

FREE SPEECH THREAT ASSESSMENT # 4

Policing Protest in New York City

May 30, 2012 to June 17, 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 May 30, 2012 to June 17, 2012 was characterized by continued extensive barricading and restriction of movement, use of force, the mistreatment of journalists, illegal surveillance, the selective enforcement of laws, and arrests without legal cause.

Barricades were used in a number of areas to restrict protesters’ movements, such as on June 4, where protesters were told that they had to stand in a pen where their view of the event at which they were protesting was blocked by [sanitation trucks](#). Approximately [50](#) protesters and members of the public were pushed down the sidewalk and then barricaded in for an hour, and officers would not let anyone [enter or exit](#) for any reason, even via the [subway](#), which was locked.

At other marches, police officers lined up to prevent protesters from lawfully marching on the sidewalk. Police officers informed protesters that West Village streets and [sidewalks were closed](#) on several occasions on a June 13 march, and redirected and turned marchers around, while ordering them to keep marching. At one point, marchers were even threatened with arrest for [disorderly conduct](#) if they crossed the street while the walk sign was illuminated.

On May 30, a group of protesters were not permitted to enter Times Square, and were forcefully pushed back when they repeatedly attempted to cross a street when the [walk signal](#) was on, while tourist movement was generally unimpeded. When protesters asked why they could not pass, an officer told a journalist, “We’re just cops, we don’t make the rules,” and another officer told the group, “They just don’t want large groups to come in.” Those protesters who managed to enter Times Square were followed closely by officers who repeatedly told the group that they were [not walking fast enough](#). One young woman was apparently walking too slowly and [was arrested by a large group of officers](#). When the group approached their destination, the red stairs in Times Square covering the Broadway TKTS booth, officers refused to allow them to enter, which recurred once more on a march on June 6.

Public parks were also closed by the NYPD before curfew in order to limit protesters' movement. In addition to the ongoing daily [barricading of Union Square](#) an hour before curfew, on June 13, demonstrators who marched to the High Line park were precluded from entering. As they climbed the steps to the park just after 10 p.m., police announced that the [park was closed](#) and that protesters in the park would be [arrested](#), despite the fact that the park was [open until 11 p.m.](#) and other [visitors were already in the park](#). Those who had already entered were told they had to leave and a captain informed journalists that the park was closed "for reasons of public safety." Protesters who later attempted to enter at 18th Street found the entrance already locked.

On a June 17 anti stop-and-frisk march, NYPD officers resorted to the use of [plastic netting](#) to force protesters to march after they refused to enter a [barricaded pen](#) seemingly intended to trap them. Officers holding the netting [split protesters into two groups](#), shouting that those caught behind the netting had to "[Get back!](#)" and "Keep moving! Walk faster!" An officer struck one woman and forcefully pushed a legal observer and others against their backs. At least three people were [arrested](#) on the sidewalk for seemingly no reason, including a **photographer** who simply asked an officer where he was permitted to stand. Once protesters were cleared east of 5th Avenue, they were not permitted to re-enter.

That same day, an officer allegedly aggressively shoved a TV cameraman covering the march and then slapped the hand of a person videotaping the incident, causing her to lose the footage. Another journalist was [pushed hard from behind](#) by officer clearing the sidewalk. The officer's supervisor simply said "everyone responds to stress differently." Journalists were also subjected to aggressive behavior on May 30, when one freelancer was [repeatedly prodded](#) by an [officer's club](#) while he attempted to document the treatment of an arrestee, despite informing the officer he was press. The officer told him, "[I don't really care.](#)"

Protesters were also subjected to **excessive force**. On a march on May 30, a supervisory NYPD officer shouted to the officers in his vicinity, "[Come on, guys! Get the fuck up there and lock somebody up!](#)" Soon after, a protester being arrested suffered a shoulder separation and his arresting officers called an ambulance. However, other officers claimed not to believe him and a legal observer reported that officers repeatedly violently yanked his injured shoulder, cuffed him, and walked him to a paddy wagon to wait until the ambulance arrived. Excessive force was used on subsequent marches, including June 13, where an officer allegedly [kicked an arrestee in the head](#) while he was being held down on the ground, then covered his badge and fled. Other officers present at the scene later refused to give his name when asked by protesters.

The NYPD also continued to engage in **selective enforcement and made apparently unlawful arrests**. On May 30, protesters were told that they were on private property and threatened with arrest while on a pedestrian walkway in Midtown, and two people were arrested for sitting on the wide ledge of a fountain while a woman in a business suit sitting there was undisturbed. Witnesses saw NYPD officers ask a security guard to request that the NYPD force protesters to leave before this occurred. During marches on May 30, June 6 and June 13, legal observers on the scene remarked that that the **police presence** was wholly disproportionate to the size of the crowd, as there were frequently far more officers than protesters.

Police officers continued to enforce an old law prohibiting two or more people from [wearing face coverings](#), and arrested protesters on May 30 and June 13. A protester of color was [stopped and frisked](#) when entering Bryant Park for an OWS meeting on June 2. Protesters were also arrested or threatened with arrest for blowing whistles and [banging on pots and pans](#) during marches on June 6 and 13. During both marches, TARU officers doggedly **videotaped** the majority of the march, even as marchers simply walked peaceably on the sidewalk.

On June 6, police also began to handle protesters who marched on the street more [aggressively](#), [arresting](#) over half a dozen protesters just seconds upon arriving at the march. Protesters were arrested for objecting that the police had detained a slow moving protester on a bicycle for not having a helmet, handing out fliers to officers, and [jaywalking](#). The police also arrested and searched the bag of a non-protester who had simply been walking on the side of an empty street before the march surrounded him. That night, protestors reported that a commanding officer at the precinct continued to detain arrested protestors who were on the verge of being released with desk appearance tickets, ordering them [back into their cells](#) to prevent them from joining an ongoing march. Finally, after a June 13 march, a legal observer witnessed an officer threaten to charge those waiting outside of the seventh precinct with disorderly conduct if just one pedestrian had to change course to walk around them, even though the group was taking up far less than half of the sidewalk.

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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.