

***CIVIL DISTURBANCE IN BELMAR***  
***June 14, 1992***

***REPORT***  
***of the***  
***BELMAR COMMISSION***

***January 1993***

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Commission to Investigate  
the Belmar Civil Disturbance  
June 14, 1992

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## **INTRODUCTION AND OVERVIEW**

### **Introduction**

On Sunday, June 14, 1992, a civil disturbance occurred in Belmar, New Jersey, following an MTV sports and music festival and other special events that were attended by more than 75,000 persons. The disturbance generated questions and great public concern regarding the adequacy of security plans for the event, the handling of the disturbance by the police and whether certain attacks on persons and property were racially motivated.

On June 16, 1992, Governor Florio directed Attorney General Robert J. Del Tufo to investigate the civil disorder with a view toward resolving these questions.

This Commission was established by the Attorney General to review the events relating to the civil disturbance, to identify, if possible, the causes of the disturbance and to propose recommendations which would lessen the potential for similar incidents in the future.

### **The Review Process**

To assist the Commission in its task, an investigation was conducted by staff from the Department of Law and Public Safety. The investigation included interviews of municipal officials from Belmar, law enforcement personnel, representatives of the corporate entities involved in the festival, victims of the disturbance, local residents and business owners, representatives of the N.A.A.C.P. and members of the Monmouth County Human Relations Commission. Police transmission tapes, police reports, police training literature and manuals, telephone logs, contracts entered into among the corporate entities, a summary of hospital emergency room treatments, insurance claims, newspaper articles and video tapes taken by several television news stations and private citizens were also reviewed and analyzed.

Finally, the Commission heard the testimony of thirty-three witnesses at two public hearings which were held in Belmar on August 12 and 15, 1992.

## **Findings**

After reviewing and analyzing this evidence, the Commission finds:

- The disturbance that occurred in Belmar on June 14, 1992, was marked by more than 90 reported acts of theft, vandalism and assault which resulted in more than two dozen injuries and more than \$200,000 in property damage. Thirty-three persons were arrested and charged with a variety of offenses ranging from disorderly conduct to aggravated assault. While this level of lawlessness and violence is quite serious and alarming, media accounts that characterized the disturbance as a riot or race riot were exaggerated and heightened racial tensions in the community.
- No single incident or factor caused the disturbance. Overcrowding, traffic gridlock, insufficient police presence, the youthful character of the crowd and racial tensions were all factors that contributed to the disorder.
- Security planning for the festival by representatives of Belmar and MTV was inadequate and poorly coordinated. No comprehensive written security plan was prepared for the event and Belmar did not assign sufficient law enforcement personnel necessary to properly handle crowd and traffic control problems which should have been anticipated.
- Once collective violence erupted, Belmar officials waited too long before requesting police aid from other jurisdictions. This delay resulted in insufficient police protection for several critical hours and prevented police from arresting those who committed the most serious violations of law and from effectively controlling the spread of the disorder.
- The tactics employed by police in controlling the disturbance did not provoke or exacerbate the level of violence or disorder. In controlling the civil disturbance, officers acted professionally and with restraint. The police did not overreact or engage in misconduct in the handling of the disorder.
- Current laws concerning mass gatherings and emergency management are confusing and fail to clearly define the roles and responsibilities of municipal, county and State agencies in the event a civil disorder occurs.

## **Recommendations**

Based on these findings, the Commission makes the following recommendations:

- Municipalities which regularly hold special events that require extraordinary public safety measures should enact ordinances requiring the issuance of a special event permit before an event may be held and specifying that no permit will issue unless all public safety requirements are met. Such an ordinance should require that the event sponsors submit detailed information about the event for review by appropriate municipal officials before a permit is issued.
- A comprehensive written plan which addresses issues such as security, traffic control, medical services and emergency assistance should be prepared by the law enforcement agency in the jurisdiction that is hosting a special event. These plans, which should be prepared in collaboration with event sponsors and with other involved government agencies, should provide for sufficient law enforcement personnel at the event and for emergency backup to ensure public safety and to immediately and effectively respond to any lawless behavior that may take place. The sponsor's acceptance of this plan and, optionally, their agreement to fund it, should be a condition precedent to issuance of a permit and should be stated as such in the ordinance.
- Municipalities in a given county or region should enter into written mutual aid agreements which provide for additional police protection and services when unusual conditions or special events require levels of police presence that are beyond the capacity of a single municipality. These agreements should address issues of public and private funding, equipment, assistance from County and State agencies and should include procedures to allow municipalities to obtain additional police assistance before emergencies occur.
- The Attorney General, in consultation with State and local law enforcement officers, should review the laws relating to mass gatherings and civil disorders, and should recommend revisions to clearly define the roles, responsibilities and obligations of all governmental entities. Special public or private funding sources should be statutorily identified to pay for extraordinary police services required by special events or the handling of civil disorders.
- The Attorney General should continue the assignment of representatives of the Division of Criminal Justice, Office of Bias Crimes and Community Relations and the Division on Civil Rights to work with Belmar officials, community leaders, the Monmouth County Human Relations Commission, and the U.S. Justice Department Community Relations Services to alleviate racial tensions



and to address allegations of discrimination that have resulted from the civil disturbance.

## **Conclusion**

The Commission's findings and recommendations have necessarily focused upon the laws governing mass gatherings and emergency management and the government agencies that have a responsibility to provide for public safety in this context. This narrow focus was necessary for us to fulfill our mission to provide specific and practical recommendations for enhancing public safety at special events. We hope that our focus will not in any way shift blame from those individuals who, without provocation, engaged in lawless behavior or shift attention from the broader societal problems that set the stage for this disturbance and may perhaps trigger future disturbances as well.

We live in a society that continues to trivialize violence in movies, television, teenage music, video games and even children's toys. Racial polarization appears to be worsening and clearly influenced the events in Belmar. Previous allegations of police overreaction and racism complicated and undermined the ability of Belmar Police officials to assign sufficient personnel to police a gathering attended largely by minority youth.

Once order began to deteriorate, racial animosity triggered numerous assaults on white citizens. Conditions and intermittent resistance prevented police from identifying and apprehending those who committed the most serious acts of violence and they have gone unpunished. In the aftermath of the disturbance, our investigation revealed that many whites blamed the disturbance on lawless black troublemakers, but blacks pointed to historical oppression and police crowd control tactics as the main source of the disorder. These racially charged views of the disturbance are simplistic, inaccurate and unfair to the tens of thousands of law abiding black citizens who attended the festival and the police officers who were there to protect them. Careless and inflammatory rhetoric of this nature further divides communities that need to come together to solve difficult problems of race relations and crime in our society.



Although the reforms that we have recommended are necessary and will undoubtedly enhance public safety at future special events, better laws and more effective police protection alone will not spare us from future disturbances.

In the long run, we must more aggressively combat violence and racism in our society. We must just as aggressively condemn those who promote or contribute to these evils through their careless and inflammatory rhetoric. Much has already been written and spoken in this regard and it is far beyond our mission to exhaustively discuss these issues here.

We can only point out that in the case of the Belmar disturbance these issues, which must not be ignored, clearly surfaced and played a role in the shaping of events. As government and community leaders move forward to evaluate and, hopefully, to implement our recommendations, we urge them to not lose sight of the broader issues, many of which are already being addressed by the Department of Law and Public Safety.

The Attorney General's Office has been in the forefront of efforts to promote racial harmony and to discourage and punish those who engage in bias and hate crimes. In 1992, the Attorney General created the nation's first Office of Bias Crime and Community Relations to coordinate the State's aggressive effort to eradicate bias and hate crimes. At the same time, the Attorney General, working with county prosecutors, established Human Relations Commissions in each county to mobilize citizens to address the issues of bias and its impact on their communities, schools and workplaces. Through a cooperative agreement with the Attorney General's Office, the Community Relations Service of the United States Justice Department provides assistance through informal conciliation to help communities cope with the broad range of changing patterns in racial and ethnic relations. This agreement allows New Jersey to utilize federal expertise, resources and information to assist in the resolution of situations that have racial, religious or national origin overtones.

The Attorney General has also taken a strong stand in opposing challenges to New Jersey's tough criminal laws on bias or hate crimes. In addition, in 1992 the Attorney General proposed legislation to create a civil cause of action for victims of bias crimes so that those who engage in such crimes are penalized monetarily for this social evil.

Finally, in an attempt to attack the problem of racial prejudice at its roots, the Attorney General, through the New Jersey Division of Criminal Justice, has created two programs, Stamp Out Hate Crime and the Positive Impact Ensemble, which are aimed at helping young people understand and address the evils of bias and intolerance and re-educating both juveniles and adults who have been charged with bias and hate crimes.

The legislature has also addressed the issue of prejudice and intolerance through the creation of the Commission on Racism, Racial Violence and Religious Violence. The Commission was charged with the responsibility to study racism and the violence caused by racial and religious motivations and to issue an annual report which makes recommendations on how to prevent such violence.

The State of New Jersey must continue to take the lead in combating bias and intolerance through the enforcement of bias and hate crime laws and the creation of innovative programs designed to stamp out this social evil.

## **CHAPTER ONE**

### **NARRATIVE OF EVENTS**

The Commission recognizes that before it can engage in a critical analysis of the events of June 14, 1992, a clear understanding of what occurred on that day is necessary. This chapter is intended to set forth a narrative of the events based upon the Commission's investigation.<sup>1</sup>

#### **The Borough of Belmar**

Belmar is a seashore community located in Monmouth County. It has a mile-long beach and boardwalk with a population of 6,000 year-round residents. In the summer months, the borough attracts thousands of tourists of all ages to its hotels and summer rentals and on a typical weekend day in the summer, between 20,000 and 30,000 people will use Belmar's beach. Belmar, like many seashore towns, has a history of hosting special events. The Belmar Guidebook, published by the Belmar Chamber of Commerce, lists among those special events scheduled for 1992 the United Fireman's Carnival, the New Jersey Seafood Festival, the Miller Lite Pro Beach Volleyball Tournament and a Blues Festival. The Guidebook did not list the MTV Sports Festival as a scheduled event for 1992.

The Belmar Police Department has twenty regular police officers. During the summer months, the department is supplemented by thirty-five Special Law Enforcement Officers ("SLEO")<sup>2</sup> to assist the borough in handling the larger seasonal crowd.

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<sup>1</sup> The factual basis for this narrative is derived from the myriad of sources referenced on page iii. The Commission would like to note that Belmar's municipal officials and those other parties who were involved with the organization of the MTV sports/music festival were very cooperative and provided us with all requested information needed for the preparation of this report.

<sup>2</sup> A Special Law Enforcement Officer (SLEO) is a "...person appointed...to provide assistance to a police force...during regular seasonal periods in resort municipalities." N.J.S.A. 40A:14-146.9. A Class One SLEO performs "...routine traffic detail, spectator control..." and, if authorized by ordinance, "...shall have the power to issue summonses for disorderly persons offenses...violations of municipal ordinances..." and motor vehicle violations, but is strictly prohibited from using a firearm. A Class Two SLEO "...shall be authorized to exercise full

### **The MTV Sports Festival Tour**

MTV Music Television ("MTV") is a cable television network which broadcasts music videos on cable television throughout the United States. As part of its marketing and promotion campaign, MTV frequently airs its videos from live, on-site locations at resort areas. For example, for several years, MTV held festivals at such locations as Daytona Beach, Florida during spring break for college students.

The MTV Sports Festival tour was first conceived in December 1991. MTV proposed to hold a festival in each of ten different cities during the summer of 1992. The tour was to begin in Dallas on May 16-17, and to be held on successive weekends in Houston, Miami, Chicago, Belmar, Boston, Cleveland, Denver, San Francisco and Los Angeles. This tour was promoted as a free admission festival, featuring audience participation in certain athletic events. Although not expressly promoted as a concert, live performances by famous rock, pop and rap groups were advertised as an integral part of the festival.

### **The MTV-Mega Tours, Inc. Relationship**

To organize and promote this ten-city tour, MTV retained the services of Mega Tours, Inc. ("Mega"). MTV had used Mega as the tour promoter in its previous three concert tours. Mega was responsible for planning the entire tour, including the scheduling of the musical entertainment, the recruiting of sponsors, the selection of sites, and the making of security arrangements.

On February 28, 1992, MTV and Mega entered into an agreement concerning the production and presentation of the MTV Sports Festival. This agreement provided that MTV and Mega would be "co-producers" of the festival and that Mega would be paid \$250,000 by MTV for creating, organizing and assuming responsibility for the daily activities of the tour. This amount was subject to increase or decrease based upon the level of profits earned from

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powers and duties similar to those of a permanent, regularly appointed full-time police officer..." including the use of a firearm. N.J.S.A. 40A:14-146.11(a).



the festival.

Mega prepared and mailed a twenty-six page brochure to potential sponsors for the event and to municipal officials of potential hosts for the festival. This brochure described the MTV Sports Festival as an "interactive lifestyle event combining creative MTV-style sports and music." According to the brochure, the festival would consist of four major components: (1) Mainstage Entertainment; (2) Sponsor Showcase Activities; (3) Triathlon Competition; and (4) Interactive Sports. Although the entire theme throughout the brochure is sports, it does state that "integral to the theme of the event is music."

The main purpose of the brochure was clearly aimed at securing sponsors for the event. Under the section which outlines Mainstage Entertainment, the brochure mentioned "free live rock concerts featuring breaking new bands..." In two instances, the brochure projected that "tens of thousands" of consumers will attend the MTV Sports Festival.

A separate overview prepared by MTV summarized, in general terms, the nature of the festival and outlined each of the audience participation events in detail. With respect to musical entertainment, page four of the overview stated that "[t]alent will consist of alternative pop/rock bands -- NO heavy metal, rap or problem bands will be permitted." (emphasis in original). The overview also states that "[w]e will be prepared to handle an average attendance of up to 30,000 per day with additional security personnel available in the event of higher-than-expected attendance."<sup>3</sup>

In the winter of 1991 a consultant hired by Mega began reviewing locations for the ten-city tour, which was to include a site in the New York-New Jersey area. On March 31, 1992, after having reviewed numerous sites in New York and New Jersey, including Liberty State Park, Seaside Heights and Point Pleasant, MTV and Mega reached an agreement with Belmar to host the festival on June 13 and 14, 1992. Mega also hired an entity known as Events Services, Inc. ("ESI") to act as a consultant to organize and monitor the security for the

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<sup>3</sup> According to Belmar's Mayor, that overview was never given to any Belmar official by MTV or Mega.

entire MTV Sports Festival tour. ESI specializes in providing security for sporting events and on-tour concerts.

### **The MTV/Mega - Belmar Agreement**

The March 31, 1992 agreement between Mega and Belmar Borough (the "Agreement") called for the MTV Sports Festival to take place in Belmar on June 13 and 14, 1992. The Agreement was contingent upon approval of the festival by the Belmar Borough council.

