

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FIVE BOROUGH BICYCLE CLUB, SHARON BLYTHE,  
JOSH GOSCIAK, KENNETH T. JACKSON, MADELINE  
NELSON, ELIZABETH SHURA, LUKE SON,

Plaintiffs,

-against-

THE CITY OF NEW YORK, RAYMOND KELLY, Police  
Commissioner of the New York City Police Department,  
JAMES TULLER, Commanding Officer, Patrol Borough  
Manhattan South, Lt. John Doe, and Captain Jane Doe,  
New York City Police Department,

Defendants.  
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**DECLARATION OF  
SAM CENTAMORE IN  
OPPOSITION TO  
PLAINTIFFS'  
APPLICATION FOR A  
PRELIMINARY  
INJUNCTION**

Docket No. 07 Civ. 2448 (LAK)

**SAM CENTAMORE** declares under penalty of perjury pursuant to 28 U.S.C. §  
1746 as follows:

1. I am a Lieutenant assigned as the Commanding Officer of the  
Investigation Review Section of the Office of the Chief of the Department, New York City  
Police Department (hereinafter "Police Department"). I have been employed by the Police  
Department for 26 years, and for 20 years I have been the supervisor of the part of the  
Investigation Review Section which issues parade permits. I am either personally familiar with  
the facts and circumstances set forth herein or believe them to be true based upon my review of  
the records of the Police Department and/or my conversations with agents, officers, and  
employees of the City of New York. I submit this Declaration in opposition to plaintiffs' motion  
for a preliminary injunction.

2. The New York City Administrative Code (hereinafter Admin. Code) §10-110 provides the statutory basis for the issuance of parade permits:

**§ 10-110 Processions and parades.** a. Permits. A procession, parade, or race shall be permitted upon any street or in any public place only after a written permit therefor has been obtained from the police commissioner. Application for such permit shall be made in writing, upon a suitable form prescribed and furnished by the department, not less than thirty-six hours previous to the forming or marching of such procession, parade or race. The commissioner shall, after due investigation of such application, grant such permit.

3. The Police Department has specific guidelines and procedures for the processing of applications for parade permits: “Rules for Processions and Parades.” See 38 Rules of the City of New York (“RCNY”) § 19-01 et seq. (“Parade Permit Regulations”).

4. Parades, which are defined by the Parade Permit Regulations as moving events on City streets, require a parade permit. 38 RCNY § 19-02(a), as amended in January 2007 and effective in February 2007, defines parades as follows.

(a) A “parade” is any procession or race which consists of a recognizable group of 50 or more pedestrians, vehicles, bicycles or other devices moved by human power, or ridden or herded animals proceeding together upon any public street roadway.

### **Processing Parade Permits**

5. The Investigation Review Section of the Chief of Department’s Office processes applications and issues parade permits for parades with a thousand or more participants and for parades on Fifth Avenue in Manhattan. Permits for smaller parades with under a thousand participants are handled by the seventy-five local police precincts in the five boroughs. The application is the same for parade permits regardless of size or location. A copy

of the Administrative Guide Procedure No. 321-14 for “Parade Permits,” disseminated to all precincts and posted on the Police Department’s intranet, is annexed hereto as Exhibit “I.”

6. The Police Department issues permits for approximately six to seven hundred parades per year in the five boroughs. Approximately five hundred of these permits are for parades with less than a thousand participants. Specifically, in 2006, of 682 parade permits issued in the five boroughs, 545 were for groups of less than one thousand participants.

7. Each applicant fills out an “Application for a Parade Permit” that asks the applicant to provide the purpose of the parade. A blank application for a parade permit is annexed hereto as Exhibit “J.” The Police Department does not inquire any further into the applicant’s background or purpose in seeking the permit. In determining whether a parade permit can be issued, the Police Department does not in any manner consider the speech or nature of any of these parades, or of the applicants or participants.

8. Applicants for a parade permit of any size may submit their application to the Police Department at any time up to thirty-six hours prior to the event date and time. See Administrative Guide at 7, Exhibit “I.” Applicants may still submit an application for a parade permit less than thirty-six hours prior to the event where circumstances exist which prevented the applicant from seeking a permit earlier. In those cases, the Police Department will review the application as soon as is reasonably practicable to do so. See id.

9. An application for a permit to conduct a parade over one thousand or more participants or along Fifth Avenue is filed in the Chief of Department’s Office and then referred within a day or two to the Police Department Borough Area Command (either Manhattan South, Manhattan North or both). The Borough Area Command considers the logistics of the parade – including issues such as traffic, other public safety concerns, police availability, police hours

necessary, etc. The applicant might also be asked to meet with the Patrol Borough Operations unit to consider operational matters such as sanitation, which streets should be used as staging areas for the event etc. If the application can not be approved, alternative times and locations, and routes are considered and discussed with the applicant.

