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**Testimony of the New York Civil Liberties Union**  
**before**  
**THE NEW YORK STATE ATTORNEY GENERAL**  
**regarding**  
**Interactions between Police Officers and Civilians during Recent**  
**Protests**

**Wednesday, June 17, 2020**

The New York Civil Liberties Union (NYCLU) respectfully submits the following testimony regarding interactions between police officers and civilians during the recent protests across our state. The NYCLU, the New York State affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices throughout the state and over 180,000 members and supporters. The NYCLU defends and promotes the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including the right of every New Yorker to enjoy life, liberty, and equal protection under law.

The law enforcement response to protesters outraged by the killing of George Floyd and demanding justice for Black lives made one thing abundantly clear: governments throughout New York rely on heavily militarized law enforcement agencies to manage and respond to protest. And in turn, the appearance and behavior of these armed officers – predictably and by design – has spread not “public safety,” but terror, escalation, and violence. This is a systemic failure of our democracy – and underscores the very reasons why New Yorkers do, and must, remain in the streets demanding justice.

The violence that New Yorkers have witnessed in recent weeks was overwhelmingly carried out by police officers and directed against the public. From the many documented incidents of excessive force, to the arrests of journalists, interrogations of protesters’ political beliefs, and the contempt with which officers attempted to evade accountability by concealing their identifying information, the actions of police departments across New York demonstrate the need for independent oversight and investigation. Furthermore, many of these actions occurred *despite* longstanding constitutional law, state and local statutes, and structures in place,

demonstrating that past attempts at reform have failed to reform police conduct – and will continue to fail – absent a robust system of independent accountability for police misconduct. We urge the Attorney General to be an important part of that system by listening to the stories of New Yorkers, many caught on indelible video, and treating the sheer scale and severity of police misconduct as a true crisis meriting immediate and serious correction.

Below, we include a list of troubling policing activities during the protests, which is sadly far from an exhaustive list of police misconduct that millions of New Yorkers have witnessed with their own eyes and social media accounts. The below incidents include those that have been reported on in the media and many that were witnessed directly by NYCLU staff.

- **Violent Incidents and Intimidation of Protesters**

New Yorkers witnessed an alarming level of violence directed at protesters by police officers during the course of recent protests. Over the past few weeks, we have seen NYPD officers drive their vehicles into crowds of protesters, violently shove people to the ground without any provocation, tear down the face mask of a protester and pepper spray him with his hands in air, and handcuff and pepper-spray elected officials attempting to mediate tense encounters on behalf of their constituents.<sup>1</sup>

In Buffalo, police in riot gear advanced, phalanx-style, into an unarmed older man speaking to them; instead of responding or pausing, an officer shoved him to the ground, loudly cracking his head on the pavement. After the man falls, visibly and profusely bleeding from his head, several officers continue to march down the sidewalk without stopping to assess his condition or ensure immediate medical attention. Images of riot cops filing past a man lying bleeding and severely injured on the ground should be scenes only from a dystopian science fiction movie; unfortunately, they are all too real images of the Buffalo Police Department's attitude toward peaceful protesters. The man remains in very serious condition in a local hospital. After widespread outrage followed the video clip of this interaction, two Buffalo officers were suspended. In response to their suspension, 57 members of the Buffalo Police Department's emergency response team resigned in protest.<sup>2</sup> The excessive force on display here is abhorrent, unlawful, and must be addressed. But in addition, the BPD officers' response also shows just how

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<sup>1</sup> Ashley Southall, *Officer Who Violently Shoved Protester in Brooklyn is Charged with Assault*, N.Y. Times, June 9, 2020, <https://www.nytimes.com/2020/06/09/nyregion/nypd-officer-vincent-dandraia-arrest.html>; Virginia Breen, *NYPD Pepper Spray Use in George Floyd Protests may Hasten New COVID Wave, Experts Warn*, The City, June 3, 2020, <https://www.thecity.nyc/2020/6/3/21279984/nypd-pepper-spray-use-in-george-floyd-protests-may-hasten-new-covid-wave-experts-warn>; Tara Law, *Footage of NYPD Vehicles Surging into Crowd of Protesters Sparks Further Outrage*, Time, May 31, 2020, <https://time.com/5845631/nypd-protests-vehicles-protesters/>.