The festival was to run from 11:00 a.m. to 7:00 p.m. each day. The Agreement permitted MTV, the festival participants and members of the public to use Belmar's beaches from First Avenue to Fourth Avenue, without paying the usual beach fees. With the permission of Monmouth County officials, the borough further agreed to close Ocean Avenue between First and Eighth Avenues on the festival weekend for purposes of traffic and crowd control. Belmar also agreed to assist MTV in negotiating with New Jersey Transit for express trains to Belmar from New York City and Newark on the mornings of the festival. MTV agreed to cooperate with the organizers of the New Jersey Seafood Festival, which was sponsoring its own event on Sixth Avenue on the same weekend.

As compensation for Belmar's agreement to host the event, the borough would receive 5% of gross revenues received on the sale of MTV concessions up to \$200,000 and 2 1/2% of any such gross revenues over \$200,000. The mayor and MTV estimated that concession revenues for the two day event would be approximately \$200,000, which would result in a \$10,000 payment to Belmar.

MTV also agreed to pay Belmar up to \$8,800 as reimbursement for the costs of providing police, sanitation and public works services. These costs were to be comprised of 172 hours of police protection at \$29.00 per hour, and 165 hours of sanitation/public works service at \$23.00 per hour. The moneys paid by MTV to Belmar for police protection would allow Belmar to schedule twenty-one additional officers (eight-hour shifts) during the festival weekend. In the negotiations between Belmar and Mega the police department was not consulted on the issue of the number of police officers which might be required to provide



security for the festival.

The Agreement also provided that MTV would "be obligated to provide any additional security it may require in addition to this uniformed police presence." With respect to security, a separate paragraph of the Agreement provides:

V. OTHER PERSONNEL. MTV Sports Festival will provide all personnel necessary to properly handle the set-up, breakdown, security, administration and operation of the MTV Sports Festival.

Finally, MTV agreed to secure an insurance policy on behalf of Belmar to cover certain liabilities which might occur as a result of the festival.

Belmar's primary goal in hosting the festival, according to the Mayor, was not to bring a specific dollar amount of business into the town for that particular weekend, but rather to "introduce" Belmar to those people who had not been there before. The borough was focusing on the long term benefit to its businesses. It was anticipated by Belmar officials that the moneys received from MTV through concession sales would at least equal the revenues lost through the sale of beach badges for the weekend, which was estimated to be approximately \$8,000. The borough also expected to receive sufficient money to cover the cost of extra services (i.e. police, sanitation) required for the festival.

### HOT 97 Radio

In early 1992, MTV contacted HOT 97 Radio ("HOT 97") to determine whether the station would be interested in advertising and promoting one day of the MTV sponsored festival to be held in the New York-New Jersey area. HOT 97 is a New York based radio station whose listening audience is comprised largely of Hispanic and black listeners. MTV selected HOT 97 because its audience draw was one of the highest in the New York City area.

After some negotiation with a representative of Hot 97, MTV entered into an agreement under which HOT 97 would be the exclusive radio sponsor for the MTV Sports Festival on June 14, 1992. As part of the agreement, HOT 97 agreed to broadcast radio

advertisements for the MTV Sports Festival. The agreement sets forth the specific number of advertisements to be aired by HOT 97 over the three-week period immediately preceding the festival. In exchange, the HOT 97 logo would be advertised next to the MTV logo on the main stage and the radio station's disc jockeys would be permitted to introduce the musical acts on June 14.

For Saturday, June 13, MTV reached an agreement with another New York radio station, Z-100, to advertise and promote the event for the first day of the festival.

### **The New Jersey Seafood Festival**

On the same weekend as the MTV event (June 13th and 14th), Belmar was also hosting the New Jersey Seafood Festival. This event consisted of several large tents set up between Fifth and Sixth Avenues in which approximately fifteen vendors from well-known seafood restaurants provided samples of their fares. The New Jersey Wine Growers Association set up one tent adjacent to the Seafood Festival. At this event, the public was permitted to sample small servings of wine in a specifically designated area. No alcohol was permitted outside of this area.

Belmar estimated that the Seafood Festival and the related wine tasting event would attract approximately 5,000 people. It was the conscious intention of both Belmar and MTV to have these events on the same weekend as the MTV Sports Festival.

### **The Months before the MTV Sports Festival in Belmar**

As previously stated, MTV approached Belmar officials in mid-March of 1992 to find out whether the borough was interested in hosting the MTV festival for the New York-New Jersey area. After discussing the format of the festival with MTV representatives and reviewing the promotional brochure, the Mayor indicated that Belmar would be interested in hosting the festival and that he would present the matter to the Belmar Borough council so that a vote could be taken in early April.

The police department was not involved in the early discussions between MTV and the Mayor concerning the festival. In March, when Belmar's police chief learned that Belmar might host the festival, he expressed his opposition to the Mayor. The Chief also made his opposition known to a Belmar councilman, who was the former chief of police. This councilman, who was also opposed to hosting the festival, agreed to bring the police department's opposition to the festival to the attention of the borough council at their April meeting.

On April 14, 1992, the borough council held its regularly scheduled monthly meeting and, after discussion, voted 3-1 to host the festival. One council person was not present and the former chief of police was in opposition. At that meeting, the council voted to send one employee each from the police department and the sanitation department to attend the first show of the MTV tour in Dallas, in order to assist Belmar in preparing for its festival four weeks later.

On May 16 and 17, 1992, Captain Richard Lynch of the Belmar Police Department and Belmar's Assistant Superintendent of Public Works went to Dallas to observe the MTV Sports Festival which was being held at a public park in that city. The purpose of the visit was to observe the individual events to assist the Belmar officials in planning where the stages should be set up in Belmar and to begin to plan for other aspects of the upcoming Belmar festival, including security measures. Although the Belmar officials were able to view the stage setup, they were unable to witness a "live" crowd or evaluate the security arrangements because the Dallas festival was rained out.

While in Dallas, Captain Lynch and the public works official met with representatives from Mega and ESI and engaged in specific discussions regarding the location of the festival events in Belmar. Prior to that meeting, Mega's representatives had planned to set up the festival events in Schroeder Park, which is between First and Second Avenues in Belmar. The Mega representative had never visited Belmar and based his decision on a map and several aerial photographs sent to Mega by Mayor Pringle.

After viewing the proposed setup for the various events, including the Triathlon and

concert stages, Captain Lynch and the public works official concluded that the majority of the stage events would have to be placed on the beach, since they would not all fit in Schroeder Park. In these discussions, Captain Lynch urged Mega's representative to go to Belmar so he could view the location in person. However, Mega's representative indicated that such a visit was not possible because of time and money restraints. At the end of these discussions, Mega did agree to locate many of the stage events on the beach and not in Schroeder Park.

The discussions in Dallas concerning security for the festival in Belmar were far less specific. ESI's representative stated that he would be hiring off-duty law enforcement officers from the New Jersey area to provide security for the stage events. It was understood that Belmar's police force would be in charge of security for the entire festival area, except in the immediate vicinity of the stage events, where personnel hired by ESI would be responsible for security. There were no specific discussions concerning the number of police officers who would be working on the festival weekend, nor were there any specific discussions relating to the deployment of such officers.

Two weeks before the festival, Belmar officials and representatives from MTV and Mega believed that between 30,000 and 40,000 people would attend the two day MTV Sports Festival. This "rough" estimate was apparently based upon the attendance at the shows held in Houston, Miami and Chicago.

On May 20, 1992, Chief Allen sent a letter to the Monmouth County Sheriff's Office asking for assistance for the upcoming MTV Sports Festival. Specifically, Chief Allen stated that Belmar was anticipating "huge crowds and very difficult traffic conditions" and requested "assistance in providing all available personnel for these two days to assist...in the monumental traffic control problem..." In closing, Chief Allen noted that the crowd was going to be "even larger than originally anticipated."

In the past, Monmouth County had sent sheriff's officers to requesting municipalities to assist with traffic and crowd control during special events and the county had borne the cost. Approximately one week after his request, the county advised Chief Allen that, because of budget problems, it would only be able to send four or five officers for each day. If Belmar



or other third parties agreed to bear the cost, the Sheriff's office advised Chief Allen that as many as twenty or twenty-five officers might be available for each day.

Aside from general discussions, Belmar police officials had limited involvement in the planning of the event until just two days before the festival. The Mayor had no formal meetings or in-depth discussions with representatives of other Belmar agencies, including the police department, in connection with the planning of the festival weekend. From the time Captain Lynch visited Dallas until the Tuesday before the festival, there was little communication between the Belmar Police Department and MTV or ESI to discuss the festival, including the issue of security.

One exception involved the scheduling of the live musical entertainment. Approximately two weeks before the festival, Chief Allen called the Mayor and suggested that the musical group Kris Kross, which was scheduled to appear at 5:00 p.m., be rescheduled to appear earlier in the afternoon. Chief Allen made this recommendation so that people attending the festival would not have to wait all afternoon to hear the most popular act. In addition, he felt that it would make it easier to close the festival by the 7:00 p.m. deadline if the live musical performances ended at 2:30 p.m. instead of at 5:20 p.m. The Mayor agreed and contacted Mega, which rescheduled Kris Kross to appear at 1:15 p.m. on Sunday, June 14.

In the week before the festival, Belmar and MTV did have some indications that their previous crowd estimate of 35,000 to 40,000 people for the festival weekend was too low. On the Tuesday or Wednesday before the Belmar festival, two representatives of HOT 97 radio<sup>4</sup> advised Belmar officials that, based on their prior experience with concerts, including a recent concert in another New Jersey seashore community, Seaside Heights, they believed that it was possible that 60,000 to 75,000 people could attend Sunday's event. MTV apparently also had indications that the crowds at the Belmar festival would be larger than originally anticipated. Although the agreement between MTV and HOT 97 required the radio station to promote the Belmar festival up until the day of the event, MTV instructed HOT 97 to stop airing its

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<sup>4</sup> HOT 97 was the radio station which was to host the sports/music festival on Sunday, June 14.

advertisements the week before the festival. The marketing personnel at MTV made this request because there was already significant public awareness about the festival and it did not want the crowds to become too large in Belmar.<sup>5</sup>

On Tuesday, June 9, six tractor trailers carrying the stage events arrived in Belmar and parked on Ocean Avenue between First and Fourth Avenues. Despite the discussions in Dallas, there was considerable confusion over whether the events would be located in Schroeder Park or on the beach. Several weeks before the festival Belmar had received permission to close a section of Ocean Avenue (First through Eighth Avenues) on Saturday and Sunday, June 13 and 14, only. As a result of the confusion concerning the location of the stage events, and the presence of the tractor trailers, Ocean Avenue between First and Fourth Avenues had to be closed on Tuesday through Friday.

On June 11, the Thursday before the festival, Chief Allen and the Mayor met with representatives from ESI, Mega, and MTV. At that meeting ESI's representative and Chief Allen did not engage in any specific or detailed discussions concerning security (i.e., placement of officers). It was the understanding of ESI and Captain Lynch that the Belmar police were responsible for all security, including command of all Monmouth County Sheriff's officers, except in the immediate vicinity of the stage and festival event areas, where ESI's "T-shirt"

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<sup>5</sup> The Commission also notes that during the week before the festival, Belmar officials became aware that there were some incidents of violence on the second day of the festival held in Miami on May 31. The violence was attributed by municipal officials in Miami to tensions between gangs and crowded conditions at the festival. Twelve people were arrested although Miami law enforcement officials indicated that numerous additional arrests could have been made.

In the June 11 meeting with MTV, the Mayor inquired about the previous shows and asked if there were any problems. In response to the Mayor's question, the MTV representative advised the Mayor that the Chicago show was quiet, but that there had been some minor incidents "between gangs" on the second day of the Miami festival. According to the Mayor, MTV's response did not cause him to become concerned about the possible disruption of the Belmar festival. While the Commission believes that Belmar should have investigated the problems at the Miami show more diligently and MTV should have advised Belmar of these incidents immediately following the Miami show, the distinct and limited nature of this violence would not have altered the actions of MTV or Belmar officials with respect to the planning of the Belmar festival.



security personnel<sup>6</sup> would be positioned. No comprehensive written security plan was prepared by any party. On that same day, ESI's representative also met briefly with members of the fire department and first aid squad concerning the festival.

On Thursday night, June 11, Captain Lynch scheduled a meeting for the entire Belmar Police Department. None of the other parties involved in the planning of the festival, i.e. MTV, Mega, ESI, or Sheriff's Office representatives, were present at this meeting. The meeting was used to: (1) review the work schedule for the upcoming weekend; (2) familiarize the officers with the layout of the festival; and (3) review an operational plan in the event of an emergency. Captain Lynch also addressed certain issues related to the potential for civil disorders, such as crowd psychology and formation training. During this two-hour meeting, Captain Lynch reviewed the borough's incident command system, which set forth in general terms what measures should be taken in the event a civil disturbance occurred. The incident command system prepared by Belmar provided in relevant part as follows:

1. The Command Post would be at the Fifth Avenue Pavilion;
2. At the first sign of trouble a cellular phone would be delivered to Captain Lynch at the Fifth Avenue Pavilion so that he could have a direct link with Chief Allen at police headquarters;
3. If any problems arose, on Captain Lynch's order, the twenty-eight Belmar officers (Group A) under the command of a sergeant would form four crews and assemble at a point determined by Captain Lynch;
4. Two other sergeants would report to police headquarters to form two additional groups consisting of officers as the result of mutual aid requests to other municipalities;
5. If necessary, a fourth group would be formed under the command of an officer from another municipality;
6. Several other off-duty officers, on standby, would be called in for assistance; and

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<sup>6</sup> "T-shirt" security officers are civilian employees of ESI. They have no police powers, are not armed, and do not necessarily have any training in crowd control or other law enforcement matters.

7. The fire chief and the municipal emergency management coordinator would go to police headquarters.

#### **The MTV Sports Festival in Belmar - Saturday**

On June 13, approximately 40,000 people attended the MTV Sports Festival and the seafood and wine tasting events. The concert was directed by personalities from radio station Z-100 and the bands which performed, Lidell Townsend, Arrested Development and Trixster, were of the "rock and roll" genre. The following activities were held at the various stage areas between First and Fifth Avenues:

1. 1,000-person step aerobics class;
2. The MTV Triathlon which consists of a basketball contest, a roller blade course and an obstacle course;
3. A skateboard area;
4. A batting and pitching cage;
5. Bungee swings; and
6. A competition to see who could throw a styrofoam guitar the farthest.

All of the events began at 11:00 a.m., with the exception of the step aerobics event which began at 9:00 a.m., and continued throughout the afternoon. At 1:00 p.m., the musical entertainment began with Lidell Townsend, followed by Arrested Development (2:00 p.m.) and Trixster (4:00 p.m.). Each group performed for approximately 15-20 minutes. The radio station played taped music in the intervals. Only a few minor incidents were reported to the police.

