post exercises.

#### Team Training:

Training will be provided to "first responders"; lieutenants, sergeants and police officers from Borough Task Forces, Street Crime Unit, specific OCCB and Detective Bureau commands and precinct sergeants and police officers designated 'Disorder Control Trained' (see Mobilization).



### Mid-Management:

Incorporated into Central Management Training and pre-promotion training for lieutenants and sergeants will be presentations on supervisory control in civil disturbances and disorders, police-citizen interaction, sensitivity and social awareness.

### In-Service:

This component of re-training centers on a half-hour training video designed to heighten officer awareness of policy and professional responsibility with respect to mobilization, crowd control and policing of disorder. All uniformed members of the service in the ranks of police officer, sergeant and lieutenant in the Patrol Services, Detective and Organized Crime Bureau's will receive this training.

At each training session, the video will be introduced by a Captain or above who will also, along with the unit's training officer, moderate the discussion.

### Sensitive Demonstration Module:

For sensitive demonstrations, the initial detail should consist of 1 Captain, 5 Lieutenants, 15 Sergeants and 75 Police Officers. Two (2) modules should be under the direction of a Deputy Inspector. This tight supervision will best insure control, restraint and cohesive team action.

### Mobilization:

Ideal crowd control and disorder policing is accomplished with cohesive, disciplined and supervised police teams. Such resources in adequate numbers are seldom quickly available when large scale disorder erupts without warning. To provide for this, various units and officers will be considered 'first responders' and receive initial and periodic refresher disorder training. Borough Task Forces, Street Crime Unit, designated OCCB and Detective Bureau Units will be involved in this program, along with specifically designated "Disorder Control Trained" (DCT) police officers and sergeants in patrol commands. To ensure availability, police officers and sergeants from every precinct in the city, assigned across the squads of the duty charts will be selected, trained and designated in Precinct and Department records as well as on roll calls as DCT. The criteria for selection of patrol personnel would be maturity, seasoning, and good judgement. Our on-duty mobilization plan would be structured so that trained officers and supervisors would respond as teams. While some minimal time would be lost it would be more than off-set by the value of having trained, supervised teams responding.



#### Helmets:

Officer restraint may be a function of an individual's perception of security and safety. The department should immediately purchase sufficient helmets to equip every officer and require that two (2) helmets are carried in the trunk of every RMP (and other vehicles as determined).

#### Mobilization Trailers:

Each borough should be equipped with a Mobilization Trailer. Each trailer should be outfitted with appropriate lighting, communication and office equipment to serve as a temporary headquarters at a mobilization point. In addition to such items as an electric generator, portable radios, bullhorns, cellular telephones, each trailer would carry a reserve supply of helmets, batons, plastic shields and mesh 'POLICE' Identification vests.

#### Communication:

All commanders at major demonstrations will be furnished radios or radios on appropriate frequencies to be carried either personally or by an aide.

At major or sensitive demonstrations a superior officer will be assigned to the Temporary Headquarters Vehicle specifically to monitor radio transmissions and ensure the needs of on-site commanders are met. The Communications Unit will insure that all transmissions on point-to-point radios will be recorded and retained for later review. When radio transmissions indicate a major event is in progress, the Communications Unit Supervisor on duty will supervise and coordinate all radio traffic in connection with the incident or event.

#### Support Units:

Questions have been raised about the timeliness of the use of Mounted Unit as well as the use of the low flying helicopter. Protocols will be devised on the use of these two resources and who in the command structure may authorize their use.

#### Video Cameras:

Since the inappropriate police conduct came to light by videos taken at the demonstration the Police Department should regularly assign video cameras to planned and spontaneous demonstrations not only to record the criminal activity of the demonstrators but also to monitor police conduct.

#### Officer Identification:

Since some officers at the demonstration attempted to conceal their identities initial and periodic inspections of officers reporting for details will be implemented; mourning bands will be prohibited at demonstrations and an officer identification system will be developed for helmets both individually assigned and those held in reserve.



### Civilian Observers:

Our efforts at restoring public confidence will be bolstered by the regular use of Civilian Observers at demonstrations. Several benefits accrue: Officer conduct will be positively affected; legitimate complaints can be better substantiated and conversely groundless complaints more readily be disproven.

Each precinct and borough command will compile a list of persons willing to serve as Civilian Observers and prior to a planned event request their attendance. For spontaneous events, observers will be called upon, in a manner similar to how we now call upon community leaders to intervene in situations of community tension.

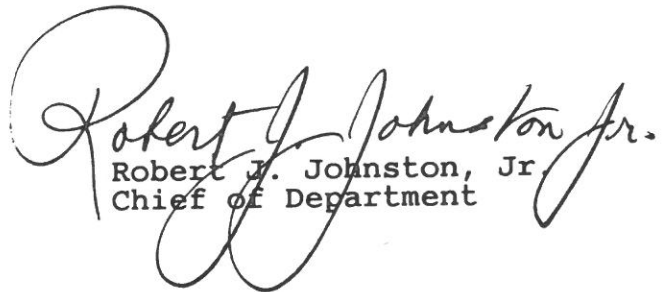
### Conclusion

The handling of the demonstration at Tompkins Square Park was not the New York City Police Department's finest hour. The behavior of a small number of officers caused a significant portion of our citizens to lose faith in our ability to respond in a controlled, disciplined fashion. The pictures of officers striking demonstrators with their nightsticks erase the good will and praise the department earns every day for its good deeds and heroic actions.

The intensity of the demonstration - - the bricks, bottles, fireworks and the atmosphere of mayhem - - were a new and alarming experience to many of our younger officers. With few exceptions, demonstrations such as this have not been seen in the city in 20 years. Since we have hired almost seventeen thousand police officers since 1980, only our most seasoned veterans have experienced anything of a similar nature. The problem therefore requires a major training effort at all levels to see to it that such a response does not recur. We have put less emphasis on disorder control training in the 1980's than we did in the sixties and seventies. This was done because the number of large scale demonstrations have decreased and those which have taken place have often been controlled through a collaborative effort between the police and the organizers. We can no longer rely solely on this approach.

There are those who think that after such a close examination of this incident the department will become hesitant and will not adequately and forcefully police demonstrations. They believe the police will be afraid to use appropriate force. I can assure you that will not happen but that only the minimum amount of force necessary to police a demonstration and effect the arrest of lawbreakers will be used.

The recommendations outlined above, when fully implemented, will once again make our department proud of its ability to handle any emergency.

  
Robert J. Johnston, Jr.  
Chief of Department