<sup>2</sup> Jay Croft and Elizabeth Hartfield, *Buffalo Officers Quit Special Team After Two Officers are Suspended for Shoving a 75-Year Old Protester*, CNN.com, June 6, 2020, available at <https://www.cnn.com/2020/06/05/us/buffalo-police-suspension-shoving-man-trnd/index.html>.

much work will be required to address a dysfunctional culture that celebrates excessive force and demands impunity *en masse*.

In New York City, officers used mace, cars, and bikes as weapons against protesters. In one widely reported incident, NYPD officers drove SUVs into a crowd of protesters.<sup>3</sup> Vehicles driven into crowds are, without doubt, a lethal weapon – and have absolutely no place in a protest. Indeed, civilians who have done so have been convicted of murder.<sup>4</sup> One NYCLU staff member who was present at a number of the New York City protests reports witnessing officers mace protesters for approaching barricades, charging protesters with their bicycles, verbally threatening to run groups of protesters over with their cars, and in one instance, an officer attempting to run his bicycle over our staff member’s foot.

Two NYCLU staff members reported seeing NYPD police helicopters flying low and close to crowds as an apparent intimidation tactic. The use of helicopters was also reported over Flatbush Avenue in Brooklyn, with one protester saying, “They flew it so low and used the force of the blades to whip up debris and spread dirt all onto people.”<sup>5</sup>

While the city’s response to protest was inconsistent with the values at the core of the First Amendment, it is worth noting that the NYPD’s response was disappointingly consistent with recent comments from NYPD Commissioner Dermot Shea that reflect hostility toward the First Amendment rights of New Yorkers who are critical of the police. In response to criticism of the NYPD’s handling of COVID-19 related social distancing enforcement, which disproportionately targeted people of color, the Commissioner stated that media critical of the police is “disturbing” and suggested that public statements criticizing the police lead to violence against the NYPD.<sup>6</sup>

- **Kettling of Protesters**

NYPD officers repeatedly used kettling as a form of crowd control and to facilitate mass arrests of protesters. Kettling involves confining protesters by surrounding them and blocking off any exit points. As deployed by the NYPD in recent weeks, it has also involved officers charging into the entrapped group of protesters, swinging batons,

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<sup>3</sup> Virginia Breen, *Brooklynites Slammed by NYPD SUV Vow to Keep Marching*, The City, June 2, 2020, available at <https://www.thecity.nyc/2020/6/2/21278766/brooklyn-protesters-slammed-by-nypd-suv-vow-to-keep-marching>.

<sup>4</sup> Minyvonne Burke and Marianna Sotomayor, *James Alex Fields Found Guilty of Killing Heather Heyer During Violent Charlottesville White Nationalist Rally*, NBC News, Dec. 7, 2018, available at <https://www.nbcnews.com/news/crime-courts/james-alex-fields-found-guilty-killing-heather-heyer-during-violent-n945186>.

<sup>5</sup> <https://www.thecity.nyc/2020/6/2/21278766/brooklyn-protesters-slammed-by-nypd-suv-vow-to-keep-marching>

<sup>6</sup> See NYC Mayor’s Office, Media Availability on COVID-19, YouTube, May 13, 2020, <https://www.youtube.com/watch?v=6X5U10MRbSg&feature=youtu.be> (Shea’s comments begin at 55:45).

making arrests, and, in one case, trapping New Yorkers on the Manhattan Bridge for hours by blocking off both sides.<sup>7</sup>

One particularly troubling example of kettling came during a mass arrest in the Mott Haven neighborhood of the Bronx, an operation which Commissioner Shea later described as “executed nearly flawlessly.”<sup>8</sup> Just before the curfew began, officers blocked protesters with a wall of armored officers who used bicycles to both block and push back the crowd, while another group of officers charged into the group from the other direction.<sup>9</sup> There were multiple reports of officers hitting protesters with batons without provocation, tackling and arresting people who tried to leave the area, and spraying large amounts of pepper spray into the crowd.<sup>10</sup> It is worth emphasizing that public health experts have criticized the NYPD's use of pepper spray, pointing out that spraying densely packed crowds of people with a substance that causes widespread coughing and gagging is a particularly concerning tactic while New York remains in the midst of a pandemic that spreads through respiratory droplets.<sup>11</sup>

- **Interrogation of Protesters’ Political Views**

Many years ago, the NYCLU brought a case called *Handschu v. Special Services Division*, challenging the NYPD’s unconstitutional practice of spying on political organizations and individuals. The case was settled with a consent decree entered in 1985, in which the NYPD was prohibited from investigating political and religious organizations and groups unless there was “specific information” that the group was linked to a crime that had been committed or was about to be committed.