According to Chief Allen, he approached a representative of ESI on Saturday afternoon and asked for permission to bring in additional Monmouth County sheriff's officers, at ESI's expense, for the following day. Chief Allen made the request because he believed that the crowd for the following day would be even larger and that additional officers would be required to handle the event properly. ESI's representative immediately agreed to Chief

Allen's request. As a result of this conversation, Chief Allen spoke with the Monmouth County Sheriff's Office and requested additional officers for Sunday. He informed the official from the Sheriff's Office that the County would not have to absorb the cost of the extra officers. Chief Allen received assurances that fifteen Sheriff's officers would be available for the following day.

### **The MTV Sports Festival in Belmar - Sunday<sup>7</sup>**

For Sunday's event, Belmar had fourteen regular and fifteen Special Law Enforcement Officers on duty. Three of the regular officers were in patrol cars, two were assigned to the Command Post at the Fifth Avenue Pavilion, and the remaining nine officers were assigned to posts in the area of the MTV Sports Festival between First and Sixth Avenues. One of those officers was in plainclothes. No regular officers were specifically assigned to posts from Seventh Avenue to the southern end of town, although the three officers in patrol cars would, at various times, be in that part of the borough.

The Special Law Enforcement Officers were assigned as follows:

1. One officer to check meters between First and Tenth Avenues;
2. One officer to check meters between Tenth and Twentieth Avenues;
3. One officer to walk the boardwalk between First and Tenth Avenues;
4. One officer to walk the boardwalk between Tenth and Twentieth Avenues;
5. One officer in a patrol car;
6. One officer in a police scooter;
7. One officer at each of the corners of Fourteenth, Sixteenth, Eighteenth and Ocean Avenues to direct traffic; and

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<sup>7</sup> This narrative of June 14, and the sequence of events which follows, is the product of an analysis of those sources and materials identified on page iii. Given the conflicting testimony of witnesses and the poor quality of police transmission tapes, it was sometimes difficult to identify exactly when specific incidents occurred, particularly those which relate to criminal behavior. The Commission, however, is confident that the narrative set forth accurately portrays the events of June 14, 1992.

8. Six officers to "beach patrol" between First and Twentieth Avenues.

Of these fifteen Special Law Enforcement Officers, nine were SLEO Class One classification and therefore did not carry firearms.

This police presence was supplemented by fifteen uniformed Monmouth County Sheriff's officers who were paid by ESI. All of the Sheriff's Officers were assigned to posts in the festival area between First and Eighth Avenues. The Sheriff's officers were on a different radio frequency and, therefore, could not directly communicate with Belmar police. ESI also hired sixteen "T-shirt" security officers who were assigned to guard the stage and event areas.

On a usual Saturday or Sunday during the summer, Belmar has three regular officers and eight to ten Special Law Enforcement Officers on duty between 8:00 a.m. and 6:00 p.m. Captain Lynch stated that in determining how many police officers were needed for the festival, he was operating under the theory of assigning one officer for every 1,000 people expected to attend.

On Sunday, the same MTV Sports Festival events took place with the exception of the step aerobics class. The musical segment of the festival was being hosted by HOT 97, which had promoted it for several weeks as a "Rock and Sports Festival." The advertising was directed toward people in the 14 to 34 age group. The concert was not promoted as a "rap" event although listeners had been advised to arrive early in order to see the headline act, Kris Kross, which has been described by MTV and Hot 97 officials as "contemporary or soft rap." The group DAS EFX, also a soft rap group, was scheduled to appear at 12:15 p.m., Kris Kross at 1:15 p.m., Cause and Effect at 2:15 p.m., and Lidell Townsend at 3:00 p.m. Each group was to play for approximately 15 minutes, with the radio station playing recorded music the remainder of the time.

### **Sequence of Events Hour by Hour**

#### **9:00 a.m. to Noon**

At 9:00 a.m. a representative from MTV and the Mayor had a "chance" meeting on the boardwalk. After discussing Saturday's event, they both noted that, unlike the day before, many people had already arrived in Belmar. Later that morning, Chief Allen spoke with a representative of ESI and reiterated his previous request to end the festival as early as possible because of the expected large crowds.

While driving to Ocean Avenue on Sunday morning, Captain Lynch also noticed that, in contrast to the previous day, a large number of people had already arrived in Belmar. He also observed that these early arrivals were, on the whole, younger than those who had attended Saturday's event. Captain Lynch arrived at the command post at 9:30 a.m. Based upon these early observations, Captain Lynch believed that the crowd would be larger than the previous day, and he began contacting the Sheriff's officers scheduled to work that day and asked several of them to come in at 10:00 a.m., instead of noon.

#### **Noon to 2:00 p.m.**

The crowd size in the borough between noon and 1:00 p.m. was approximately 60,000 people according to witnesses. This number was increasing due to a steady flow of late arrivals.

The group DAS EFX performed according to schedule at 12:15 p.m. and was followed at 1:15 p.m. by Kris Kross which performed for 15 minutes without incident. Contrary to subsequent reports in the media, Kris Kross was only scheduled to play two songs, which they did, and their performance was not cut short.

At approximately 1:00 p.m., isolated fights were occurring about three blocks from the festival area, in the southern part of the borough (Twelfth through Eighteenth Avenues). In many cases these incidents were caused by groups of young people spraying Super Soaker



water guns<sup>8</sup> at persons in the crowd.

Although the festival area was severely gridlocked with both people and motor vehicles, there were generally few incidents which required police intervention in that immediate vicinity. However, at 1:30 p.m. Captain Lynch, who was near the MTV stage, requested a cellular phone from police headquarters because he was receiving reports with increasing frequency of fights and rock and bottle throwing four or five blocks south of the festival, in the areas of Twelfth, Fourteenth, Fifteenth, and Sixteenth Avenues.

**2:00 p.m. to 5:00 p.m.**

By 2:00 p.m. on Sunday there were between 70,000 and 100,000 people in Belmar.

The musical group Cause and Effect finished its performance at approximately 2:30 p.m. The last scheduled act, Lidell Townsend, never arrived. After waiting for approximately one-half hour Chief Allen asked the representatives from Hot 97 and MTV whether the musical entertainment show could be ended at that time. They agreed and an announcement was made to the crowd to the effect that the live music was over. The evidence shows that there were few problems on the beach at the end of the live musical performances. Many of those who attended these performances attempted to leave Belmar shortly after they ended, thereby worsening the existing traffic gridlock problem. The concert ended without incident. The radio station, HOT 97, continued to play taped music until approximately 4:00 p.m. Beginning at approximately 5:00 p.m., the festival sporting events were closed one-by-one.

At about the time the group Cause and Effect began to perform, Captain Lynch climbed to the top of the Triathlon stage to obtain a better perspective of the crowd and traffic situation. From that vantage point, he saw a large number of young people walking over the Ocean Avenue drawbridge from Avon into Belmar. This was of concern to him because large groups of young people were still arriving in Belmar. Captain Lynch stated that it was at this time that he became concerned as to whether the police had the capability of handling such a

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<sup>8</sup> A Super Soaker is a water gun which can hold large quantities of water and can spray much farther than an ordinary water gun.



large crowd.

Several witnesses stated that the make-up of the crowd in Belmar on Sunday differed from that of Saturday. The crowd on Sunday, in addition to being much larger than Saturday's crowd, appeared to have a significantly larger proportion of black teenagers. At approximately 2:00 p.m., one hour before the scheduled end of the live musical performances, large numbers of these teenagers began to arrive in Belmar. Some of these late arrivals joined a large number of young blacks who did not attend the MTV Sports Festival but had been congregating on the beach and boardwalk in the southern part of Belmar (Twelfth to Eighteenth Avenues) since 12:00 p.m.

Prior to the period between 2:30 p.m. and 3:00 p.m. there were no significant incidents or disturbances in the festival area. By this same time period, however, the situation had begun to deteriorate in the southern part of Belmar. There were numerous fights in the areas of Eighth, Tenth, and Sixteenth Avenues, many of which were reportedly caused by groups of teenagers spraying pedestrians and motorists with Super Soaker water guns. By this time, the municipal emergency coordinator and the fire chief had joined Chief Allen at police headquarters.

Between 3:00 p.m. and 3:45 p.m., large fights began breaking out on Seventh, Eighth, Tenth, and Fourteenth and Ocean Avenues. Captain Lynch, who was at the command post on Fifth Avenue, began to redeploy his officers from the festival area to the southern part of the borough. He received a report from one of his officers that a large group with water guns was on the boardwalk at Sixteenth Avenue spraying pedestrians. At this time, Belmar police also began to receive reports that groups of teenagers were assaulting motorists. Captain Lynch received reports from his officers that they were the target of rock and bottle attacks. Several business owners on Ocean Avenue reported that store windows were being smashed and merchandise was being stolen. As a result, many businesses began closing their stores.

Beginning at 4:00 p.m., and continuing throughout the afternoon and early evening, the police were inundated with calls from panic stricken residents reporting assaults and vandalism and requesting police assistance. In each instance, the Belmar police dispatcher

stated that the police "were doing the best they could." Several callers asked whether martial law had been declared and demanded that the National Guard be activated.

Between 4:15 p.m. and 4:30 p.m., a disturbance occurred in the vicinity of Fourth and Ocean Avenues, following the arrest of a young male for disorderly conduct. According to the arresting officer, when the individual was advised that he was being issued a summons for carrying an open container of alcohol he became verbally abusive and began to yell remarks in an apparent effort to incite the crowd (e.g., "get Rodney King down here"). At that point, the individual was advised that if he not stop he would be placed under arrest for disorderly conduct. The individual continued to incite the crowd and abuse the three officers who were present. When the arresting officer advised him that he was under arrest, he began to fight with all three officers. As he was being handcuffed, a large crowd gathered around and started shouting "no more Los Angeles," "Rodney King" and "this is police brutality."<sup>9</sup> After requesting a police van to transport the arrestee, the officers were advised that because of traffic gridlock the van could only get to Third Avenue. As the officers walked the arrestee one block to the police van, they were pelted by rocks and bottles. According to one sheriff's officer, this incident demonstrated the gravity of the situation.

At 4:42 p.m., Chief Allen notified Monmouth County Police Radio<sup>10</sup> of a worsening disorder situation and informed them that, if necessary, he might initiate a request for mutual aid. At about the same time, Chief Allen contacted the neighboring municipalities of Wall Township and Neptune to request assistance in directing traffic on Routes 35 and 71. Each municipality dispatched officers to assist Belmar in its attempt to alleviate the traffic jam.

#### **5:00 p.m. to 6:30 p.m.**

By 5:00 p.m., a number of assaults were taking place between Thirteenth and

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<sup>9</sup> The arrest of the defendant in this incident was videotaped by a private citizen and this videotape was reviewed by each member of the Commission.

<sup>10</sup> Monmouth County Police Radio is operated by the Monmouth County Sheriff's Department. It provides primary dispatch to five police departments and eight fire and first aid units. It also provides a common frequency for most of the county's police departments for use in emergencies.

Eighteenth Avenues. The Mayor himself was struck in the back of the head by a bottle while directing traffic. He had to seek refuge in a local residence, which was then pelted with bottles. In several instances, pedestrians were the targets of attacks by groups of teenagers. Three of the more serious incidents are described below:

- (1) A twenty-three year old man from Bayonne was attacked by four or five black males in their twenties at approximately 5:30 p.m. The victim, who is legally blind, was on the boardwalk at Fourteenth Avenue with his girlfriend when they were accosted. His sunglasses were taken from him, he was punched in the face, knocked to the ground, repeatedly kicked and then knocked off the boardwalk.
- (2) At approximately 6:00 p.m. a twenty-seven year old male was roller blading on Ocean and Thirteenth Avenues when he went to the aid of a female roller blader who had been attacked by a group of persons and knocked to the ground. At that point, the group, numbering between ten and thirty, hit him in the face and head with a glass bottle and a lead pipe while yelling: "Rodney King...kill the white man."

The victim was unable to escape because he was wearing roller blades. Every time he attempted to do so, he was knocked to the ground and beaten. After having been robbed of five hundred dollars worth of jewelry, the victim was carried into a restaurant by a friend and an unidentified black man, and first aid was requested. He was carried to an ambulance which had to park two or three blocks away because it could not get through the traffic. The victim's facial wounds required numerous stitches and he was diagnosed as having a concussion.

- (3) A thirty-two year old male had just left the Seafood Festival and was riding his bicycle in the area of Ocean and Sixteenth Avenues at between 6:00 p.m. and 6:30 p.m. He was assaulted from behind by a group of four to five males between the ages of twenty to twenty-five. He was knocked off his bike, sprayed with Super Soakers, and kicked in the back and head. As a result of this assault, he suffered a fractured nose.

Motor vehicles and their occupants also became the targets of attacks. Cars driving down Ocean Avenue were being "trashed" (windows were smashed and persons were jumping on the hoods and roofs). A number of drivers and passengers were robbed and assaulted while in their vehicles and others were dragged from their vehicles and were reportedly assaulted, in some instances with bottles and other objects. Following are two representative

accounts of these incidents:

- (1) A Howell resident who attended the MTV Sports Festival and was leaving Belmar was stuck in traffic on Ocean Avenue by Fourteenth Avenue. In front of his vehicle was a maroon Cherokee with its tailgate down. Two black males were sitting on the tailgate with water pistols. Suddenly, one pointed to the victim's car and within seconds a large group surrounded the vehicle. Several individuals opened the front passenger door and removed gold chains from around the victim's neck. Others ripped the back tail fin spoiler off the vehicle and used the tail fin to break the rear driver's side and front passenger's side windows. One individual then reached in through the broken window and stole audio tapes from the front seat. While this was occurring, several other black males were jumping on the hood, trunk and roof of the vehicle and were shouting "Rodney King". The headlights and taillights of the vehicle were also broken. The victim, who suffered cuts on his right hand from broken glass, escaped by driving down Fifteenth Avenue.
- (2) Another man was pulled off his motorcycle and chased as bottles were being thrown at him. His motorcycle was stolen. The victim stated that before being pulled off his motorcycle, he heard statements such as "get him, he is white" and "Rodney King."

Although there were no firearms discharges reported, one videotape shows a person hurling a beer bottle and drops what appears to be a handgun. A female who was working at a convenience store on Ocean Avenue reported that numerous individuals came into the store and stole merchandise, while shouting "Rodney King" and other phrases which related to the riots in Los Angeles. This witness also reported that several of these individuals carried handguns tucked in their waistbands and that some individuals touched her in a sexual manner.

At 5:12 p.m., Chief Allen contacted Monmouth County Police Radio and requested "all available help." He also requested that the County Prosecutor be notified and that a request be made to the State Police to send observers. Shortly thereafter, Monmouth County Police Radio notified the Prosecutor's Office of the civil disturbance. The State Police were also notified and observers were requested. At this time, one police officer who had left his three-wheeled scooter at Fourteenth and Ocean Avenues to assist in breaking up a fight, returned to find that the police scooter had been flipped over and the police radio stolen.



At approximately 5:15 p.m., Chief Allen announced over the local police radio that mutual aid had been requested. Five minutes later Captain Lynch ordered all personnel to act in accordance with the incident command system as discussed the previous Thursday. He instructed all officers assigned to Group A to assemble at Seventh Avenue and A Street. A police van carrying protective gear was dispatched to meet the officers assembling at Seventh Avenue and A Street. Three other Belmar superior officers, along with the fifteen sheriff's officers, were instructed to return to police headquarters to organize two additional groups with officers arriving from other municipalities.

