



**City of Saratoga Springs**  
**OFFICE OF PUBLIC SAFETY**

Jason H. Tetu  
Deputy Commissioner

**Commissioner Jim Montagnino**

**CITY HALL**  
474 Broadway  
Saratoga Springs, NY 12866  
Telephone 518-587-3550

TO: MAYOR KIM

FR: JIM MONTAGNINO

DA: August 7, 2023

Dear Mayor Kim:

Please accept this as my response to your request brought under Saratoga Springs City Charter Title 3(H) and dated August 7, 2023 regarding the "Proud Boys" incident of Saturday, August 5, 2023. I have reproduced each of your questions and provide these responses:

- 1) What information was provided to the Department and/or Saratoga Springs Police Department prior, during, and after this group marched(?)

No information was provided to the Department and/or Saratoga Springs Police Department prior to the group's marching. During the group's march, one of our dispatchers received a call from a citizen about the march. A member of SSPD promptly responded to the scene, interviewed one or more of the members of the group, and recorded the license plate(s) of at least one vehicle. After the march, the responding member of SSPD immediately alerted dispatch and directed them to inform State and County law enforcement agencies of the group's activities and direction of travel in order to provide advance notice of other potential demonstrations. A copy of the police report generated by the responding Officer is attached hereto.

- 2) What actions were taken by the Department and/or the Saratoga Springs Police Department when it became aware of the march(?)

Please see the response to Question 1 for the immediate actions taken. As to actions taken subsequently, both myself and Deputy Commissioner of Public Safety Jason Tetu, on the morning of the first business day following the incident, spoke with members of law enforcement; spoke with witnesses; retrieved the police report generated; observed a member of SSPD reviewing surveillance and other video evidence of the incident; and researched relevant provisions of State and local law to determine whether any offenses were committed by any of the participants in the march.

3) What relevant regulations and/or laws were violated by the march(?)

While I am not the City Attorney nor do I pretend to be, I have been duly admitted to practice law for 35 years and have participated in the prosecution, defense and adjudication of thousands of criminal and civil matters over the course of that time. Based upon my experience and upon the information currently available, I am unaware of any offense committed under New York State or federal law. However, the march would, in my opinion, qualify as a "parade" as that term is defined in the City Code under § 151-1(A): "A 'parade' is any procession of any kind in a public place in the City of Saratoga Springs that is intended to attract public attention and that does not comply with normal traffic regulations and control." As such, a permit would need to have been applied for and granted by the Commissioner of Accounts for the march to have been legal under § 151-5. If such a permit was not obtained in advance of the march, the organizers and participants of the march may be subject to the penalties prescribed in the City Code under § 151-17.

4) Any departmental recommendations to prevent a repeat of this incident in the future.

I recommend that the organizers of and participants in the August 5, 2023 be charged with violations of the City Charter as outlined above. This will require the Commissioner of Accounts to sign a supporting deposition, as only a person with direct knowledge of the lack of a parade permit application would be competent under the Criminal Procedure Law to sign a facially sufficient accusatory instrument. I pledge the full cooperation of the Department of Public Safety in such a prosecution.

Please note, however, that a prosecution for this particular incident may well be met with a claim of selective prosecution, inasmuch as certain groups are routinely allowed to demonstrate and march in Saratoga Springs without having applied for, qualified for, or been granted parade permits. That said, the proper course of action should include a firm commitment on the part of the City to adhere equitably to the requirements of City Code Title 151 as to any and all groups who wish to demonstrate peacefully in our City.

