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THE ROLE OF THE POLICE IN RIOTOUS DEMONSTRATIONS

*Howard R. Leary**

Introduction

Organized society has long recognized and employed riotous activity of one sort or another as a means of protest. Very early in our history, even before the Declaration of Independence had been drafted, organized protest to civil authority was exercised in the events surrounding the Boston Massacre and the Boston Tea Party. It is unnecessary to trace instance by instance the occurrence of riotous activity in the history of our republic. It suffices to say that our democratic form of government recognizes and protects the right of organized protest within the bounds of perception and forbearance. The rights to lawful assembly and freedom of speech are fundamental rights guaranteed by the United States Constitution.

Specifically, the first amendment to the Constitution of the United States provides: "Congress shall make no law . . . abridging the freedom of speech or of the press: or the right of the people peaceably to assemble and to petition the Government for a redress of grievance." Freedom of speech and of assembly also are among those fundamental rights and liberties protected by the due process clause of the fourteenth amendment. Organized protest, therefore, is a part of our very heritage. However, organized protest becomes riotous activity when perception and forbearance give way to manipulation and untempered passion. Riotous activity threatens the very fabric of society.

Free society must preserve the rights of freedom of speech and freedom to assemble for organized protest against those who would suppress them and those who would abuse them. In doing so, the paramount problem facing public officials is to balance the preservation of our constitutional rights with the duty to protect lives and property. This is not an easy balance to attain, but it is essential that it be reached in order to strengthen democracy.¹

Community Characteristics

On the evening of August 28, 1964, Philadelphia experienced a massive riot in the north-central part of the city. Philadelphia contains other similar areas, as do cities of comparable size and composition the world over. The particular area in question is the site of Philadelphia's Twenty-second and Twenty-third Police Districts. It encompasses some 410 city blocks, approximately 15 blocks to the northwest of center city. There are approximately 55,000 persons per square mile residing there. Ninety-eight per cent of the population is non-white.

This almost exclusively Negro community represents the most economically, culturally and educationally deprived section of Philadelphia. It has the highest crime rate and incidence of juvenile offenses of any area in the city. There are

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¹ PHILADELPHIA POLICE DEP'T, CROWD CONTROL AND RIOT PREVENTION 1-2 (City of Philadelphia Readings, 1965).

277 licensed liquor establishments and 13 liquor stores in the area. This is an area of deteriorating and delapidated housing, a slum area without question when the standard of living maintained there is compared with the standard of living maintained in the other neighborhoods of Philadelphia.

The persons living there are subjected continuously to the usual pressures and discomforts that people experience when they live in today's urban ghettos of filth, violence and despair. The average adult resident of the neighborhood possesses less than a tenth grade education. The area's level of unemployment is the highest in Philadelphia, averaging officially between 12 and 13 per cent. Including those who have given up and no longer seek work, and those who are employed only part time, it can be estimated that the rate of unemployment is at least 20 per cent. Of those employed, the overwhelming majority are blue collar workers, primarily laborers and household workers. They are kept out of broad job fields because of discriminatory policies and practices. Automation continues to extract a large toll because the labor force is more heavily concentrated at the unskilled level. The median income of the area is 30 per cent below the median income of the city. Of all Negro families in Philadelphia 45 per cent may be considered poverty stricken. The great majority of these families live in the north-central area. Over 4,100 children in the area are receiving public assistance under the classification of Aid to Dependent Children.²

The people are plagued by health and social problems. Three rather shocking health statistics are typical for the area. This portion of Philadelphia has the city's highest rates of infant mortality, syphilis and other venereal disease, and tuberculosis.³ Crime is rampant in the area. In addition to the high incidence of all forms of adult criminal behavior, a major problem of the area is the juvenile gangs which are found there. A total of thirty-three youth groups operates in the neighborhood. Twelve of these groups are considered to be the most serious threats. These twelve gangs are under strict surveillance by our Police Juvenile Aid Division because of the high degree of delinquent and disturbing behavior of the groups or individual members. The gangs frequently are involved in serious neighborhood disturbances such as fighting, vandalism, drinking, and promiscuous sexual behavior. The gang members are generally hostile toward all constituted authority and exert varying measures of influence over the less dangerous youth groups in the area.⁴