The NYCLU and our co-counsel in *Handschu v. Special Services Division* have received reports of individual protesters being interrogated by NYPD personnel and FBI agents about their political views. Protesters have reported being asked, among other questions, about what social media accounts they follow, their affiliation with particular groups, and how they found out about the protests.<sup>12</sup> It should be emphasized that

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<sup>7</sup> <https://www.nytimes.com/2020/06/05/nyregion/police-kettling-protests-nyc.html>;  
<https://www.pix11.com/news/america-in-crisis/peaceful-protesters-stranded-on-manhattan-bridge-with-nypd-blockades-on-either-side>.

<sup>8</sup> <https://gothamist.com/news/nypds-ambush-of-peaceful-bronx-protesters-was-executed-nearly-flawlessly-city-leaders-agree>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> <https://www.thecity.nyc/2020/6/3/21279984/nypd-pepper-spray-use-in-george-floyd-protests-may-hasten-new-covid-wave-experts-warn>.

<sup>12</sup> [https://www.nyclu.org/sites/default/files/field\\_documents/20200608-letter-handschupoliticalinterrogations.pdf](https://www.nyclu.org/sites/default/files/field_documents/20200608-letter-handschupoliticalinterrogations.pdf); <https://theintercept.com/2020/06/04/fbi-nypd-political-spying-antifa-protests/>.

interrogating protesters about their political activities for the purpose of generating records would be in direct violation of the *Handchu* consent decree.<sup>13</sup>

- **Arrests/Credentialing of Journalists**

The NYPD's hostility to the First Amendment appeared to extend to officer interference with journalists covering the protests, with the Department also facing criticism for its handling of press credentials. While covering protests in Lower Manhattan on the night of June 2 and into the morning of June 3, officers surrounded and shoved two credentialed Associated Press journalists, shouting profanities at the journalists and attempting to separate them.<sup>14</sup> This incident was one of many examples of interference cited by the Reporters Committee for Freedom of the Press in a June 6 letter denouncing “police attacks against journalists.”<sup>15</sup> Other examples include an officer hitting a press photographer with a baton and knocking him down, a violent arrest of a Huffington Post reporter, and the arrest of freelance journalist who had been taking videos and photos of the protests.<sup>16</sup>

During the protests, the NYPD also announced that it would cease issuing press credentials, a policy that Mayor de Blasio eventually ordered reversed.<sup>17</sup> This led to calls from Comptroller Scott Stringer to strip the NYPD of its authority to issue press credentials and to transfer that responsibility to a separate agency.<sup>18</sup>

In Syracuse, veteran Syracuse.com reporter Dennis Nett was shoved by riot police in front of the Public Safety Building, for recording officers exiting the facility in riot gear. In multiple videos release by Syracuse.com and SPD from body camera and surveillance footage, the journalist was not approaching officers, was a good distance away from them and had a camera and his press credentials plainly visible. He suffered minor damages.<sup>19</sup>

- **Arrests of Essential Workers**

The NYPD's mistreatment of essential workers during the protests was not limited to journalists. On June 4, officers arrested and detained overnight a food delivery worker. Officers arrested him shortly after the 8pm curfew took effect, despite

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<sup>13</sup> [https://www.nyclu.org/sites/default/files/field\\_documents/20200608-letter-handschupoliticalinterrogations.pdf](https://www.nyclu.org/sites/default/files/field_documents/20200608-letter-handschupoliticalinterrogations.pdf)

<sup>14</sup> <https://nypost.com/2020/06/03/nypd-cops-shove-ap-reporters-covering-george-floyd-protests/>

<sup>15</sup> <https://www.rcfp.org/nypd-attacks-on-journalists-letter/>

<sup>16</sup> <https://www.rcfp.org/wp-content/uploads/2020/06/6-6-20-New-York-Press-Letter.pdf>

<sup>17</sup> <https://www.amny.com/news/nypd-should-be-relieved-of-press-credential-duties-stringer-tells-de-blasio/>

<sup>18</sup> <https://www.amny.com/news/nypd-should-be-relieved-of-press-credential-duties-stringer-tells-de-blasio/>