10. For parades of less than one thousand participants (not including Fifth Avenue), the application is filed at the local precinct level and is investigated by that precinct. If an applicant for a parade of less than one thousand participants (not including Fifth Avenue) submits their application to the Chief of Department's Office, this office will forward the application to the affected local precinct and will inform the applicant of that process. Thus, this office will facilitate a smaller group's parade permit application to ensure it is sent to the proper precinct for processing.

11. If an applicant for a parade of less than one thousand participants (not including Fifth Avenue) seeks to parade through multiple police precincts, that application is handled by the affected patrol borough, which coordinates the application process.

12. When considering parade permit applications, the Police Department does not consider the purpose of the parade or the identity of the parade applicant or sponsor when determining if a permit should be issued. It is only concerned with operational and logistical matters, such as street and traffic conditions and whether there is another competing application for the same route at the same time. Indeed, the Parade Permit Application Disapproval Notice that sets forth nine (9) reasons why the parade permit application may be disapproved and proposes alternative location, date and/or time for the parade. Each reason is addressed solely to operational and logistical matters or to the fact that the applicant proposes illegal conduct or made a material misrepresentation on the application. See Exhibit "I," at 9-10.

13. In the absence of an operational impediment, the Police Department will grant an applicant a parade permit for the date, time, and location sought. However, if there is an operational problem, including a conflict with another event on the requested parade route, traffic concerns, security problems, or interference with proper fire, police or ambulance service, then an alternative time and route is suggested to the applicant in accordance with 38 R.C.N.Y. § 19-04(d). 38 R.C.N.Y. § 19-04(d) provides, in relevant part:

If a permit is disapproved under paragraphs (iii), (iv), (v), or (viii) of this subdivision, the Department shall employ reasonable efforts to offer the applicant a suitable alternative location, date, and/or time for the parade.

14. Recommendations for denial or approval of parades of a thousand or more participants are communicated by means of an endorsement on the back of the parade application by the Commanding Officer of the Patrol Borough which is then forwarded to the Chief of Department's Office. The Chief of Department's Office makes the determination as to whether or not a permit will be issued. If an application is approved, a permit is issued by this Office. If the application is disapproved, a Parade Permit Application Disapproval Notice letter is sent to the applicant by this office informing it of the denial pursuant to 38 R.C.N.Y. § 19-04(b) and alternatives to the proposed parade are identified to the applicant. The applicant may then appeal that decision to the Deputy Commissioner for Legal Matters of the Police Department.

15. For parades of less than a thousand participants, the decision as to whether or not a permit will be issued is made by the Precinct Commander or his/her designee at the local precinct or patrol borough. If the permit is approved, it is issued by the local precinct or patrol borough. If the application is disapproved, the Parade Permit Disapproval Notice is sent to the applicant from the local precinct or patrol borough informing it of the denial pursuant to 38

R.C.N.Y. § 19-04(b) and alternatives to the proposed parade are identified to the applicant. The applicant may then appeal that decision to the Chief of Department's office.

16. With respect to the rule prohibiting new parades along Fifth Avenue (38 R.C.N.Y. §19-04(d)), nothing in that rule prohibits groups of less than fifty participants from proceeding (by foot, bicycle, or motorcade) along Fifth Avenue.

17. Admin. Code § 10-110(a)(4) provides that the Mayor may permit an occasion of extraordinary public interest that is not annual or customary. It provides, in relevant part:

Special permits for occasions of extraordinary public interest, not annual or customary, or not so intended to be, may be granted by the commissioner for any street or public place, and for any day or hour, with the written approval of the mayor.

18. 38 R.C.N.Y. § 19-04(b) provides examples of such events. The kinds of events which have been allowed by the Mayor under the authority of this section have included ticker tape parades on Lower Broadway for the World Series winning Yankees, Nelson Mandela and the Pope. In addition, in conjunction with the 2004 summer Olympics, the City conducted an Athens 2004 Olympic Torch Relay. New York City was one of thirty-four cities across five continents where the Olympic Torch traveled in advance of the opening Olympic ceremonies on August 13, 2004. New York City's part in the relay took place on June 19, 2004 throughout the five boroughs, including on Fifth Avenue. The segment of the procession along Fifth Avenue was authorized by the Mayor pursuant to Admin. Code §10-110(a)(4).

19. Notably, the Police Department has issued permits for many parades on Saturdays. Examples include many of the multi-borough races, parades, and charity events.

**Grant of Bicycle Parade Events**

20. Each year, the Police Department issues parade permits for a number of large-scale bicycle rides. In 2006, examples of such events included, Bike New York, the Multiple Sclerosis Bicycle Ride, the New York City Triathlon, Transportation Alternatives bicycle event, and the Bronx Borough President's Bicycle Ride. No application for a bicycle-related event was disapproved for a parade permit in 2006.

21. In prior years, the Police Department issued parade permits for similar bicycle-related events. I know of no occasion where such a permit application was disapproved.

Dated: New York, New York  
March 28, 2007

  
SAM CENTAMORE