At 5:25 p.m., the Belmar emergency management coordinator declared a local State of Emergency in which the borough of Belmar was declared a disaster area. Movement of all vehicular traffic was prohibited and all abandoned vehicles were to be towed. All businesses dispensing and distributing alcoholic beverages were ordered closed; all gasoline stations were ordered closed; and a curfew was declared for all persons under 18 from 9:00 p.m. to 6:00 a.m.

At approximately 5:30 p.m., Captain Lynch directed a public works official to close all streets into Belmar from Main Street. At this same time, an officer reported to Captain Lynch that a "very large fight" was occurring at Fifth and Ocean Avenues. Captain Lynch replied that "we cannot do anything about it" and instructed the officer to report to the Seventh Avenue and A Street staging area. The situation at this time was described by many witnesses as "lawless."

Between 5:00 p.m. and 6:30 p.m., there were numerous reports of fights among large groups and isolated incidents of violence directed toward motorists in the festival area. In the southern part of Belmar, pedestrians and motorists alike were attacked at random by large groups. In many of these instances, the victims were robbed. Groups also caused damage to businesses located on Ocean Avenue, and homes and motor vehicles on and around Ocean Avenue were also vandalized.

#### **6:30 p.m. to 9:00 p.m.**

By approximately 6:30 p.m., a large number of mutual aid personnel had assembled at

Belmar Police Headquarters. As officers arrived, they were briefed on the situation and specifically advised to exercise restraint and not to break formation to apprehend individuals unless they were engaged in activities which threatened serious harm to persons or property.

Three groups, each containing four crews of between six and nine law enforcement officers from other municipalities, were organized and joined the group of Belmar officers by about 7:00 p.m. The groups were under the command a lieutenant and two sergeants from the Belmar Police Department, and one group was under the command of a police captain from a neighboring municipality. Each group was supported by a prisoner transport team, and one crew in each group was designated an arrest team. One hundred and thirty-seven officers were assigned to the crews. Twenty officers were held in reserve at the headquarters area.

Two groups assembled on Ocean Avenue in southern Belmar at Twentieth Avenue under the command of a lieutenant from the Belmar Police Department. The other two groups joined forces at Seventh Avenue and A Street. It was the intention of the police to "squeeze" the crowd from the north and south and force those who resisted out of the borough in a westerly direction through Thirteenth and Fourteenth Avenues to Main Street.

At approximately 7:15 p.m. to 7:30 p.m., each group of police officers formed lines on Ocean Avenue and proceeded towards the middle of the borough. One sergeant stated that at Ocean and North Boulevard, the group formed a line across the street that ran from the eastern side of the boardwalk to the westerly curb of Ocean Avenue and began advancing one block at a time. While advancing, police using a megaphone requested everyone to disperse and advised that those who did not would be subject to arrest. The sergeant used three crews to do this and had a fourth crew form a line directly to the rear to serve as an arrest team. A van followed behind to transport arrestees. Two K-9 teams accompanied this group.

When the lieutenant's two groups reached Ocean and Sixteenth Avenues, they were confronted by a large crowd throwing rocks and bottles. Captain Lynch, who was in command of the groups which formed on Seventh Avenue, directed the lieutenant not to engage the crowd and to hold his position at Sixteenth Avenue. When Captain Lynch's groups



reached Twelfth Avenue they stopped and directed the crowd to disperse. At this time, he divided his officers into teams of eight and directed them down A Street with instructions to move southward toward the lieutenant's groups on Sixteenth Avenue. After the crowd on Twelfth Avenue had significantly dispersed, Captain Lynch continued to move slowly, block by block, along Ocean Avenue towards the lieutenant on Sixteenth Avenue.

The progress of both groups was extremely slow because of the heavy vehicular traffic and gridlock conditions. One police report noting that, at Fourteenth and Ocean Avenues, the number of people was "staggering" described the size of the crowd by explaining that there were so many people on the street that you could not see the elevated boardwalk behind them.

While executing this "squeezing maneuver," the police were being pelted by rocks and bottles. During this time period, and until the disturbance was finally quelled, police continued to receive numerous reports of malicious damage, assaults, and thefts of merchandise, including motor vehicles and porch furniture, in the area between Tenth and Fifteenth Avenues.

Large groups, while being forced westerly towards Main Street, reportedly entered several residences and robbed the occupants of jewelry and money. There were also numerous reports in which groups of black teenagers yelling racial remarks (e.g., "This is for Rodney King.") assaulted whites. There was testimony, however, that in some cases there was an exchange of racial epithets which may have triggered those incidents. These incidents occurred as far west as Main Street.

It took approximately one hour for the four groups to meet at Thirteenth Avenue. At that point, teams of officers proceeded down each street, concentrating on Thirteenth and Fourteenth Avenues, to disperse the crowd westward out of town. By 9:00 p.m., the situation was under control.

### **The MTV Sports Festival in Belmar - The Aftermath**

Shortly after the civil disturbance, MTV canceled the five remaining shows (Boston, Cleveland, Denver, San Francisco and Los Angeles) of the festival tour. To defray cleanup and other costs associated with the festival, MTV and the corporate sponsors of the festival paid Belmar \$10,000 and \$5,000 respectively.<sup>11</sup>

The cleanup of property damage was perhaps the least significant problem arising from events of June 14th.

The disturbance generated great public concern regarding the adequacy of security plans for the event, the handling of the disturbance by the police and whether certain attacks on persons and property were racially motivated. Race relations in the community suffered a major setback.

At the public hearings held in Belmar on August 12 and 15, 1992, the members of the Commission heard testimony from municipal officials, community leaders and citizens in connection with the MTV Sports Festival. While the testimony of these witnesses provided the Commission with valuable insights into the events of June 14, in many instances the statements and observations made by those who addressed the Commission demonstrated a deepening racial polarization within the community.

Prior to the festival, the Belmar Police Department had been criticized by some black community leaders for allegedly over-policing situations where blacks have visited the borough for recreation. In addition, black community leaders have charged that residents of Belmar have been historically biased against minorities. Belmar's officials and citizens resent and dispute these allegations and contend that Belmar welcomes all law abiding citizens. Various statements made during our hearings revealed that the events of June 14th have clearly deepened and intensified this schism.

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<sup>11</sup> The payment by MTV to Belmar was \$8,500 more than what was required by the March 31, 1992 agreement. The corporate sponsors had no obligation to pay any moneys to the borough.

Many whites tended to blame the disorder on black troublemakers, but blacks pointed to historical oppression and police crowd control tactics as the main cause of the disturbance. There were also allegations from civil rights and community leaders that local merchants have engaged in employment discrimination practices as a result of racial prejudices that have been reinforced by the disturbance. Some community leaders have even raised questions concerning the composition and objectivity of this Commission.

Obviously, this level of racial polarization will make it very difficult for Belmar to restore racial harmony damaged by the disturbances and to also develop adequate plans for hosting special events. Given the importance of these issues and the intensity of the feelings that have been generated, we believe that intervention and conciliation from trained professionals would be helpful.

Accordingly, the Commission makes the following recommendation:

**The Attorney General should continue the assignment of representatives of the Division of Criminal Justice, Office of Bias Crimes and Community Relations and the Division on Civil Rights to work with Belmar officials, community leaders, the Monmouth County Human Relations Commission, and the U.S. Justice Department Community Relations Services to alleviate racial tensions and to address allegations of discrimination that have resulted from the civil disturbance.**

## CHAPTER TWO

### THE CIVIL DISTURBANCE - ANALYSIS AND FINDINGS OF THE COMMISSION

#### The Scope and Character of the Civil Disturbance

In the days following the disturbance there were conflicting reports and statements by the media and citizens about what actually occurred on June 14 in Belmar. To dispel any misconceptions, the Commission carefully considered all sources of information, so that an accurate description of the disturbance could be presented in this report.

In its analysis, the Commission first reviewed all available documentary evidence, including medical records, police reports and insurance claims. At the outset, it must be pointed out that this documentary evidence is incomplete and may be misleading, since it is likely that only a fraction of the incidents that occurred were reported to officials. For example, several persons who were interviewed by the Commission's investigators and who had suffered personal injuries or property damage did not file incident reports with the Belmar Police Department. In addition, while there were only twelve reported incidents where an occupied motor vehicle was damaged by a group of youths, the Commission's investigation revealed that there were numerous other cases which were not reported to the police.

Under normal circumstances, victims sometimes choose not to report offenses to the police for a variety of reasons. In this instance, the inability of the police to respond because of the urgent need to bring the borough under control, and the victims' eagerness to leave Belmar probably further decreased the percentage of actual offenses that were reported to police. By late afternoon, law enforcement personnel were primarily concerned with restoring order to the borough. Because of insufficient personnel and equipment, making individual arrests was extremely difficult and, in most instances, those persons who committed the most serious crimes were not apprehended. This inability to respond effectively to criminal behavior was clearly demonstrated by one incident in which approximately ten males attempted entry into a house on Fourteenth Avenue at approximately 7:30 p.m. Several of them entered the house, attacked the residents and stole personal property. They were then

confronted by other residents of the house and a fight ensued. By the time the police arrived and order was restored, only one person could be arrested.

Understanding these limitations, the Commission will summarize the documentary evidence which relates to the events of June 14. A review of the incident reports filed with the police department indicates that there were ninety-one reported incidents on June 14, of which seventy-five were for theft, criminal mischief or other property crimes, including the theft of three vehicles. The remaining sixteen incidents were for aggravated assaults (5) and simple assaults (11). There were twelve reported incidents in which an occupied motor vehicle was damaged by groups of individuals. In five of the reported incidents, the occupants were physically assaulted or robbed.

With respect to injuries, a summary of emergency room records obtained from a local hospital indicates that thirty people were treated in the emergency room for injuries sustained in Belmar on June 14. Of those treated, eleven were black and nineteen were white. The injuries consisted mainly of lacerations and other assault-related injuries. Thirteen people were treated as a result of injuries sustained in motor vehicle accidents. For reasons of confidentiality, the hospital could not release the names of each person who was treated. Therefore, the Commission was unable to contact each person and obtain more specific information about the cause of each injury.

Additional information concerning medical injuries directly related to the civil disturbance can be found in police reports. There are numerous reports of individuals sustaining such injuries as concussions and severe lacerations as a result of attacks by groups of teenagers. In one instance, a motorist's car window was smashed by a beer bottle thrown by a large group of young males. He subsequently required surgery to his thumb and an unknown amount of stitches to close the cut. In another instance, a man who was attacked on the porch of a house by a group of ten males was knocked to the ground and kicked in the mouth. He sustained cuts on both knees, his left hand and forearm, and his wallet was taken. In another incident a white female was knocked unconscious by a group of black females because she was speaking with several black male friends. She sustained a deep laceration to her head and a concussion.



A review of police arrest reports submitted to the Commission by the Belmar Police Department indicates that thirty-three disturbance-related arrests were made. Of those arrested, twenty-four were black and nine were white. All of the nine whites arrested were young males. Six were charged with resisting arrest or failure to disperse. In the three other arrests, one was charged with possession of alcohol, one was charged with obstructing justice and another was charged with assaulting a police officer, resisting arrest and disorderly conduct. In this last case, the arrestee (a juvenile) attempted to prevent a police officer from arresting a friend.

Of the twenty-four blacks arrested, twenty-two were male and two were female. Nineteen of the those arrested were charged with resisting arrest and failure to disperse. The remaining five were charged with underage possession of alcohol; assault and disorderly conduct; simple assault; assault and resisting arrest; and disorderly conduct and resisting arrest.

With one exception, all reports of assaults made by citizens to police were by white victims who had been attacked by blacks, usually in groups. There is one report of a black female being attacked by another black female. There are no reports of whites assaulting blacks or other whites. Similarly, in all reports of criminal mischief where the actors were observed but unidentified, the victims were white and the unidentified actors were reported to be black.

With respect to property damage, documented claims for property damage totals approximately \$50,000, although a review of reports made to the police indicates that property damage could exceed \$200,000.

After careful review of the evidence, the Commission has concluded that the injuries and damage that were sustained on June 14, although quite serious and alarming particularly to those affected, were comparatively limited in scope and duration, given the tens of thousands of people who were present. Although there were indications that some of those who were present in Belmar were armed with handguns, there were no reported shootings. In addition, there were no reported stabbings or arsons, no widespread looting and

fortunately there were no fatalities. The evidence reflects that the overwhelming majority of those who were present in Belmar on June 14 did not participate in lawless behavior.

The Commission's analysis is not intended to trivialize the events of June 14. In the eyes of the Commission, even one lawless act is unacceptable. In fact, at least two dozen innocent people were subjected to violent attacks, and considerable damage was inflicted on private property. However, the Commission believes that it is important to point out that the disturbance was more limited, both in terms of the number of participants and in the extent of personal injury and property damage, than one might imagine from having seen or read the media accounts.

The Commission understands the dangers inherent in attempting to apply a precise label to the events which occurred in Belmar on June 14. At the same time, we also recognize that such labels serve as a yardstick by which a particular disturbance can be compared to other civil disorders. In the days following the disturbance, the media characterized the events of June 14 as a "riot" and, in some instances, a "race riot." The common understanding of a "riot" includes such distinctive features as deliberately-set fires, widespread looting, use of firearms, and a duration of several days, such as occurred in Los Angeles in 1992 and Newark in 1967. After carefully reviewing all of the evidence, the Commission has concluded that the disturbance was not of the proportion described in the media accounts. After reviewing the literature concerning such matters, the Commission believes that the events of June 14 can most accurately be described as a civil disturbance, as defined by the National Advisory Committee on Criminal Justice Standards and Goals:

A form of collective violence interfering with the peace, security, and normal functioning of the community...[which does] not necessarily have political overtones, and...may arise simply from excessive stimulation during an ordinary event, such as a rock concert or football game. In many cases, disorders are haphazard happenings rather than systematically staged and directed expressions of social or political violence.<sup>12</sup>

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<sup>12</sup> National Advisory Committee on Criminal Justice Standards and Goals, Disorders and Terrorism. Report of the Task Force on Disorders and Terrorism, U.S. Government Printing Office, Washington, D.C., 1976.

While the scope of the civil disturbance was less severe than implied in several media accounts, the Commission was deeply distressed by the character of the lawless behavior. In the early afternoon hours, the reports of incidents requiring police response were typical for an event which attracted a crowd comprised primarily of people in their teens and early to mid-twenties. Beginning at about 4:30 p.m. to 5:00 p.m., however, the nature of these incidents changed. Many of these later incidents were marked by racial animosity, and police officers increasingly became the targets of rock and bottle throwing. Groups of teenage blacks assaulted white pedestrians and motorists and in many instances robbed their victims. Significant property damage was inflicted on local businesses and residences and numerous motor vehicles were vandalized. In many of these instances, the actors were shouting racial remarks.