Finally, in addition to the economic and social pressures of slum existence, the inhabitants of the area are exposed to the selfish and ambitious politicians, demagogues, and purveyors of hate whose aims are to sow seeds of discontent in order to reap personal profit. Communist front organizations and Black Nationalist groups vie with the area's moderate churches, civil rights groups, and charitable institutions for the allegiance of the population. Also, the population is preyed upon by the racketeer, the vice lord, the bondsman, the unethical attorney and a peculiar jurisprudence, based on hundreds of years of ingrained

2 1964 URBAN LEAGUE OF PHILADELPHIA ANN. REP. 3-9.

3 1961 PHILADELPHIA DEP'T OF PUBLIC HEALTH ANN. REP. 1.

4 Philadelphia Dep't of Public Welfare Youth Conservation Services, A Method of Classification of Area Youth Groups Representing Some Levels of Community Concern (Oct., 1962).

prejudice, which today still lacks the compassion and understanding to deal with a culturally deprived minority in a humane manner.

Riotous Incident

The following description at a riot was made by a Philadelphia clergyman shortly after the civil disorder which occurred in Philadelphia: "A riot is the earlier sowing of bitterness and confusion by political opportunists and racial hate mongers, goody goody fakes, Negro and white, coupling themselves tragically with the public apathy that marks off this whole generation to anybody's needs."⁵ A riot may occur in any type of neighborhood, business district, industrial section, or residential area.

Business areas present particular problems because of several factors. Most business sections are located in areas which are densely populated and, also, attract many people from other areas for shopping. In addition, many business areas have a concentration of liquor establishments which are well patronized by the local population as well as the transient shoppers. Because of the nature of the business district, it is highly susceptible to vandalism and looting. Riots in industrial sections may erupt as a result of labor-management disputes. Rioting in residential neighborhoods may result from racial, religious or ethnic conflicts. In general, while riots may vary according to the particular locale, the principles involved in suppressing riots will apply to all riots, varying only in degree according to the particular situation involved.

The Philadelphia disturbance began with the arrest of two individuals in a relatively minor traffic incident which occurred at approximately 9:20 p.m. on a Friday evening in late August, 1964. It is important to realize the non-racial nature of the beginning of the riot incident. Of the officers who responded to the traffic signal, there were both Negro and white. There was no indication that the officers used any methods in handling the disturbance which would not have been employed in any neighborhood in Philadelphia in response to a similar situation. The fact that those arrested were Negro in no way indicates that the action of the patrolmen involved was based on racial prejudice of any sort.

However, the initial incident was manipulated by certain agitators within the community so that by 11:15 p.m., the situation was becoming increasingly riotous. Bricks, bottles and other objects were being thrown at police officers and their vehicles. Several store windows had been smashed, though looting had not yet begun, and the crowds had swelled to an estimated size of 500 to 600 persons. A deputy police commissioner arrived and took command. He ordered Radio to send all available police to the scene, and began to regroup those police already present. An effort was made to coordinate police actions with those of the recognizable, responsible and known leaders of the Negro community. Several of these people began speaking to the crowds in an effort to pacify and disperse them. Their efforts were unsuccessful. The crowds grew more unruly, jeered and cursed the police, and continually bombarded the police with rocks, bricks and bottles.

⁵ Sermon by the Rev. W. Carter Merbreier, *Shattered Toys in Black and White*, on the Philadelphia Riots, Summer, 1964.

When the Police Commissioner arrived on the scene and assumed command, helmets and riot sticks were distributed to officers as rapidly as possible. All available police were ordered into the area. All personnel were ordered to remove their badges and nameplates as these objects were being ripped from the officers' clothing and being used as weapons to slash the policemen about their faces and arms. It was a major concern that badges torn from officers' uniforms ultimately would end up in undesirable hands.