<sup>19</sup> Tim Knauss, *Syracuse Police Officer Shoves News Photographer to the Ground at Protest*, Syracuse.com, June 1, 2020, available at <https://www.syracuse.com/news/2020/06/syracuse-police-officer-shoves-news-photographer-to-the-ground-during-protest-video.html>.

the fact that food delivery workers were expressly exempted from the curfew as essential workers.<sup>20</sup> Medical workers also reported that NYPD and New York State Police officers blocked off roadways and refused to accept or acknowledge work identification documents, effectively preventing essential healthcare workers from reaching their homes.<sup>21</sup>

Officers also arrested legal observers during a mass arrest in Mott Haven in the Bronx. Despite the fact that the administration and the NYPD had provided assurances that legal observers were exempted from the curfew, legal observers reported that officers rejected documentation of that exemption and that officers had been ordered to round up all the green hats (in reference to the distinct neon green hats worn by legal observers affiliated with the National Lawyers Guild).<sup>22</sup> One arrested legal observer reported that officers accused him of “illegal counter-surveillance against the police,” before confiscating and reading the legal observer’s notebook.<sup>23</sup>

- **Covering of Badges**

New York City law requires that officers identify themselves, provide their shield numbers, and offer business cards proactively in a range of criminal investigative and enforcement encounters.<sup>24</sup> This law also requires that officers provide this information upon request.<sup>25</sup> However, there is no enforcement mechanism for either provision, and one need look no further than the events of the past few weeks to see how officers behave knowing that they can get away with blatantly and unabashedly defying legal mandates.

Throughout the protests in recent weeks, there have been both direct violations of the law and an apparently concerted effort to undermine the spirit of the law on display. In late April, NYPD officers began wearing black mourning bands across their shields to commemorate the officers who lost their lives to the COVID-19 pandemic.<sup>26</sup> After protests erupted over the death of George Floyd, NYPD officers have been accused of hiding their badge numbers to avoid accountability for their use of force during these protests. The NYPD patrol guide states that a uniformed member of the service “may wear black elastic mourning band, ½ inch wide, on the shield, covering the seal of the

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<sup>20</sup> <https://abc7ny.com/food-delivery-essential-workers-arrest-protesters-defy-curfew/6232911/>

<sup>21</sup> <https://www.thecity.nyc/2020/6/4/21281194/curfew-confusion-some-essential-medical-workers-cant-cross-police-barricades>.

<sup>22</sup> <https://gothamist.com/news/round-green-hats-nypd-accused-deliberately-targeting-legal-observers-brutal-bronx-mass-arrest>

<sup>23</sup> <https://gothamist.com/news/round-green-hats-nypd-accused-deliberately-targeting-legal-observers-brutal-bronx-mass-arrest>

<sup>24</sup> See N.Y.C. Admin. Code § 14-174.

<sup>25</sup> N.Y.C. Admin. Code § 14-174(c).

<sup>26</sup> See Commissioner Shea, @NYPDShea, Twitter, <https://twitter.com/NYPDShea/status/1250894546982055938>.

city, but leaving the shield number or rank designation visible upon the death of the a member.”<sup>27</sup>

Social media accounts are replete with imagines of officers placing the mourning bands directly over their badge numbers, in direct violation of the NYPD Patrol Guide. At least one officer has claimed on camera that they were instructed by their supervisors to cover their badge, and there have been numerous reports of officers covering their shield numbers in the presence of supervisors who took no corrective action.<sup>28</sup><sup>29</sup> Some officers have also been seen with their badge numbers covered, or not wearing one at all, during photo opportunities.<sup>30</sup> And there have been reports of officers refusing to provide their names and shield numbers or offer a business card despite direct asks for this information – and in defiance of the Administrative Code.<sup>31</sup>

- **Non-Compliance with Investigators**

The Civilian Complaint Review Board is reported to have received around 750 complaints about officer misconduct during the protests.<sup>32</sup> However, it has also been reported that NYPD officers are refusing to comply with CCRB investigations and that the agency has been unable to conduct a single police interview since the beginning of the COVID-19 pandemic.<sup>33</sup> While other agencies and entire court systems have adapted by conducting business via phone or video conferencing, the NYPD has refused to allow officers to participate in online questioning.<sup>34</sup>

- **Troubling Use of Curfew**

In New York City, the NYCLU and other civil rights organizations were prepared to sue the city for the NYPD’s use of curfew “as justification for their attacks and arrests on protesters, essential workers, journalists, and bystanders.”<sup>35</sup> In the Capital Region, three communities neighboring Troy, NY (Watervliet, Menands, and Green Island) preemptively declared states of emergency and curfews in anticipation of a rally for racial justice scheduled to be held in Troy on Sunday, June 7. However, there was no

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<sup>27</sup> See NYPD Patrol Guide § 204-17.