After carefully reviewing all the evidence and accounts of these incidents, it is apparent that many of the assaults and other incidents of lawless behavior were racially motivated.

### **The Causes of the Civil Disturbance**

The Commission was charged with the responsibility to review the events of June 14 and to identify those factors which contributed to or actually caused the civil disturbance. The identification of these factors plays an important role in determining what actions can be taken to lessen the potential that similar incidents will occur in the future. The Commission recognizes that in many instances it is difficult, if not impossible, to pinpoint with any degree of certainty those factors which may have directly caused such an occurrence. However, a careful and thorough examination of the events immediately preceding a disorder are often very helpful in identifying the precipitating and contributing factors. The Commission recognizes that there are often causes for behavior such as that displayed in Belmar that run far deeper than an analysis of the day's events can disclose. Despite these uncertainties and limitations, the Commission has attempted to fulfill its responsibility to identify the factors or circumstances underlying this disturbance, notwithstanding the difficulty inherent in such an exercise.

After analyzing the evidence, the Commission has concluded that there was no single

direct cause of the disturbance. In contrast to the Los Angeles riot in April 1992, where the verdict reached in the Rodney King trial triggered widespread unrest, there was no single precipitating incident in Belmar, and certainly there was no evidence that the disturbance was an organized expression of social or political hostility. Instead, the Commission has concluded that several factors created a situation which allowed certain individuals to engage in acts of lawlessness, many of them racially motivated, without fear of apprehension.

Before reviewing these factors, the Commission believes that, in response to statements contained in certain media reports, it must first identify two factors which it has concluded did not contribute to or cause the disturbance. First, the Commission finds that the tactics employed by police in controlling the disturbance did not provoke or exacerbate the level of violence or disorder. Faced with limited options and an increasingly dangerous situation, the plan by police to disperse all non-residents from Belmar was sound and was carried out with restraint by the individual officers. In controlling the civil disturbance, officers from Belmar and surrounding communities acted professionally and with restraint. The Commission has concluded, after reviewing the evidence, that the police did not overreact or engage in misconduct in the handling of the disorder.

Second, the Commission has determined that the musical acts which appeared at the MTV Sports Festival were not a cause of the disorder. In particular, the Commission has concluded that media accounts which stated that the disturbance was triggered because the musical performance of Kris Kross was cut short were inaccurate. In fact, that group was only scheduled to play two songs, which it did.

No single incident or factor caused the disturbance. Overcrowding, traffic gridlock, insufficient police presence, the youthful character of the crowd, and racial tensions were all factors that contributed to the disorder. The Commission believes, however, that the effect which these factors ultimately had on precipitating the disorder could have been significantly reduced had borough officials and MTV/Mega representatives prepared a comprehensive written plan for the event that addressed all public safety issues.

The ultimate success of any special event<sup>13</sup> hinges on close coordination and communication among the parties involved with the event in order to prepare a plan that adequately safeguards the health, safety and welfare of the attendees, the residents of the municipality and those who reside in surrounding communities. Depending on the nature of the special event, some parties play a larger role than others, but all must be involved in the planning to some extent.

In most cases, the governmental body hosting the event, usually the municipality, must act not only as the primary pre-event coordinator but must also make the final decisions on important health and safety issues.<sup>14</sup> The local government has the personnel and the particular knowledge of the locale which are essential to the planning of a successful event.<sup>15</sup> Accordingly, the Commission believes that, with few exceptions, the primary responsibility for making these types of pre-event arrangements and decisions rests with the governing body of the municipality in which the special event is held.

The Commission believes that the primary responsibility for planning the events of June 13 and 14 rested with the borough of Belmar. This included the need to coordinate the event with all sponsors and all responsible municipal officials, to obtain, disseminate and utilize all necessary information, and to prepare an effective operational plan for the events and all related activities. Based on its review of all relevant information, the Commission finds that the pre-event preparation for the MTV Sports Festival was inadequate and poorly

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<sup>13</sup> For purposes of the Commission's analysis, a "special event" means any event which is designed to provide some form of entertainment to the public, and which requires extraordinary public safety measures. This includes concerts, fairs, and parades, but does not include demonstrations or protests.

<sup>14</sup> The Commission recognizes that there are some exceptions such as stadiums, arenas, State and county parks and other sites which are regularly utilized for special events and which have their own governing body to oversee the pre-event planning process. At such sites, the responsibility of the local municipality may be superseded by the applicable governing body.

<sup>15</sup> Even if the special event is held on private property and the municipality is not involved in the event, the municipality must exercise its oversight authority through local regulation or State law.



coordinated.

The festival in Belmar was initially planned by MTV and Mega representatives and the borough's elected officials. The police department and other borough departments were not properly included in the early planning stages. For example, although the March 31 Agreement contained a provision for the funding of additional police officers, Belmar police officials were not consulted by the mayor as to how many officers would be necessary to provide security for the festival. In fact, during the entire planning for the event, up to and including the event itself, it appears that there were several entities engaged in separate and largely independent planning: Belmar elected officials, Belmar police officials, Mega and MTV representatives, and ESI security representatives. These parties failed to collaborate and share information during the planning stages which should have provided the basis for an operational plan for hosting the special event. In our view, Belmar officials should have taken the lead in the preparation of a written plan which addressed crowd and traffic control issues. Such a plan should also have made specific provisions for mutual aid assistance which could be summoned in the occurrence of any emergency.

Similarly, MTV and those related entities involved with the festival share responsibility for failing to plan adequately for the festival. MTV and Mega have substantial experience in the promotion, organization and management of events similar to that which occurred in Belmar. ESI, which was retained as a security consultant by MTV-Mega, held itself out as having considerable expertise in providing security for large scale public events and on-tour concerts. As a result, each entity should have been well aware that an event of this magnitude required detailed planning and close coordination among all parties.

As a result of this lack of coordination, considerable confusion surrounded many aspects of the festival. Indeed, until a few days before the festival, it was even unclear as to where the stage events would be located in Belmar. This lack of coordination and communication had an effect on all facets of the pre-event planning process, including those projections made for anticipated attendance.

Two weeks before the Belmar festival, the Mayor and representatives from MTV and

Mega believed that the MTV event would attract between 30,000 and 40,000 people over both days. In hindsight, it is not disputed by anyone involved in the planning of the two day MTV Sports Festival that they underestimated the size of the crowd. The actual size of the crowd for the first day of the festival, 40,000 people, in fact equalled the high end range of the number of people expected to attend both days of the event. The crowd size on Sunday, between 70,000 and 100,000 people, was double that which MTV and Belmar officials expected to attend for both days of the festival.

The Commission recognizes that the unique nature of the festival made it very difficult to project the size of the crowd accurately. Estimating attendance for the Belmar festival was also complicated by the fact that two other events, the Seafood and Wine Growers festivals, were being held on the same weekend. However, these factors would have suggested an even larger overall crowd. In addition, the MTV Sports Festival was a free admission event. Not only is such an event more likely to attract a larger, younger crowd, but the fact that there are no advance ticket sales makes it much more difficult for the organizers to estimate accurately the size of the crowd until the day of the event.

Finally, the MTV Sports Festival was the subject of extensive advertising by two radio stations and MTV's cable network, all of which have audiences which extend well beyond the central New Jersey area. In fact, the two radio stations involved in the promotion of the MTV Sports Festival are among the two highest rated radio stations in the New York City-New Jersey area in terms of listening audience. For all of these reasons, Belmar and MTV officials faced a formidable task in estimating the attendance for each day of the festival.

Despite these limitations, the Commission finds that Belmar and the festival organizers could have made a more accurate estimate of the size of the crowd expected to attend each day of the festival. All parties involved in the planning of the festival were aware that on the average summer weekend between 20,000 and 30,000 people came to Belmar. In addition, the Seafood Festival and wine tasting events were expected to draw 5,000 people. Based on the potential draw of an event sponsored by MTV and all of the other information available at the time, a conservative estimate of potential crowd size in Belmar on June 13 and 14 would have been 65,000 people on each day. As noted previously, Belmar and MTV did have some

indications that their earlier estimate of 40,000 people for both days of the festival was too low. The estimate by both police and the media of the actual crowd at 2:00 p.m. on June 14 was 75,000 to 100,000 people.

The failure to prepare a written plan for the festival, and to make a reasonably accurate assessment of the crowd size, had a direct effect on security preparations for the festival. Special events are very diverse and require differential police responses tailored to the particular type of event involved.<sup>16</sup> It is clear that crowds gather for different purposes and are composed of groups with differing backgrounds. The type of crowd, the type of event, and the possible causes of potential disorder are factors which are unique to each event. Special events do not generally degenerate into disorder and can be effectively controlled. Even events much larger than the Belmar MTV gathering have been peacefully controlled without major incident.

The 1986 Statue of Liberty celebration drew 12 million people to Ellis Island over a four day period. Despite the potential for disorder, and even threats of international terrorist activities, that special event went very smoothly. Robert Johnston, who was Chief of Patrol Operations for the New York City Police Department and had major responsibility for security at the celebration, stresses planning as the most important tool for the department in handling special events.<sup>17</sup> The New York Police Department began to prepare for the Statue of Liberty celebration a year before the event. During this period, there were more than two hundred planning meetings to determine the division of responsibilities among more than sixty law enforcement agencies, the military, public service agencies, utilities and private agencies.

The accumulated body of law enforcement literature contains numerous accounts of other events with great diversity that were successfully controlled. These include

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<sup>16</sup> Sue Bessmer, "Law Enforcement's Role in Special Events Management," Police Chief, December 1989, pp. 29-32.

<sup>17</sup> Robert J. Johnston Jr., "Security Arrangements for the Statute of Liberty Celebration," Police Chief, March 1989, pp. 31-37.

Sacramento's Dixieland Jubilee Festival,<sup>18</sup> California Polytechnic's Poly Royal Event,<sup>19</sup> and Groton, Connecticut's handling of demonstrations at a nuclear facility.<sup>20</sup> This body of anecdotal evidence makes it clear that, although special events vary in size and character, they can be successfully policed.

A proactive approach to both special events and civil disorders is consistently urged throughout the literature. The key to handling special events is for the local police agency to develop and implement written plans before special events and potential disorders rather than after they occur.<sup>21</sup> There should be regular and frequent contact between the police and event sponsors, including a complete review of the type of event being planned, the size and type of crowd to be expected, the availability of alcohol, and other crucial aspects that will determine police policies.<sup>22</sup> This information needs to be acquired sufficiently in advance to be useful to the planning process. Some jurisdictions have found that mandating that each event sponsor obtain a special event permit facilitates this process.<sup>23</sup>

As reported to the Commission, the borough of Belmar used the ratio of one officer per every one thousand people in planning for the June 14, 1992 event. As of June 12, the Friday before the festival, Belmar had no more than thirty-four officers assigned to Sunday's

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<sup>18</sup> John D. Boyle, "Working Large Events: A Proactive Approach," Law and Order, March 1989, pp. 80-83.

<sup>19</sup> Richard C. Brug, "Event Security-Safety. Utilizing Available Resources," Campus Law Enforcement Journal, Mar/Apr 1989, pp. 14-15.

<sup>20</sup> Joseph A. Sandora and Ronald C. Petersen, "Crowd Control and the Small Police Department," F.B.I. Law Enforcement Bulletin, December 1980, pp. 2-5.

<sup>21</sup> Police Executive Research Forum, Report on the Conference on Civil Disorders, Washington, D.C.: Police Executive Research Forum, 1980.

<sup>22</sup> John R. Hartsock and Peter J. Herdt, "Police and Security Planning for 'Special Events' at The Ohio State University," Campus Law Enforcement Journal, Mar/Apr 1989, pp. 18-22.

<sup>23</sup> Hartsock & Herdt.



event.<sup>24</sup> Thus, based upon the ratio reportedly used by Belmar (1:1000), the municipality was only prepared to handle a crowd of approximately 34,000 people at Sunday's event. While the Commission cannot conclude that extra officers would have prevented the disturbance, additional personnel would clearly have provided valuable assistance in controlling the lawlessness in the early afternoon hours of June 14. It should also be noted that despite the size of this event, Belmar did not enter into any written agreements for assistance with surrounding communities.

Given the variability in events, there is no exact formula for determining the number of personnel that should be assigned to each event. Police administrators may receive undue criticism for having what is perceived as being too many officers or too few.<sup>25</sup> Indeed, Belmar officials had been criticized in the past for having too many police present at special events that attracted large proportions of minority attendees.

The generally acknowledged range is from 1:300 to 1:1000, with adjustments made for the nature of the event and type of crowd.<sup>26</sup> For example, a classical music concert would obviously require a different level of response than a heavy metal or rap concert. In addition to covering the special event, the police administrator must insure that basic police services are maintained at adequate levels in other areas of the jurisdiction while the special event is underway.<sup>27</sup>

While the wisdom of high police visibility in protest or demonstration settings is

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<sup>24</sup> Prior to the festival, Belmar only anticipated receiving five Sheriff's officers from the county to supplement its twenty-nine regular and Special officers. The ten additional Sheriff's officers for Sunday, June 14, were not assigned until Saturday afternoon.

<sup>25</sup> Eugene Trivizas, "Crowd Dynamics and the Prevention and Control of Collective Disorders," The Police Journal 56 (2), 1983, pp. 142-163.

<sup>26</sup> Hartsock and Herdt.

<sup>27</sup> James J. Riordan, "Managing Crowd Control Problems," Police Chief, September 1981, pp. 42, 44-45.



debated,<sup>28</sup> high police visibility is generally recommended for crowd control at special events.<sup>29</sup> The probability that a "show of strength" will be an effective deterrent increases when initiated before or in the earliest stages of civil disorder rather than after.<sup>30</sup>

The Commission notes that the 1:1000 ratio used by Belmar officials is at the low end of the range, and would typically be used for events with very little potential for disorder. It could easily be argued that the combination of events in Belmar on June 14, the limited traffic access, the heat, the type of event, the relative youth of the crowds, and heightened racial tensions presented an increased risk for unrest and would have suggested a higher ratio of police officers to attendees than that chosen by Belmar officials.<sup>31</sup> By underestimating the crowd and choosing the ratio at the low end of the scale, Belmar set the stage for an inadequate police presence.<sup>32</sup>

It appears that another reason for the smaller police presence may have been the cost. On May 20, 1992, anticipating that more officers would be needed, Chief Allen requested the Monmouth County Sheriff's Office to provide personnel to assist the municipality. The Sheriff's Office guaranteed only four or five officers based upon economic considerations.

The Commission believes that Belmar officials should have made plans to have more law enforcement personnel on duty for the festival. This would have required Belmar to seek

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<sup>28</sup> Hanns-Peter Ludwig, "Demonstrations in the Federal Republic of Germany: Context, Police Strategies and Guiding Rules for Police Tactics," Police Studies 12 (2), 1989, pp. 51-58.

<sup>29</sup> Bessmer.

<sup>30</sup> Wray Vamplew, "Violence in Australian Sport: Some Possible Strategies," National Police Research Unit Review 3 (1), 1987, pp. 26-32.