As more police were called into the area, the unruly crowds began to increase and looting became so extensive that the police were unable immediately to cope with the number of people involved. There is evidence to indicate that, in some cases, stores known to be Negro owned and operated were not damaged or looted. Also, there is some evidence that unknown Negro males apparently ran in a systematic fashion, smashing windows as they went, but not participating in the looting. But their actions increased the temptation for the attracted crowds to engage in wholesale looting. Many of the looters were women and children. Between 2:00 a.m. and 8:00 a.m., approximately fifty persons had been arrested for looting.

In the early stages of the riot, the police were vastly outnumbered and had to stay together on the main thoroughfares. It was extremely dangerous to advance singly or in small groups due to the barrage of bricks and bottles which came from the roofs. At about 2:00 a.m., it was determined that a sufficient number of police were on hand to attempt a positive move. A flying wedge of several hundred policemen under the command of a deputy commissioner began to advance block by block. The rioters and looters began to run. Squads of policemen went into each damaged establishment to check it for looters and rioters. It was necessary for the police to advance slowly because if they deployed too widely, they would dissipate their strength, leave secured positions uncovered and allow the crowds to reform and loot again. The steady stream of bricks and bottles thrown from the roofs also hampered the police in their advance. Where possible, Fire Department ladder trucks were brought to the scene, and the police went to the roofs in an effort to clean them off.

By 8:00 a.m., Saturday, the rioters had been dispersed, and, with the exception of sporadic outbursts in the fringe areas and isolated instances of damage to private property and looting, the situation was judged to be under control. However, in order to maintain command of the situation and to secure the area, it was necessary to maintain 1,100 police personnel in the riot area. All police personnel regardless of rank were placed on extended tours of duty — a minimum of twelve hours. Thereafter, until Tuesday, September 8, an average strength of approximately 1,200 personnel and 150 vehicles were on post in the area on a twenty-four hour basis, with a supplemental increase of about twenty per cent during the critical hours of darkness.

Rationale of Police Action

The control and suppression of riotous activity by the police involves basically four objectives:

- (1) Prompt evaluation and determination that the initial incident is of riotous proportions or may escalate into a riot;
- (2) Rapid mobilization and assembly of sufficient manpower and equipment to suppress the riot;
- (3) Utilization of riot control techniques to contain the area of the riot, disperse the mob, and clear and secure the area of the riot; and
- (4) Establishment of a security plan to provide sufficient patrol coverage of the riot area to suppress the riot and maintain law and order.

The prompt evaluation of any initial incident is vital to the mobilization of manpower and equipment to suppress the riot. Time is an essential factor — the elapsed time that permits a situation to gain momentum and the time required to mobilize police manpower and equipment. The determination of the incident or its potential will vary with the size and nature of the riot. In some instances, the riot will be spontaneous or quickly ignited, while in other incidents, disorder may develop gradually. In the spontaneous incident, the determination will be made by the first supervisor at the scene, while in the gradual development, the ranking officer will determine the nature of the incident. In either case, the sound judgment of supervisory personnel is necessary to evaluate the incident. Proper and intelligent deployment at the initial phase of an incident may limit or abate the situation.

Communications at any riotous incident should be established as quickly as possible, and all information concerning the incident should be relayed on a continuous basis. Personnel and equipment deployed to the scene of the initial incident should be utilized in "delaying," defensive tactics to minimize injury, damage or looting until a sufficient force has been assembled and deployed to suppress the rioters. Command personnel must attempt to secure specific areas as quickly as possible on a section-by-section basis.

The Philadelphia disorder had gained great impetus before the police could fully comprehend its magnitude. This is largely due to the fact that the flow of the disorder was skillfully directed away from the police. As soon as it was recognized in the minds of police officials and their subordinates that Philadelphia was experiencing a gigantic disorder, it became necessary to make unmistakably clear to all police personnel on the scene the need for complete objectivity and emotional noninvolvement. It was recognized that mental objectivity had to be reflected in all subsequent action. The police had to conduct themselves in such a manner that the violators of the law would be only those persons who, under no official cloak or title, were injuring persons or taking or damaging property.

