

FREE SPEECH THREAT ASSESSMENT # 1

Policing Protest in New York City

March 17 to April 10, 2012



The NYCLU “Free Speech Threat Assessment” reporting project documents risks to the right to protest as a result of heavy-handed NYPD policing and harassment of individuals engaged in First Amendment activity. These reports highlight incidents of often under-the-radar and unreported harassment and intimidation of protesters by law enforcement. The report is accessible online at www.nyclu.org/protest.

The NYPD’s approach to public protest from March 17 to April 10, 2012 was characterized by multiple instances of unnecessary uses of force, pervasive selective enforcement of laws, targeting of journalists, the continued and excessive use of barricades, and surveillance of people engaged in legal activities.

March 17, which marked the six-month anniversary of OWS, involved the most **unnecessary uses of force** against peaceful protesters and journalists, and resulted in multiple injuries and several hospitalizations, including one protester who [suffered from a seizure](#) after her arrest, and was left on the sidewalk approximately 20 minutes before receiving medical treatment when an ambulance finally arrived. Early in the afternoon, witnesses claimed that an officer [punched one protester several times in the head](#) while he was subdued by at least four other officers.

That night, the NYPD forcibly evicted protesters and press from Zuccotti Park, injuring many and arresting several dozen. Protesters and journalists in the park and those who went on a march afterwards were reportedly [shoved and batoned](#) by the NYPD. The shoving was so forceful that protesters reportedly tripped over one another and some were trampled by officers and other protestors trying to evade police batons. Late in the night, multiple people witnessed a person being [pushed by the NYPD into a glass window](#), shattering the glass.

On March 24, a 16-year-old girl was aggressively seized and dragged away after briefly standing in the street. She was carried away with her [bra fully exposed](#). The next day, and several other days thereafter, protesters reported via Twitter that they were driven out of Union Square and into the street by police officers who surrounded and [shoved](#) them, occasionally using their clubs.

Journalists have also been injured and denied access to scenes of arrests. For example, during the March 17 eviction from Zuccotti Park, a BBC reporter and his photographer [tweeted](#) that the photographer, after falling down, was trampled by six officers, beaten with a baton, and had his hair grabbed while yelling “I’m press!” A *New York Daily News* reporter stated that she

hurt her leg during a scuffle when police were “out of control shoving #ows protesters and reporters on the ground.” One freelance journalist reported that she was pushed to ground and had her breast grabbed by an NYPD officer, while another was struck on the shoulder by a police officer while taking a picture.

Other reporters were forced to leave the scene of the eviction. A reporter from the *Guardian* tried to cross the street to get closer to the scene and displayed his press pass to an officer, who simply responded, “I don’t care.” A freelance journalist stated that he was grabbed by police officers and pulled to Broadway, while the NYPD was ordering all press out of the park while they moved in. A similar event was witnessed during an Anti Police Brutality march on March 24, where a *New York Times* reporter’s [camera was blocked](#) by a police officer while he was trying to take pictures of an arrestee who was crying out in pain.

The NYPD used **barricades** on numerous occasions to unreasonably restrict the movement of peaceful protestors during evictions of Zuccotti Park as well as Union Square, which had become a second home base for OWS. From March 20 beyond the date of this report, legal observers and others noted that the hundreds of police were deployed to barricade Union Square at midnight, an hour before [curfew](#), often far outnumbering the number of pedestrians present. While Union Square has a curfew, because it contains no fences around the perimeter, it had been generally open to the public prior to OWS’s decision to relocate there.

Legal observers and others reported that the police [continuously harassed](#) Union Square protesters at night, while widening the barricades around the park to push protesters out of the vicinity, even claiming that the sidewalk was part of the park to be closed at curfew, despite the fact that Union Square has four subway entrances open 24/7 that require access to those sidewalks. While protesters have been on the “sidewalk” surrounding the park, officers ordered protesters to stand “on the perimeter,” in the street, or across the street. The NYPD arrested protesters for minor violations or for no discernible reason at all, sometimes [injuring](#) those around them.

Since March 20, at all hours of the day and night, NYPD and New York City Parks Department officials also engaged in the **selective enforcement** of laws that are rarely enforced against regular park users, confiscating and/or [discarding](#) banners larger than 3’ x 2’, [signs](#), and personal items that they claimed were unattended property over a dozen times, sometimes arresting those holding banners. Hearing about the selective enforcement of laws regarding banner size, in one instance, [City Council members](#) took up the OWS banner and were permitted to hold it. On March 28, the Parks Department required protesters stop distributing food, citing lack of a permit and health concerns, and, on several occasions, the NYPD told protesters that they could not use [tables](#) for pamphleting. Protesters, at times, were even arrested or harassed for dancing or sitting on or under [blankets](#). However, a legal observer and others noted that none of the aforementioned rules were being enforced whenever a large crowd was gathered in the park.

Protesters also faced harassment outside of Union Square. Police have, at various times, [harassed](#) protesters **sitting or lying down** on sidewalks nearby banks outside Union Square and close to the Stock Exchange, and arrested several dozen for doing so, sometimes without warning. For example, on the night of April 9, protesters reported that police officers pushed

and shoved them while making an arrest of an individual who [lay down](#) momentarily. Early that morning, protesters who were [sleeping on the sidewalk](#) in front of the Stock Exchange also reported being awoken by police officers who instructed them to sit up and then to leave their location or face arrest for blocking pedestrian traffic. One woman was even arrested at 2 a.m. while sitting on a bench outside WBAI Radio. An officer first told her that she was being arrested for illegally sitting in a public park after hours and the officer later told her, “You can’t be bringing out a camera, I will arrest you.”

While some NYPD officers have prevented people from filming or photographing scenes, including an [NYCLU legal observer](#), the NYPD frequently engages in **surveillance**. NYCLU legal observers often witnessed TARU police officers [videotaping protestors](#), even in circumstances where protesters were not engaged in unlawful conduct. The NYPD even installed a [new police camera](#) directed at the Union Square after OWS protestors began to regularly meet and protest at the park.

* * *

People who observe law enforcement officers intimidating, harassing or otherwise infringing on the right of people to protest are encouraged to share their stories with the NYCLU by emailing protest@nyclu.org.