<sup>31</sup> The Commission also believes that the existence of heightened racial tensions in the wake of the Los Angeles riots should also have been considered in the planning of security for the festival.

<sup>32</sup> The Commission also must note that in calculating the number of law enforcement personnel assigned to Sunday's event, Belmar included nine special police officers of the SLEO One classification, who do not have full law enforcement authority. Therefore, one-fifth of the officers assigned did not have police authority over serious offenses nor could they carry firearms.

assistance from other jurisdictions. If economics were a concern to borough officials, they should have required that MTV-Mega allocate additional funds for more police officers as a condition of holding the festival in Belmar. This type of funding was anticipated in the Agreement.<sup>33</sup> Because the provision of security to attendees and local residents alike should be the foremost concern of a municipality, economic issues should not be permitted to take precedence over these health and safety concerns. If an event such as the MTV festival cannot be held safely, it should not be held at all.

The Commission finds that security planning for the festival by representatives of Belmar and MTV was inadequate and poorly coordinated. No comprehensive written security plan was prepared for the event and Belmar did not assign sufficient law enforcement personnel necessary to properly handle those crowd and traffic control problems which should have been anticipated.

#### **A Review of the Police Handling of the Civil Disturbance**

Having identified those factors which contributed to the events of June 14, the Commission turns its attention to those actions taken by law enforcement with respect to the handling of the civil disturbance. This analysis will focus on those decisions made by municipal officials in connection with Belmar's request for mutual aid, the plan used by law enforcement to restore order and the actions of individual law enforcement personnel throughout the disturbance.

On June 13, the MTV Sports Festival and the New Jersey Seafood Festival proceeded without significant incident. The size of the crowd on Saturday (MTV estimated the festival crowd at 40,000 to 50,000 people), and the relative peace may have lulled Belmar into a false sense of security. The success of the events on Saturday only disguised the fact that the police were significantly understaffed for these events. It does appear, however, that there was a general sense of uneasiness among borough officials and promoters as early as Saturday

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<sup>33</sup> The March 31, 1992 Agreement expressly provided that MTV would pay to Belmar \$8,800 for the cost of municipal services including police protection.

afternoon. It was at that time that Belmar and ESI requested additional sheriff's officers for the next day.

The concerns of the promoters and borough officials were again evident at 9:00 a.m. on June 14. Sunday was going to be a hot day, and people started to arrive in Belmar much earlier than on the previous day. Acting on these concerns, Captain Lynch called several of the sheriff's officers assigned to Belmar for the Sunday activities and asked them to report early.

At about 1:00 p.m., isolated incidents requiring police intervention had begun in Belmar south of the festival area. By 3:30 p.m. these incidents increased in number and intensity. Mutual aid was not requested until 5:12 p.m.

After carefully analyzing all of the facts, the Commission believes that municipal officials in Belmar could reasonably have requested mutual aid as early as 1:00 p.m. The Commission finds that, in any case, the call for mutual aid should have gone out no later than 3:30 p.m. A brief overview of the events of these hours explains the Commission's finding.

By approximately 1:00 p.m., isolated fights were occurring in the southern part of the borough. At 1:30 p.m., Captain Lynch, after receiving information that situations involving fighting and rock and bottle throwing were increasing, requested a cellular phone from police headquarters so that he could speak directly to Chief Allen. As noted previously, the dispatch of a cellular phone to the command center was one of the first procedures to be implemented in the event of trouble. By 2:15 p.m., Captain Lynch was concerned because large groups of young people were still arriving in Belmar. By his own testimony, Captain Lynch had doubts as to whether the police had the capability of handling such a large crowd.

By 3:00 p.m., the situation had begun to deteriorate in the southern part of Belmar. There were numerous fights between large groups in the areas of Eighth, Tenth, and Sixteenth Avenues. By 3:45 p.m., large fights began breaking out on Seventh, Eighth, Tenth, and Fourteenth and Ocean Avenues, as well as reports of groups of teenagers assaulting motorists and rocks and bottles being thrown at police officers. Several business owners on Ocean

Avenue reported that store windows were being smashed and merchandise was being stolen. At about 4:30 p.m. as a person was arrested for disorderly conduct, a large crowd gathered around the police officers and started shouting "no more Los Angeles," "Rodney King" and "this is police brutality."

Despite these incidents of lawlessness and the worsening disorder, Chief Allen notified Monmouth County Police Radio at 4:42 p.m. only that he might be requesting mutual aid at a later time. At this time, though, he did contact the Wall Township and Neptune to request assistance in directing traffic on Routes 35 and 71. Those municipalities responded appropriately.

By 5:00 p.m., a number of assaults by large groups were taking place between Thirteenth and Eighteenth Avenues. The Mayor himself was struck in the head by a bottle. Car windows were smashed and persons were jumping on the hoods and roofs of cars on Ocean Avenue. Many drivers were assaulted while in their vehicles and others were forced from their vehicles and in many instances were struck with various objects.

Finally, at 5:12 p.m., Chief Allen contacted Monmouth County Police Radio and requested "all available help." He also requested that the County Prosecutor be notified and that a request be made to the State Police to send observers. At about 5:20 p.m., Captain Lynch activated the incident command system as discussed the previous Thursday.

From 4:00 p.m. to 7:30 p.m., police headquarters was inundated with telephone calls about the growing disorder. These calls were reporting property damage and assaults on individuals. The police were unable to respond to most of the calls. The police were, in fact, overwhelmed by the disorder and lawlessness that was taking place. Aggravating the growing disorder were major traffic problems. Massive traffic jams were taking place as people tried to leave both festival events and the normal Sunday summer activities. The police were unable to respond adequately to the traffic congestion again due to their understaffing.

By about 7:00 p.m., the Belmar Police Department had received assistance from other municipalities and had total strength of 157 officers. The commander decided to deploy his



forces into three groups to "squeeze the crowd west" away from the beach area. Although the situation had gotten out of control, the decision to disperse the entire crowd was successful; by 9:00 p.m., the situation was under control. There was no evidence presented to the Commission that there was any police misconduct during this crisis. The Commission finds that the police department as a whole, and officers individually, showed great restraint despite the fact that they were overwhelmed by the unfolding events. When they finally reached staffing levels determined necessary for deployment to disperse the crowds, the officers used tactics in which they had been trained and which were effective and relatively uneventful. The Commission notes that once properly staffed law enforcement officials were able to effectively restore order to Belmar.

Two hours had elapsed from the time the department issued the formal call for mutual aid until there was sufficient police strength. It took another two hours to bring the situation under control. Given the number of small police departments that were required to assist, it was clear that it would take considerable time for sufficient help to arrive and be organized. The Commission believes that had the call for mutual aid been made at 1:00 p.m., when isolated incidents were just beginning, the appropriate level of mutual aid could have been assembled by about 3:00 p.m. With more officers present to deal with isolated incidents, the police may have been able to prevent the escalation of events and taken control of the situation earlier. This would likely have prevented much of the damage and injuries that occurred.

The Commission's determination that mutual aid should have been requested earlier is not made to criticize Belmar officials. However, the Commission feels that the events of June 14 in Belmar can serve as an illustration for others who might be in a situation necessitating a call for assistance. Through adequate planning and in-place arrangements for mutual aid, other law enforcement officials in the future should not feel constrained to call for assistance when needed, and should, in fact, be encouraged to do so.

The Commission is fully aware that in the past Belmar has been subjected to criticism by community and civil rights leaders for over-policing situations where large numbers of minorities have visited the borough for recreation. Coupled with this historical burden,



Belmar officials were confronted with questions about who would pay for emergency assistance. The Commission wishes to emphasize that while these concerns were genuine, matters of public safety must always preempt such considerations.

Failure to act promptly and aggressively in situations like this reinforces what we fear may be a growing feeling that one can freely engage in lawless behavior in a civil disorder situation without fear of apprehension. That feeling must be immediately reversed. Even with proper planning, crowd disorders at such events can occur quickly and spontaneously and are not always avoidable.<sup>34</sup> The police, however, must respond immediately and appropriately following an outbreak of disorder:

If an incident develops, and a crowd begins to threaten lawlessness and acts of violence, the police must act promptly and with sufficient display of force to make clear their intent and capacity to suppress disorder and insure the public safety.<sup>35</sup>

In the early stages of a disorder, law enforcement must immediately arrest all lawbreakers while at the same time engaging in attempts to peacefully diffuse the situation. Although the Commission recognizes that these two courses of action are difficult to pursue at the outset of unrest, public safety and the enforcement of law must always be of paramount importance. As already stated, the Commission believes that a larger police presence was required in Belmar to properly manage the events of June 13 and 14. A larger contingent of police officers would have been more effective for overall crowd and traffic control. It would have increased the ability of the police to take prompt action and to arrest, when warranted, those in the crowd who were violating the law. Once collective violence erupted, mutual aid should have been immediately requested. This prompt and effective response to violations of law and small outbreaks of disorder would have enhanced the ability of the police to maintain overall public safety, and at the same time continue to provide routine police services throughout the borough.

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<sup>34</sup> Thomas J. Callahan and Richard L. Knoblauch, Prevention and Control of Collective Violence. Volume I, Washington, D.C.: U.S. Department of Justice, 1973.

<sup>35</sup> National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders, U.S. Government Printing Office, Washington, D.C., 1968.

### **CHAPTER THREE**

## **CURRENT LAW APPLICABLE TO THE CONTROL OF MASS GATHERINGS AND CIVIL DISTURBANCES**

In carrying out its mandate, the Commission reviewed the existing legal framework which is applicable to the regulation of special events and the control of civil disturbances.

### **Law Applicable to the Scheduling of Mass Gatherings**

Through State statute, New Jersey has made an attempt to regulate the scheduling of mass gatherings. On the local level, many municipalities have enacted ordinances which, in varying degrees, impose requirements which must be satisfied before an event can be held in their community. These two types of regulations on mass gatherings are examined below.

#### **State Law**

New Jersey has a little known statute, hereinafter referred to as the "Mass Gatherings Act" or the "Act," which governs mass gatherings of persons for the purposes of musical or public entertainment. N.J.S.A. 5:11-1, et seq. The statute, enacted in 1971, was apparently passed in response to the Woodstock concert held in New York in 1969. It requires that a permit be obtained from a review board for any mass gathering which may reasonably be anticipated to attract 3,000 or more people and which continues for more than 18 consecutive hours, excluding those hours between 1:00 a.m. and 7:00 a.m.

The review board, known as the Mass Gathering Review Board ("the Board"), which is established in the State Department of Health and consists of the Commissioner of the Department of Health (chairperson), the Attorney General, the Commissioner of the Department of Environmental Protection and Energy, the Chancellor of Higher Education, and the chief executive officer of the New Jersey State League of Municipalities, the New Jersey Conference of Mayors and the New Jersey State Association of Chosen Freeholders, or their respective designees. The Board membership also includes two student representatives who are to be appointed by the Governor.

By majority vote, the Board may only issue such permits if it is satisfied that such

gatherings do not endanger the health, safety and welfare of the participants and the citizens in surrounding communities. N.J.S.A. 5:11-9. Persons seeking a permit under the Act must file an application, with a \$1,000.00 filing fee, at least 15 days before the first day of advertising and at least 30 days before the first day of the event. Fifteen days before submitting the application to the Board, the applicant must submit a copy of the application to the municipal governing body in which the event is being held. The municipality has fifteen days to prepare a statement of recommendation or a detailed summary of objections to the proposed application.

The application to the Board for a permit requests specific information about the event including:

1. Name, address and financial statement of all entities involved in the event;
2. A statement by municipal, county and State police and highway authority that reasonable access to public highways is available;
3. A statement of the purposes of the event and a program of events scheduled;
4. A statement from the municipality where the event is being held setting forth its support or opposition to the event;
5. A statement of number of persons expected to attend and the duration of such attendance;
6. Specific details of all provisions (including those in written agreements) relating to such issues as food, sanitary facilities, parking, traffic flow, and trash removal;
7. The specific details of security for the event and surrounding areas, including specific reference to the number of officers on duty;
8. A plan for fire protection and prevention approved the state fire marshal, the state fire warden and the municipality;
9. Certified copy of the bond to cover the financial obligations of the sponsor of the event and a copy of an insurance policy covering any liability which may arise as a result of injury to persons or property; and
10. Examples of proposed advertising of the event.

[N.J.S.A. 5:11-6; N.J.A.C. 8:10-1.2]

The Act also requires that a diagram of the proposed site of the event be submitted with the application showing the location of all roads, stages and facilities (e.g. sanitary and medical facilities, distribution of security personnel). This diagram must also address all potential traffic problems and outline plans for parking. N.J.S.A. 5:11-6(B); N.J.A.C. 8:10-1.3.

After reviewing the application for a permit, including the position of the municipality where the event is being held, and after considering the facts and circumstances relating to the premises, the Board may issue a permit if it concludes that the event has adequately considered the health, safety and welfare of the participants and the citizens in surrounding communities. N.J.S.A. 5:11-7 and 9. The Board, however, is specifically granted the power to impose any reasonable terms and conditions upon the applicant to ensure the health, safety and welfare of the participants and the citizens in the surrounding communities. N.J.S.A. 5:11-10.

Finally, the statute states that it is "...intended to provide the exclusive means of applying for and receiving permission to conduct a mass gathering ..." in New Jersey. N.J.S.A. 5:11-12. If a person fails to obtain a permit, or fails to comply with the terms and conditions of the permit or a directive of the Board, that person is subject to prosecution as a disorderly person. N.J.S.A. 5:11-13. In addition, if any provision of the Act is violated, the Board, the Attorney General, or the municipality where the event is to be held may institute a civil action for injunctive relief. N.J.S.A. 5:11-14.

#### **A Critical Review of the Mass Gatherings Act**

The Commission believes that the structure of the Mass Gatherings Act represents a fairly thorough attempt by the Legislature to compel those parties involved in the promotion and planning of a special event to consider all details necessary to protect the health and safety of the attendees and those persons who reside in the host and surrounding communities.

There are, however, several significant flaws in the Act which have thwarted its purpose and the Commission believes must be addressed. First, the language of the Act severely limits its applicability. Few, if any, events fall within its purview, since the Act does not apply to an



event unless it continues for more than eighteen consecutive hours. Such a requirement not only excludes virtually all special events from the jurisdiction of the Act, but it could also provide an event organizer with a huge "loophole" to avoid the Act's requirements. In fact, in its current form, MTV would not have had to comply with the Act because of the eighteen consecutive hour requirement.<sup>36</sup>

Second, the Commission believes that the membership of the Board should be reexamined. When enacted, the statute focused primarily on health issues and consistent with that consideration, the Chairman of the Board is the Commissioner of Health. While health issues (e.g., sanitary facilities) are important, the Commission believes that safety issues (e.g., police and fire) should be the paramount concern of the Board. As a result, if the Board remains at the State level, consideration should be given to transferring the chair of the Board to the Attorney General and the Department of Law and Public Safety and to increasing the representation of State and county police and fire officials on the Board.

