

SERGEANTS BENEVOLENT ASSOCIATION

POLICE DEPARTMENT, CITY OF NEW YORK

35 WORTH STREET, NEW YORK, NY 10013

212.226.2180 FAX 212.431.4280

www.sbanyc.org



OFFICE OF THE PRESIDENT
EDWARD D. MULLINS

June 23, 2020

The Honorable Letitia James
Attorney General
State of New York
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

Re: Attorney General Review of NYPD and Community Actions During Civil Unrest

Dear Attorney General James:

We represent the men and women of the New York City Police Department. Governor Andrew Cuomo has announced that the Office of the Attorney General will review all actions and procedures of the NYPD during the recent civil unrest and widespread protests, lootings and riots in New York City and issue a public report within thirty (30) days.

Obviously, every enforcement situation brings its own set of evolving circumstances. It is imperative at the outset to note that the brave members of the NYPD were thrust into this volatile situation without proper management directives or guidance from the Department and the City. Due to apparently shifting priorities, inconsistent messaging and confused leadership, police officers were pursuing often conflicting and variable goals, with some precincts aggressively enforcing crowd control measures, while others were order to apply, as Mayor de Blasio labeled it, a "soft touch". As a result of these incongruous objectives, police officers were the target of much of the communities' rage, which resulted in violence, injury and arrests.

In order to ensure a fair and balanced investigation, we ask that your Office include an inquiry into the Department's preparedness, whether and at what point it implemented a tactical response plan, and whether that plan was coherent, consistent and effective. It is our understanding that the Mayor's Office insisted on shifting its response to the protests

on a near-daily basis and interfered with the Department's command strategies. As a result, police officers were left without a coherent plan, enforcement was compromised, and chaos ensued.

For your review to be fair and effective, you must demand that the Department provide answers to the following questions:

1. Did the City have intelligence gathering protocols in place? What intelligence and information did the Department have about each of the specific days and nights of the protests? Where did that information come from? Was it reliable? Was that information shared with other units in the Department in a timely manner? Was that information shared with each incident commander? Was it shared with any city official or agency? If so, which agency or city official? What directives did Mayor DeBlasio issued to the NYPD?
2. Was the joint terrorist task force or any other intelligence gathering agency involved? What information, if any, was in the possession of the City prior to or during the civil unrest? Was any effort made to speak with the leaders of the civil unrest? Were lines of communication established with the Black Lives Matters movement, or similar protest organizations, to discuss the parameters of lawful protest? Was Antifa monitored? Did the Department possess intelligence relative to outside agitators, organized looting rings and/or criminal enterprises which planned to damage property and burglarize commercial establishments during the civil unrest? If so, how was that information acted upon, if at all? Did the Department monitor social media in anticipation of the protests?
3. Did the Department staff its response to the different locations where demonstrators began from a pre-ordered detail? Was that detail request based on information and intelligence received from any unit in the Department? Did that detail request indicate a command post location and an incident commander? Were supervisors and police officers given written instructions? Verbal? What was the content of those instructions? How specifically were officers assigned and what equipment were they provided with and when? Were the officers instructed to police a static demonstration? A Mobile demonstration? Were their instructions congruent with Department Policy, Mission Statement and Objectives as indicated in the Disorder Control Guidelines and other Department manuals?
4. At any point subsequent to the protestors gathering during the day or night, did the Department or anyone in authority implement the Rapid Mobilization Plan? If so, at what level? Who ordered mobilization? Why? Where the responding police officers given instructions verbally or in writing? What exactly were they told? How were they deployed? Mobile patrol in specific sectors in the disorder area? Crowd control duty? Arrest duty? Escort for other city agencies or utilities? Protective posts for critical or symbolic locations? Security detail at command post or mobilization point? Perimeter posts to contain and isolate the disorderly groups? Did the City at any point modify the Rapid Mobilization Plan to either increase or decrease the level of enforcement? If so, why? Who was responsible for the implementation of the Rapid Mobilization Plan? How

was that individual or group selected, and why'? Was the Plan effective? If so, who made that determination, and what was the basis?

5. Were other city, state or federal agencies involved in the efforts to maintain control at any time during the protests?
6. Why did the Department initially fail to provide riot gear and equipment to police officers, including helmets, batons and shields? Why did the Department initially fail to deploy the Mounted Unit to quell and restrain the protests? Why were officers not instructed to contain and control the routes of the marches? Why were protestors permitted to march on the street and the sidewalks, thereby impeding pedestrian and automotive traffic? Why were they permitted to march on bridges and highways, effectively shutting them down without restriction?
7. Was the Citywide Security Assessment Plan employed? If the Assessment Plan was operational, at what level? Was the Security Assessment Committee convened? Who was present and what strategies, if any, were put into operation? What was the tactical objective of the operational plan, if any? Who was responsible for its execution and performance? Was there an evaluation protocol in place?
8. What happened to the Mayor's social distancing enforcement? Why were protestors permitted to assemble without facemasks in apparent violation of the Mayoral Order requiring compliance with COVID-19 restrictions? Why were officers instructed to decline COVID-19 enforcement when, only weeks earlier, they were ordered to enforce those safety regulations?

While we always welcome a fair and impartial investigation into the actions of law enforcement, we also demand that the rights of all police officers be respected as well. Elements of the protests exposed police officers to unprecedented anti-police violence and coordinated ambushes and attacks.

We trust that your office will remain committed to upholding the civil rights of all Americans, including the civil rights of law enforcement officers who risk their lives every day to make this country safe.

As always, we welcome the opportunity to open the lines of communication on this essential issue for both the officers of the NYPD and the residents of New York. Please contact me to discuss these matters in the spirit of cooperation between the Department, our members, and all law enforcement officers during these challenging times.

Fraternally,



Edward Mullins
President