The greatest difficulty once a condition has generated into riotous proportions is to have a full comprehension of what is occurring. The police must have a clear understanding of the composition of the riot itself. This involves the determination of who is rioting and the type of conduct being exhibited (vandalism, looting, physical abuse, etc.). The spark which caused the disturbance and the motivation to continue rioting are essential matters for intel-

ligence. Another difficulty is the geographical area which the disorder is covering and the potential to spill over into a greater area. The geographical direction a riot may follow is dependent upon physical factors — the two most important being the street layout and the type of buildings located in the area. The direction of a riot is also dependent upon the location of the force deployed to meet it. Of course, all factors must be judged relative to time. Can the riotous condition be expected to run its course in a matter of a few hours, or will it continue into days?

The police are not in the position to stand ready and waiting for a riot like a fire department stands ready to be called to a fire. In communities of great population density and economic deprivation, a riotous situation may develop from an isolated conflict between two persons, as occurred in Philadelphia. In order to police a riotous situation properly, great numbers of police must be mobilized as soon as possible.

One certain way to prevent a disturbance from developing into riotous proportions is to place on the scene a generous number of police who are well disciplined and properly deployed. But the mobilization and deployment of such a force take time to accomplish. It is the time-lag between the inception of a disorderly incident and the arrival of a force sufficient to cope with it which leads to riotous situations. The existence of the time-lag is unavoidable. However, its crippling effects can be diminished greatly by the development of pre-arranged civil disturbance procedures and the swift and intelligent application of such procedures in times of stress.

It must always be remembered that prior to and during the riotous period, a wrong decision by the chief of the department, or by any of his subordinates down to and including each patrolman, could worsen the conditions substantially not only for the immediate time, but could also cause conditions to persist for many days. The chief of police must recognize and evaluate within the limits of the information that is available the present riotous situation and its potential hour by hour. His first overt action should be one of *containment*. This is not being apologetic, but only realistic. The chief's initial actions and maneuverings must prevent the riot from spreading and gaining additional manpower. During the containment phase, arrests should be made whenever the situation and the facts warrant such action.

When the containment measures have begun to produce results, a *control* phase may be initiated. This phase is characterized by the deployment of sufficient police force to reduce the riotous activity. Control operations imply that containment is well established; control does not imply that riotous activity is no longer occurring. Police must be mindful of the particular objective of control and must at the same time take measures to protect life and property in those areas surrounding the riotous area. There is always the possibility that the riotous temper or feeling will break out in other sections of the city. It must be realized that the phases of containment and control are at the same time independent and interdependent. Likewise, disorderly activity in one section of the riotous area may be more or less advanced than in others; advancement can be

similar to the ebb and tide of the sea. The intuition of the responsible police personnel as to the temper of the riot fixes the kind of force selected and how it should be employed to contain and control the situation.

From the point of view of police action, the last stages of a riot can be identified as *dispersal* and *security*. Having passed through the stages of containment and control, the police next must undertake a well-planned, methodical dispersal operation. This involves applying sufficient force to disperse the riotous mob and to prevent it from reforming in riotous proportions. The impetus for initiating the dispersal phase and the methods and degree of force used to accomplish the purpose develop from the police commander's assessment of the temper of the persons present in the riotous area. When the mob has been dispersed, the security phase is undertaken in order to insure that both persons and property will remain safe from attack. Of course, the security operation applies not only to the immediate riot center but also to adjacent neighborhoods, as well as to other neighborhoods which are potential riot areas.

During a riotous situation when laws and order have given way to mobs which are jeopardizing the safety of persons and vandalizing and looting property, the police department must not panic. The attitudes and actions of police command personnel set the tone of the operations from its very beginning. Police must be deployed according to plans emphasizing containment, control, dispersal and security. Orders must continue to flow through established channels of command. No single policeman should function independently, making or exercising his own policy.

The safety of policemen should always be uppermost in the minds of commanders and supervisors during the full course of any riotous encounter. Thus, to risk a policeman to serious injury or loss of life must be fully considered. Often a little patience over a period of three or five minutes or less will cause a point of contention to disappear. It is impossible to interpret correctly what is going on in the minds of large numbers of persons congested in a small area. In riotous situations, the mob may be made of agitators, followers, sympathizers, onlookers or neutrals. Therefore, the first approach of the police must recognize the existence of varying attitudes placed upon the spectrum of opposition. Great numbers of persons — when the group is properly approached — may be cooperative. Looks and words must be ignored, even intensely personal remarks and obscenities. If the neutral or the onlooker is permitted to move away, a great deal of potential opposition is removed. The pre-prescribed pattern of police action must be such that it causes police to have to deal only with the individual who riots and loots by choice.