Third, in their current form, the regulations enacted by the Board focus extensively on health issues. These regulations should be reviewed and more emphasis must be placed on traffic and crowd control issues. Health issues, such as toilet facilities and drinking water, are more important in events of longer duration, such as those envisioned in the current statute. However, in events of any duration, public safety is always a critical factor. Given this, there should be a more balanced approach to ensure that all facets of sponsoring a special event are covered in any regulations.

As an alternative, it may be wise to explore eliminating the State level Board and replacing it with a board in each county. A county board may be more responsive to local needs and will be more aware of the availability of those resources (e.g., police, fire, medical) which are necessary to properly plan any large scale public event. In addition, a county board would be more able than a State level Board to consider the financial impact of holding the

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<sup>36</sup> There is no official record which indicates that the Board has ever convened to consider an application for a permit. The Commission believes that this inactivity by the Board is due to the fact that no events continue for eighteen consecutive hours and therefore the requirements of the Act are not triggered.



special event.

### **Municipal Ordinances & Regulations**

On the local level, municipalities regulate special events through various regulatory procedures. Some procedures are informal and do not require detailed information. In one New Jersey shore community, special events are regulated by an application process. The promoter of the event is required to fill out an application for a permit and the application is submitted to the governing body for approval. The application is only two pages and does not require that specific information about safety issues (*i.e.*, police, fire) be provided. In addition, there is no requirement that other municipal officials be consulted during the process.

In another New Jersey shore community, the governing body regulates events through the issuance of a license to use a certain portion of the beach. The promoter of the event must submit a proposal to the governing body for approval. While the proposal process in this municipality requires specific information on safety issues and on the expertise and experience of the promoter, it does not formally require that all municipal agencies be consulted during the approval process.

There are numerous models for the municipal regulation of special events by ordinance. One such example comes from Ventura, California. Under the Ventura ordinance, a special event is defined as:

Any activity that is out of the norm for activities typically occurring in the area where the event is proposed to take place or an activity that places an additional demand on city-provided services (e.g., 10k runs, marathons, food fairs, concerts, etc.).<sup>37</sup>

The Ventura city clerk is charged with overseeing the application for and issuance of a special event permit. The permit application provides the city with the important information it needs to plan properly for the event. The application includes specific information such as:

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<sup>37</sup> Randy G. Adams, "Special Event Planning," Police Chief, July, 1985, pp. 50-53.

1. Full identity of the promoter(s) responsible for event
2. Number of police and other municipal personnel needed for the event, as estimated by the promoter
3. Location of event and the route it will follow
4. Streets that will be affected at specific times
5. Traffic control devices/barricades needed
6. Non-police security personnel to be used by promoter
7. Provisions for first aid
8. Advance briefings of rules for the event
9. Procedure for alcoholic beverages, if applicable
10. Toilet facilities
11. Responsibility for clean up by the promoter
12. Advance notification of affected business
13. Insurance coverage
14. Payment to city for services by promoter

The Ventura ordinance represents a comprehensive special event permit scheme designed to collect important information from the sponsor, which is then used by all city agencies to plan for the event.

The City of Dallas, Texas has a similar ordinance except that the chief of police is responsible for the issuance of the special event permit. Not surprisingly, the Dallas ordinance also places a heavy emphasis on crowd security and traffic control issues. Although the final decision rests with the chief of police (subject to appeal to a municipal board), the ordinance requires that the permit application be disseminated to the departments of fire, health and human services, housing, public works, sanitation and transportation, and to the Dallas transit system for review and comment before a permit is granted or denied.

The Commission believes that comprehensive special events ordinances like those adopted in other jurisdictions can be very helpful in ensuring that appropriate municipal officials receive and consider all relevant information that will allow them to develop plans for the public safety.

### **Law Applicable to the Handling of Civil Disturbances**

The laws applicable to the handling of civil disturbances are a patchwork of statutes located in various sections of New Jersey's law. These statutes, which have been supplemented by manuals prepared by various State agencies, are reviewed below.

#### **Obligation of the Municipality**

Responsibility for the control of a civil disturbance rests in the first instance with the local governing body. Specifically, N.J.S.A. 40:48-1(6) lists among the responsibilities of a municipality the duty "to preserve the public peace and order; to prevent and quell riots, disturbances and disorderly assemblages..." This responsibility, of course, presupposes that the affected municipality has the law enforcement capability needed to maintain law and order. If a civil disturbance arises where the municipality is incapable of maintaining or restoring law and order within its jurisdiction, a municipality may seek the assistance of other municipal, county or State law enforcement agencies to control the situation.

#### **Mutual Aid Statutes**

A request for assistance from another municipality, commonly referred to as "mutual aid," is governed by two statutes. The first statute, N.J.S.A. 40A:14-156, empowers the head of a municipal police force, or the chief executive officer of a municipality, to request police assistance from another municipality if necessary "to protect life and property or to assist in suppressing a riot or disorder." The statute provides that **all contiguous municipalities**, upon receipt of such a request for aid, are required to "provide such personnel and equipment as requested to the extent possible without endangering person or property

**within the municipality rendering such assistance."**<sup>38</sup> (Emphasis added)

The mutual aid statute also expressly provides: (1) that any municipal personnel providing assistance to another municipality pursuant to a request for mutual aid shall have the same "powers and authority" as if they were a member of the requesting municipality; (2) a nominal measure of reimbursement for the assistance;<sup>39</sup> and (3) treats the responding force, for the purpose of determining benefits, as operating within its own jurisdiction. The statute does not place any limitations, geographic or otherwise, on those municipalities from which assistance can be requested. Only contiguous municipalities, however, are obligated to respond, and even these municipalities are required to do so only to the extent that the response does not endanger their own municipality.

The mutual aid agreement statute, N.J.S.A. 40A:14-156.1, et seq., supplements §156 by authorizing municipalities to enter into written mutual aid agreements. This statute allows municipalities to address in advance the specific terms of mutual aid coverage, including those relating to the circumstances when assistance may be requested and the responsibility for funding mutual aid when it occurs. By entering into such agreements, a municipality can ensure that public safety personnel and equipment from other jurisdictions are available to provide assistance in all situations.

#### **State Police Assistance**

Pursuant to N.J.S.A. 53:2-1, a municipality may request assistance from the State Police to aid in the control of a civil disturbance. This statute provides that the State Police may "[c]ooperate with any...local authority...in detecting crime, apprehending criminals and preserving law and order; but the State Police shall not be used as a posse in any municipality

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<sup>38</sup> N.J.S.A. 40A:14-146.14C. Since Belmar is a seasonal town which employs special police officials, it should be noted that special law enforcement officers may assist another municipality pursuant to a mutual aid agreement.

<sup>39</sup> A police department which sends officers and vehicles to another municipality in response to a request for mutual aid is entitled by statute to receive \$3.00 for each member and \$5.00 for each vehicle for each hour supplied unless terms and conditions for payment are otherwise provided for in an agreement between the several municipalities. N.J.S.A. 40A:14-156.



except upon order of the Governor when requested by the governing body of such municipality."

This statute has been interpreted to mean that the State Police can respond, subject to command discretion, to requests from a municipality for limited assistance in emergency situations. Thus, a municipality may request limited State Police assistance without requesting that the Governor declare a state of emergency. It is unclear, however, what level of State Police assistance can be used within a municipality to assist with crowd control during an event without the approval of the Governor and whether such assistance can be requested in non-emergency situations.

#### **Disaster Control Act**

The Disaster Control Act, N.J.S.A. App. A:9-33 et seq., was enacted to define the authority and responsibility of all governmental agencies in the event of a disaster. As part of the Disaster Control Act, the Office of Emergency Management ("OEM") in the Division of State Police has the responsibility to formulate rules to guide municipalities, counties and the State, and their respective agencies, in the event of a disaster.

Under the Disaster Control Act, an emergency management coordinator is to be appointed for every municipality and for every county. N.J.S.A. App. A:9-40.1 and 40.2. Pursuant to N.J.S.A. App. A:9-40.5, if "a disaster has occurred or is imminent in any municipality," the municipal emergency management coordinator can proclaim a state of local disaster emergency within the municipality. Once a municipality declares a state of local disaster emergency, the emergency management system set forth under the Disaster Control Act becomes legally operative and the municipal emergency management coordinator must alert the county emergency management coordinator and the State Director of the Office of Emergency Management.

The declaration of a state of local disaster emergency confers upon the municipality the authority to exercise certain important ancillary powers through the issuance of an emergency proclamation. Once such a proclamation is issued, a municipality may impose a curfew, close streets and businesses or restrict the sale of gasoline. N.J.S.A. App. A:9-40.5.



To assist municipal officials in understanding the legal and practical elements of handling civil disorders, beginning in 1990 the State Police, in conjunction with Monmouth County officials, conducted numerous training seminars for law enforcement and emergency management personnel. These seminars reviewed the various responses available to a municipality during a civil disturbance and addressed such issues as the psychology of disorders and crowd dynamics, mass arrest procedures and other crowd control techniques.<sup>40</sup>

The State Police, through its Office of Emergency Management, also prepared and distributed a manual to all governmental entities which addresses issues related to civil disorder situations. This manual, entitled Civil Disorders. The Role of Local, County and State Government,<sup>41</sup> identifies four general stages of a civil disturbance, reviews the various responses available to a municipality and outlines the respective roles of the county prosecutor, the county emergency management coordinator, the county sheriff and the State Police in such situations. In addition, the Civil Disorder Manual indicates that the State Police should be notified and directed to send two observers in the event the disorder escalates to a stage which requires State Police assistance.

In conformity with the Disaster Control Act, N.J.S.A. App. A:9-43.2, the Belmar Police Department prepared its own Standard Operations Plan for Public Demonstrations and Civil Disorders ("Belmar SOP") in January 1990. The first section addresses such topics as operations and control, responsibilities, continuity of government and administration and logistics. It identifies Ocean Avenue and the beach front as a "key area" where a civil disturbance could occur. With respect to mutual aid in the event of a civil disturbance, the Belmar SOP provides that mutual aid assistance will be requested from Wall Township, South Belmar, Avon, Spring Lake and the New Jersey State Police. The Belmar SOP also notes that

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<sup>40</sup> A more detailed review of the training received by Belmar's law enforcement and emergency management personnel is set forth in Appendix A.

<sup>41</sup> Division of New Jersey State Police, Civil Disorders. The Role of Local, County and State Governments, Division of New Jersey State Police, Trenton, N.J., 1991.

This title shall hereinafter be called the "Civil Disorders Manual."

these agreements are verbal.

The second section of the Belmar SOP sets forth detailed procedures to be followed in the event of a civil disorder. Specifically, the Belmar SOP provides that, in the early stages of a civil disturbance, (1) the emergency management coordinator should issue a proclamation declaring a state of emergency; (2) the county prosecutor should be notified of the situation; and (3) the State Police should be contacted to dispatch observers to the scene of the unrest.

If a civil disorder appears to be beyond the capability of local authorities and assisting county and State Police personnel, the municipal emergency management coordinator, the county emergency management coordinator, or the county prosecutor may request the Governor to declare a state of emergency pursuant to the Disaster Control Act. N.J.S.A. App. A:9-33, et seq. If the Governor proclaims a state of emergency, at his election, he may, at his discretion, assume control of all emergency management operations, issue any regulations necessary to take control of the situation, and request the assistance of the National Guard. N.J.S.A. App. A:9-51.

### **A Critical Review of the Current Statutory Scheme Governing Civil Disorders**

The statutes reviewed above were designed to overlap so that the affected governmental entity, usually a municipality, can escalate its request for assistance in a deliberate fashion. The Commission believes, however, that the existing statutory scheme is confusing. For example, there exists widespread confusion as to when a municipality may request mutual aid from other jurisdictions. The common perception, shared by Belmar and many other municipalities, is that mutual aid may be requested only in circumstances in which the local police are unable to handle the situation. This common misconception, which is shared by requesting and assisting municipalities alike, undermines one of the most critical goals of the mutual aid statute; to allow a local governing body to obtain mutual aid assistance before the situation gets out of control.

The language of the mutual aid statute may have contributed to this misconception. The first sentence of the statute states that "In the event of an emergency..." assistance may be sought from other municipalities. Belmar officials reported to the Commission that it was

their understanding that "emergency" means a situation where local police have lost control and mutual aid assistance is necessary to restore order.

While the Commission has been made aware of Belmar's understanding of what constitutes an emergency for purposes of mutual aid, it must point out that emergency is defined as "any unusual incident resulting from natural or unnatural causes which endangers the health, safety or resources of the residents of one or more municipalities...and which is **or may become** too large in scope...to be handled in its entirety by regular municipal operating services." (Emphasis added) N.J.S.A. App. A-9-33.1. Thus, any situation which has not yet, but may, become too large in scope to be handled by a municipality is an emergency which may justify a request for mutual aid.

We also note that the mutual aid agreement statute, N.J.S.A. 40A:14-156.1, expressly authorizes municipalities to enter into agreements with other jurisdictions for assistance under any circumstances. Therefore, if a municipality entered into an agreement with surrounding communities for the provision of additional personnel and resources prior to the special event, such assistance could be requested by the municipality before an emergency occurred.

The patchwork scheme of statutes has also contributed to the mindset of many municipal officials that mutual aid can only be requested if the situation is out of control. At least three separate statutes, Mutual Aid, State Police assistance and the Disaster Control Act, involving three levels of government are implicated when a civil disorder occurs. These statutes have created a complicated and frequently overlapping system which is difficult to apply in an emergency situation. While these statutes may be internally consistent from a purely technical standpoint, the Commission believes that it would be very difficult for a municipal official faced with an impending emergency to understand the intricacies necessary to employ assistance from other municipal and county and State agencies effectively.

For example, the statute governing requests for State Police assistance is unclear about that agency's role during a civil disturbance. Short of a situation where an order is issued by the Governor, the statute is vague as to the extent of State Police assistance that can be requested by a municipality, and to what extent State Police personnel have an obligation to

respond. Similarly, the relationship between the mutual aid statutes and the Disaster Control Act is also unclear, particularly with respect to the authority of the county emergency management coordinator in emergency situations. See N.J.S.A. 40A:156.4.

Finally, the mutual aid statute does not adequately address certain economic issues faced by requesting and assisting municipalities. With respect to requesting municipalities, the mutual aid statute does not address who bears the financial burden for public safety personnel and resources received from other jurisdictions in an emergency. This omission may cause a municipality, in the very early stages of a disturbance, to delay in requesting mutual aid for economic reasons. As to assisting municipalities, the current statutory scheme provides only nominal reimbursement when they respond to a request for mutual aid assistance. Under certain circumstances (i.e., when a situation is not yet out control), this inadequate level of reimbursement may cause a jurisdiction to hesitate in committing its law enforcement resources to the requesting municipality.

In conclusion, the Commission believes that the mutual aid statutes should be carefully reviewed and amended to provide a statutory scheme which clearly allows assistance to be requested prior to the development of an emergency situation. As part of this analysis, the issue of reimbursement and its effect on the actions of requesting and assisting municipalities should be carefully considered. Of equal importance, the Commission believes that the various statutes which are implicated during a municipal emergency should be reviewed as a whole and amended to provide a clear and simple procedure for handling such emergencies. In this respect, consideration should be given to having each level of response set forth in one statutory section.