Respectfully submitted,

  
Jim Montagnino

1. Agency Saratoga Springs PD		2. Division/Precinct		New York State <b>INCIDENT REPORT</b>		3. ORI NY NY0450100		4. <input type="checkbox"/> Orig <input type="checkbox"/> Supp		5. Case No. SS-02219-23		6. Incident No. 23-017748		
7. Report Day Saturday	8. Date 08/05/2023	9. Report Time 13:57	Occurred On/From: Saturday	10. Day Saturday	11. Date 08/05/2023	12. Time 13:57	Occurred To: Saturday	13. Day Saturday	14. Date 08/05/2023	15. Time 13:57				
INCIDENT	16. Incident Type Police Information			17. Business Name			18. Weapon(s)			A. -				
	19. Incident Address (Street No., Street Name, Bldg. No., Apt. No.) Broadway						20. City, State, Zip ( <input checked="" type="checkbox"/> C <input type="checkbox"/> T <input type="checkbox"/> V ) Saratoga Springs, NY, 12866			21. Location Code 4601			B. -	
	22. OFF. NO.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE	CTS	23. No of Victims		C. -	
	1				9	9	9	C	Non reportable	1	0		D. -	
2										24. No. of Suspects		E. -		
3										0		F. -		
ASSOCIATED PERSONS	25. Person Type: CC = Complainant OT = Other PI = Person Interviewed PR = Person Reporting WI = Witness NI = Not Interviewed VI = Victim										26. Victim also complainant <input type="checkbox"/> Y <input type="checkbox"/> N		G. -	
	TYPE/NO	NAME (LAST, FIRST, MIDDLE, TITLE)				Date of Birth			STREET NO., STREET NAME, BLDG. NO., APT. NO., CITY, STATE, ZIP			TELEPHONE NO.		H. -
	N11											BUSINESS		I. -
												RESIDENCE		J. -
												BUSINESS		K. -
												RESIDENCE		L. -
VICTIM	27. Date of Birth	28. Age	29. Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U	30. Race <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk	31. Ethnic <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unk	32. Handicap <input type="checkbox"/> Yes <input type="checkbox"/> No	33. Residence Status <input type="checkbox"/> Resident <input type="checkbox"/> Commuter	34. Temp. Res.-Foreign Nat. <input type="checkbox"/> Tourist <input type="checkbox"/> Student <input type="checkbox"/> Military <input type="checkbox"/> Homeless <input type="checkbox"/> Other <input type="checkbox"/> Unk	34. Victim DID receive information on Victim's Rights and Services pursuant to New York State Law <input type="checkbox"/> YES <input type="checkbox"/> NO				M. -	
	35. Type/No.	36. Name (Last, First, Middle)			37. Alias/Nickname/Maiden Name (Last, First, Middle)			38. Apparent Condition <input type="checkbox"/> Impaired Drugs <input type="checkbox"/> Impaired Alco <input type="checkbox"/> Mental Dis <input type="checkbox"/> Inj/Ill <input type="checkbox"/> Unk <input type="checkbox"/> App Normal				N. -		
MISSING/ARRESTED PERSON	39. Address (Street No., Street Name, Bldg. No., Apt. No., City, State, Zip)						40. Phone No.		41. Social Security No. <input type="checkbox"/> Home <input type="checkbox"/> Work				1	
	42. Date of Birth	43. Age	44. Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U	45. Race <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk	46. Ethnic <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unk	47. Skin <input type="checkbox"/> Light <input type="checkbox"/> Dark <input type="checkbox"/> Medium <input type="checkbox"/> Other <input type="checkbox"/> Unk	48. Occupation					2		
	49. Height	50. Weight	51. Hair	52. Eyes	53. Glasses <input type="checkbox"/> Yes <input type="checkbox"/> No	54. Build <input type="checkbox"/> Small <input type="checkbox"/> Medium <input type="checkbox"/> Large	55. Employer/School	56. Address				3		
	57. Scars/Marks/Tattoos (Describe)						58. Misc					4		
	59. Victim or Suspect No.	Property Status	Property Type	Quantity/Measure	Make or Drug Type	Model	Serial No.	Description	Value			5		
											6			
											7			
											8			
											9			
PROPERTY	60. Vehicle Status 1	61. License Plate No.			62. State	63. Exp. Yr.	64. Plate Type	65. Value				10		
	66. Veh Yr.	67. Make	68. Model	69. Style	70. VIN.						11			
	71. Color(s)		72. Towed By: To:			73. Vehicle Notes						12		
NARRATIVE	74. Fort, Evan												13	
													TOTAL	
ADMINISTRATIVE	75. Inquiries (Check all that apply) <input checked="" type="checkbox"/> DMV <input type="checkbox"/> Crim. History <input type="checkbox"/> Want/Warrant <input type="checkbox"/> Stolen Property <input type="checkbox"/> Scofflaw <input type="checkbox"/> Other						76. NYS/IN Message No.		77. Complainant Signature				B use cover sheet 85.	
	78. Reporting Officer Signature (Include Rank) Fort, Evan						79. ID No. Sgt		80. Supervisor's Signature (Include Rank) Fort, Evan		81. ID No. Sgt		Page of 2	
	82. Status <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed (if Closed, check box below) <input type="checkbox"/> Unfounded <input type="checkbox"/> Victim Refused to Coop. <input type="checkbox"/> Arrest <input type="checkbox"/> Pros Declined <input type="checkbox"/> Warrant Advised <input checked="" type="checkbox"/> CBI <input type="checkbox"/> Juv - No Custody <input type="checkbox"/> Arrest - Juv <input type="checkbox"/> Offender Dead <input type="checkbox"/> Extrad Declin <input type="checkbox"/> Unk						83. Status Date 08/06/2023		84. Notified/TOT				Pages	

Date

08/05/2023

New York State Incident Report  
Narrative (Continuation page)

Saratoga Springs PD

5. Incident Number

SS-02219-23

Page 2 of 2

86. Fort, Evan

On 08/05/23, I was working as the outside supervisor when I heard dispatch send units for an area check of Broadway for a march or demonstration taking place in the roadway. I arrived to the area and located a (bearing [redacted]) traveling behind a group of approximately 30 individuals walking in the western most southbound lane on Broadway. The group was carrying flags and signs and they were all dressed in yellow and black. As the truck pulled onto Congress Street, I made contact with the operator of [redacted], who appeared to be a white male. He stated the group was the "Proud Boys" and they were marching to bring back law and order. I then spoke to the leader of the group who only identified himself as "[redacted]". [redacted] stated they were just finishing their demonstration and then were moving to another city, but declined to state where. [redacted] handed me a business card for "Uncle Sam's Proud Boys" and stated their group is based out of Troy, NY. I followed the group to their personal vehicles parked in the Congress Plaza and then followed them out of the city, southbound on Ballston Avenue. There were no further issues with the group. I advised dispatch to notify state and county dispatch of their direction of travel to give other agencies advanced notice of a possible demonstration.