At no time during the Philadelphia riot was there a major confrontation between the police and the rioters. There were skirmishes and incidents associated with the riot in which white policemen and Negro policemen stood shoulder to shoulder while attempting to suppress the riot and apprehend the rioters. The community because of its deprivation of those factors which would make it decent and law-abiding was easy prey to the demagogue, the hoodlum, the bully and the criminal. It was these individuals who fanned the flames of riot and

threw the bricks through windows. It was these individuals who first looted and solicited others to do likewise.

After the riot was spent and the community had gone to rest, there remained in the area a heavy police concentration. *Occupation* might be the best way to describe the situation. This was the time when everyone breathed a little easier. This was the time when the organizations and individuals who represented good in the community began to appear in force to explain away the rumors and false charges. This was accomplished to great advantage by the ministers and other community leaders, who assured and quieted the law-abiding persons in the community. It must be remembered that the riotous condition was initiated by an infinitesimal number of individuals and perpetuated by the hoodlum and the vandal. The great majority of the community did not participate nor was in any way in sympathy with the disorder.

Having a great number of police deployed about a residence or business lends a feeling of security. However, a feeling of uneasiness is also likely to be felt. The presence of occupational police forces suggests the possibility of a recurrence of the disorder and the likelihood that the next incident will be more injurious to all than the first. The police do not consider this to be pleasant duty; their wives and families are, likewise, on edge. For both the community and the police are somewhat wary of each other. As each police incident — no matter how ordinary or minor — occurs subsequent to the riot, it has the potential of igniting another riotous situation.

But as the fourteen days of heavy security in the riot area moved along, there developed a close relationship between the community and the police. First, a look of recognition developed in the bidding of good morning or good evening; next, there came a period of polite conversation; and finally, there developed a genuine rapport. There were reports of an aged Negro mother who hobbled up and down three flights of rickety stairs to give policemen coffee in drinking glasses and cracked cups and hard bread sandwiches, which no one refused. On another occasion, an ice cream truck stopped beside a cluster of police. Without a word, the Negro driver distributed two boxes of popsicles which he had paid for out of his own pocket. Kindnesses of this sort were repeated everyday.⁶

For the police and for the community, there is no better therapy than a prompt return to normalcy. This presumes that the police leadership recognize from the first incident through the total time of occupation that their duty must be performed with impartiality and objectivity. But with police responsibility also goes the duty of the community, individually and collectively, to assume its role of responsibility from the first moment it is understood that not only law and order, but also peace and happiness are being threatened.

Conclusion

In summary, several basic factors are essential to the effective handling of civil demonstrations whether they be peaceful or riotous. These factors are ex-

6 *Ibid.*

pressed in the key words: *Confidence, Neutrality, Judgment and Support.*

The police must never panic in the face of demonstrations of any sort. Each policeman, from the chief down to the newest patrolman, must possess confidence in himself, in his fellow policemen and in the policies and procedures established to control the situation.

The policeman's sworn duty is to enforce the law. To perform this duty in accordance with the spirit of his oath, the police officer must operate from a position of complete neutrality. His actions must be impartial and objective. The only cause which the police officer can serve is that of law and order.

Neutrality should be protected by the exercise of sound judgment. Decisions must be made on the basis of intelligent assessment of the situation at hand. Ill-advised decisions and snap judgments can only lead to a worsening of the situation. Reliable information must be gathered and assessed, and often intuition must be relied upon. There is no substitute for the exercise of sound, well-considered judgment.

Finally, the police must receive adequate support — support from the elected leaders of the community, support from the mass media and support from the community itself. The police do not operate in a vacuum. The public must be willing to pay for police services with cooperation, sympathy and understanding. The problems of law enforcement do not concern the police alone; they are matters of community concern.