## **CHAPTER FOUR**

### **THE FUTURE - THE COMMISSION'S RECOMMENDATIONS**

Following the urban riots of the 1960's, local governments adopted plans for handling civil disorders stressing the need to restore law and order quickly and effectively. These plans are necessary and important, but they place the emphasis on reacting to disorder situations after they begin. The Commission recommends that additional emphasis should be on proper planning and preparedness to reduce the potential for the occurrence of civil disorders. Many civil disorders are spontaneous and require reactive police involvement, such as the Los Angeles riots following the Rodney King verdict. However, the origin of other civil disorders can be traced to the gathering of people for a planned event where the crowd becomes unruly for any of a variety of reasons. Consequently, when public officials know in advance that a large number of people are gathering, the focus should be on planning to prevent disorder. It must be stressed that proactive planning for the orderly handling of special events, and reactive planning for any possible disorders, are complementary objectives. The two approaches are inseparable parts of one whole, and must always be considered as such.

In some situations, even careful planning cannot prevent a civil disturbance. Disruptive and lawless behavior can be triggered by a complex combination of events or unanticipated factors. Therefore, it is important that government officials, particularly those in law enforcement, be prepared to take those actions necessary to restore order quickly. To balance the rights of law abiding citizens with the need to quell unlawful acts effectively, it is important that existing laws provide a mechanism to accomplish both goals.

#### **Pre-event Planning and Preparation**

The Commission believes that thorough and realistic planning for events such as those that occurred in Belmar on June 13 and 14, 1992, is critical to maintaining control over potential disorder situations. All municipalities that consider conducting large scale special events in the future must carefully evaluate the impact on the entire community and must be prepared to handle any emergency situation which might arise from such events.



There was testimony throughout the public hearings regarding the need for municipalities to consider enacting special event ordinances. The Commission recognizes that there are many local issues associated with this proposal that warrant consideration. Some jurisdictions that mandate a special event permit find that it allows police to prepare for the event earlier in the process. Such a process in Belmar may have provided clearer lines of communication between the borough and the promoters in estimating the number of attendees. An ordinance mandating a special events permit should establish formal mechanisms to obtain input from municipal officials and residents prior to such public events.

The Commission also recognizes that an ordinance mandating special event permits is not appropriate for every municipality. Accordingly, the Commission makes the following recommendation:

**Municipalities which regularly hold special events should enact ordinances requiring the issuance of a special event permit before an event may be held and specifying that no permit will issue unless all public safety requirements are met. Such an ordinance should require that the event sponsors submit detailed information about the event for review by appropriate municipal officials before a permit is issued.**

The Commission recommends that the ordinance for special event permits contain certain specific requirements, such as those contained in the Dallas, Texas and Ventura, California, ordinances.

All affected municipal agencies should review and comment on the permit application. Each agency can recommend or reject the application for cause, suggest revisions to it to make it acceptable, or recommend approval as submitted. In response to the permit, the police department should prepare an operational plan for the special event.

Since each special event is unique (i.e., nature of event, size and type of crowd), it is important that written plans be prepared for each special event. By imposing this requirement, those involved with the special event will be forced to focus on the particular needs and concerns presented by that event. In addition, this requirement would provide a procedure that would allow all necessary municipal agencies to participate in the planning

process for each event. A major component of the realistic planning for these special events is the need to have sufficient officers present to maintain public safety and deal with violations of law. Accordingly, the Commission makes the following recommendation:

**A comprehensive written plan which addresses issues such as security, traffic control, medical services and emergency assistance should be prepared by the law enforcement agency in the jurisdiction that is hosting a special event. These plans, which should be prepared in collaboration with event sponsors and with other involved government agencies, should provide for sufficient law enforcement personnel at the event and for emergency backup to ensure public safety and to immediately and effectively respond to any lawless behavior that may take place. The sponsor's acceptance of this plan and, optionally, their agreement to fund it, should be a precedent to issuance of a permit and should be stated as such in the ordinance.**

The following areas must be addressed in the appropriate document in order for event planning to be effective:

1. **Staffing.** Accurate estimation of crowd size and planning for adequate police coverage is essential to effective crowd control. In determining police staffing, municipalities must take into account the size and characteristics of the expected attendees, the nature of the event, the location of the event and the normal demands on police service during the time the event will be running. Once an adequate staffing level is determined, police officers should be scheduled from the local police agency first, and if necessary additional personnel should be obtained from other local, county and state agencies.
2. **Training.** Training of officers for special events is a two-fold process. First, officers must be trained in the basics of crowd psychology and control, and be made aware of existing civil disorder and incident command procedures. Second, orientation must take place for each event to review the specific needs, procedures and strategies for policing that particular event.
3. **Equipment.** Inherent in mutual aid agreements should be provisions for providing basic equipment, such as protective gear and vehicles. The decisions on communications equipment and frequencies, uniforms to be worn in crowd control situations and assembly points should be addressed in advance by the parties to the mutual aid agreements, and possibly on a countywide basis if appropriate.

4. **Legal issues.** Mutual aid agreements should address such broad issues as police powers, immunity and pension/disability benefits. On an event by event basis, there must be provisions for legal issues such as detention and processing of mass arrests, and on-duty prosecutors and judges.
5. **Funding.** Responsibility for funding should be established as part of any special event plan or mutual aid agreement. For each event, the party responsible for funding, whether the municipality or the promoter, should be prepared to expend whatever amount is necessary to adequately provide for public order and safety.
6. **Mobilization.** A standing S.O.P. on civil disorders and specific special event plans should contain details on mobilization of police personnel, both for those officers scheduled to work the event and those who may be called upon in a crisis. Included should be call-up procedures, staging areas and equipment requirements.
7. **Command and control.** Once mobilized, the chain of command for the event must be perfectly clear. This is especially important when using officers from several different municipalities. Each special event plan must clearly identify the individual with overall command for public safety in the municipality, the police commander, the operation commander for the event, and any other officers with specific command responsibilities, such as patrol, tactical unit or press liaison. In addition, each officer must be clear as to his or her specific assignment and responsibilities.
8. **Tactical planning.** Special event plans should contain specific tactical plans for maintaining public safety at the event and enforcing the law promptly and efficiently. This includes assigning posts, discussing tactics and visibility, and establishing backup procedures. Effective control and dispersal techniques must be planned for and implemented if disorders escalate. Tactical planning must include a variety of strategies that can be utilized in the event that there is civil disorder at a special event despite the preventive planning.

This list is by no means exhaustive. Every special event, and the needs of the host community, present a particular set of circumstances which need to be addressed individually in the planning process for each such event.

### **Recommended Changes to Existing Laws and Practices**

It is clear that the current statutory scheme for handling civil disturbances is confusing and potentially misleading. Therefore, the Commission recommends:

**The Attorney General, in consultation with State and local law enforcement officers, should review the laws relating to mass gatherings and civil disorders, and should recommend revisions to clearly define the roles, responsibilities and obligations of all governmental entities. Special public or private funding sources should be statutorily identified to pay for extraordinary police services required by special events or the handling of civil disorders.**

Throughout this report the Commission has emphasized the critical importance of pre-event coordination among all parties and the preparation of a comprehensive written plan that addresses all health and safety concerns, and which makes provisions for additional assistance in emergency situations. Although flawed in its current form, the Mass Gatherings Review Act provides an excellent blueprint upon which a pre-event planning procedure can be established.<sup>42</sup> Such a procedure, whether implemented at the State or county level, will ensure that sufficient personnel (police, fire, medical) are assigned to each special event.

The central importance of staffing as an element of proper planning is inseparable from the issue of mutual aid. It is obvious to the Commission that Belmar operated on the premise that mutual aid under the existing state statute should be used only when a situation is "out of control." As a result, Belmar planned for the MTV Sports Festival based on its own limited personnel resources, with minimal assistance from the Monmouth County Sheriff's Department. It has since become clear that an inadequate number of police were assigned for the June 13 and 14 events.

The Commission also believes that this misunderstanding of the statute contributed to

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<sup>42</sup> The Commission also notes that another statute, the Buildings, Places and Structures for Public Amusement Act, N.J.S.A. 5:3-1, et seq., also addresses public safety concerns where mass gatherings are held. While this statute focusses on fire safety issues in public buildings, it should also be reviewed by those persons charged with the responsibility to examine the statutes and regulations that relate to mass gatherings and the handling of civil disturbances.



the municipality's delay in calling for assistance from other jurisdictions. While the Commission has determined that a municipality can make arrangements for the provision of mutual aid in a non-emergency situation, it recognizes that the common understanding, as interpreted by Belmar and throughout the state, is that mutual aid is to be used only in situations in which the local police have lost control. This interpretation is incorrect and must be clarified.<sup>43</sup>

In addition, the Commission suggests that the scope of existing mutual aid agreements is unduly narrow. Mutual aid agreements have usually been established within county boundaries among contiguous municipalities. This may be appropriate for some counties and police departments, but not for many counties, like Monmouth County, which are characterized by a number of small to medium sized police departments.

As reported to the Commission, Belmar's existing verbal mutual aid agreement encompassed a total of only 104 municipal police officers, all from Monmouth County. This includes all ranks, chief to patrol officer, and does not take into account those officers on leave or unavailable to respond. The Commission has found that Belmar needed considerably more police officers present than the forty it had on duty. The existing mutual aid agreement probably could not have provided the required number of police officers to properly control a special event of this magnitude. The current Belmar agreement also makes no allowances for the smaller police departments who may not be able to respond without leaving their municipality with little or no police presence. Since disorder is not limited by municipal boundaries, an agreement which draws only on small neighboring police departments could be especially ominous to the sending municipalities. A scenario could easily be envisioned in which an unruly crowd is pushed from one location by police presence strengthened by

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<sup>43</sup> Several State Legislators have introduced a bill which attempts to clarify the existing misconception held by many municipal officials as to when mutual aid may be requested. See Assembly Bill No. 1519. This bill would amend the mutual aid statute to expressly provide that assistance may be requested in non-emergency situations. While the Commission commends the effort by our legislators, it believes that the proposed legislation should not be acted upon until the Attorney General and other appropriate law enforcement officials have reviewed all those statutes governing emergency response so that comprehensive revisions can be undertaken.

mutual aid, only to move into another location left unprotected by that same mutual aid.

Recognizing that many emergencies may require assistance from a large number of municipalities and the potential risk in limiting a request for assistance from contiguous municipalities, the Commission makes the following recommendation:

**Municipalities in a given county or region should enter into written mutual aid agreements which provide for additional police protection and services when unusual conditions or special events require levels of police presence that are beyond the capacity of a single municipality. These agreements should address issues of public and private funding, equipment, assistance from County and State agencies and should include procedures to allow municipalities to obtain additional police assistance before emergencies occur.**

These agreements should not be arbitrarily bound by county or municipal boundaries. Instead, mutual aid agreements should be developed to respond to practical needs of the agencies reaching these agreements. A larger pool of officers would allow a municipality to request officers in anticipation of an event without placing an excessive strain on the sending agencies. This, of course, requires prior agreement on financial issues and other concerns that must be addressed by written mutual aid agreements.

Where appropriate, county and state law enforcement agencies should be party to these agreements. This is especially true of special services which may already be offered on a countywide basis, such as Tactical and K-9 units. The Law Enforcement Study Commission called for the establishment of law enforcement service review boards in each county.<sup>44</sup> These review boards are charged with examining all law enforcement services in each county and developing plans for the efficient delivery of these services. It is appropriate that these review boards address the issues of mutual aid, the role and responsibility of the county sheriff's office, and civil disorder response.

The development of written agreements is essential to the smooth and effective use of mutual aid. As with labor issues, the day of verbal agreements and understandings is past.

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<sup>44</sup> New Jersey Law Enforcement Study Commission Report, March 1992, p. 6.

The issues are too complex and important to rely on "Gentlemen's Agreements." Mutual aid procedures must be discussed, negotiated if necessary, agreed upon, and reduced to writing. Mutual aid agreements should contemplate and encompass the need for mutual police assistance concerning the full spectrum of possible situations, including individual "backup" incidents, special event staffing and emergency response in full scale civil disorders or disasters. These agreements should also attempt to address the issues of remuneration to be paid for personnel and equipment.

Planning is critical in all law enforcement activities, and even more so with respect to the policing of large public events. Proper preparation for such events and the potential for disorder, no matter how unlikely the possibility, is essential to maintaining law and order. The Commission recognizes the difficult task the municipality has in striking a balance in providing for public safety, managing limited resources, and avoiding "over policing" of an event. However, in any large scale public event, the municipality must be willing and able to provide sufficient resources to maintain public safety as a prerequisite to holding any such event.

## **APPENDIX A**

### **MONMOUTH COUNTY CIVIL DISORDER TRAINING**

The Commission examined the extent and type of civil disorder training received by law enforcement officers in Monmouth County. Individuals from various Monmouth County law enforcement agencies, including personnel in Belmar's police department, have received detailed training in the handling of large crowds and civil disturbance situations. Beginning in 1990 and continuing through 1992, contingency planning for civil disorders has been the subject of training by State Police and Monmouth County officials. In October 1990 two seminars on civil disturbance training were held at the Monmouth County Police Academy. The two-day seminars addressed such issues as community relations, mass arrest and detention procedures, the psychology of disorders and crowd dynamics, and civil disturbance formations. Chief Allen and Captain Lynch attended one two-day seminar and two other officers from the Belmar Police Department attended the second two-day seminar.

In May 1991, the Monmouth County Prosecutor sent a copy of the revised State of New Jersey "Civil Disorders Manual" along with a prototype standard operating plan for the handling of civil disorders, to every police chief in Monmouth County. The manual was prepared by State officials to assist local officials in understanding the legal and practical issues involved in the handling of civil disturbances. This manual reviews the various responses available to a municipality during a civil disturbance and outlines the respective roles of municipal, county and State officials in such situations.

On May 23, 1991, an incident command system seminar was offered to persons of command rank concerning emergency response and the role of local, county and state governments in civil disorders. The one-day seminar was developed to expose executive decision makers to the implementation of the procedures to follow in the event of a critical incident, including civil disorder. Chief Allen and Captain Lynch attended this seminar along with Belmar's emergency management coordinators.

A three-day Incident Command-Civil Disorder course, conducted by the State Police and Monmouth County officials, was held from June 24 through June 26, 1991 to officers not



of command rank. This seminar addressed all issues relating to civil disorders and emergency situations. In addition, it provided instructions to the participants on how to train other officers in their own police departments. Lieutenant Winters and Sergeant Hill from the Belmar Police Department attended this seminar.

The State Police and Monmouth County also conducted another one-day seminar on handling civil disorders in May 1992. This seminar addressed such issues as the psychology of disorders, laws governing disorders, and crowd control techniques. Eight officers from the Belmar Police Department attended this seminar.

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