<sup>28</sup> Nick Pinto, *NYPD Officers at George Floyd Protests are Covering Their Badge Numbers in Violation of Own Policy*, The Intercept, June 3, 2020, <https://theintercept.com/2020/06/03/nypd-badge-black-band/>.

<sup>29</sup> Video on file with the New York Civil Liberties Union.

<sup>30</sup> See Commissioner Shea, @NYPDShea, Twitter, <https://twitter.com/NYPDShea/status/1269332944172302341>.

<sup>31</sup> Rocco Parascandola, *NYPD Cops Accused by Advocacy Groups of Covering Shield Numbers During George Floyd Protests*, N.Y. Daily News, June 4, 2020, <https://www.nydailynews.com/new-york/nyc-crime/ny-nypd-cops-accused-covering-shield-numbers-protests-20200604-rje2krqecfrcdcex2p2fdy3c5i-story.html>.

<sup>32</sup> <https://www.thecity.nyc/justice/2020/6/11/21288820/police-say-theyll-refuse-to-submit-to-video-interviews-for-ccrb-investigations>.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Civil Rights Organizations’ Statement on Lifting NYC Curfew (June 7, 2020), <https://www.nyclu.org/en/press-releases/civil-rights-organizations-statement-lifting-nyc-curfew>.

civil disturbance in Watervliet, Menands, or Green Island at any time; and the protest in Troy was itself entirely peaceful. The use of curfew under these circumstances was unfounded; it needlessly stoked public fear of violence at protests, and gave false legitimacy to racist and stereotypical narratives about protest organizers and participants.

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## Recommendations

- **Investigate the NYPD's Handling of Protest and its Systems for Holding Officers Accountable**

The NYPD's handling of protests and the defense of officer tactics by City and NYPD leadership demonstrate not just the systemic flaws with the policing of protest in New York City, but the inability of local leaders to recognize and respond to those flaws. The Attorney General's office should consider a thorough review of the NYPD's policing of protest, including a particular focus on the abuses we have witnessed in recent weeks. That review should also consist of a broader examination of all NYPD policies and procedures related to protest – from treatment and credentialing of press to the rules governing kettling and the use of chemical agents.

That review must also explore what steps the Department is taking to hold officers accountable for serious acts of misconduct committed during the protests. Now that Section 50-a has been repealed, and police disciplinary records are no longer shrouded in secrecy, the public deserves answers on what immediate steps police departments take to hold abusive officers accountable, and the Attorney General's office can help shed light on whether existing accountability measures are working.

More must be done to ensure truly independent oversight of police misconduct. After the repeal of 50-a, one state statute stands as the greatest obstacle to true accountability. Chapter 834 of the Laws of 1940 limits the degree to which localities across the state can provide for independent oversight of police officers. Unlike other public employees, whose disciplinary and removal proceedings are governed by section 75 of the Civil Service Law, this law imposes unique restrictions on removal procedures for police officers. This statute must be repealed in order to enable localities and police chiefs the authority to designate independent and impartial adjudicators to preside over police disciplinary hearings and thereby increase public confidence in the integrity of these proceedings. There is legislation to repeal this statute: S.7527 (Myrie) / A.10560 (Richardson). Notably, the bill is cosponsored by two Black legislators who were both pepper sprayed by NYPD while engaging in peaceful protest.<sup>36</sup>

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<sup>36</sup> Amanda Luz Henning Santiago, *Even Black Lawmakers Get Pepper-Sprayed*, City and State, June 3, 2020, available at <https://www.cityandstateny.com/articles/politics/news-politics/even-black-lawmakers-get-pepper-sprayed.html>.



- **Call for Demilitarization and Greater Transparency**

The Attorney General's office can play a key role in supporting the demilitarization of law enforcement. Police departments should not be using chemical agents like tear gas against people exercising their First Amendment rights. And when police departments deploy expensive hardware and technologies like helicopters and drones against protesters in order to surveil and intimidate them, we should be imposing stricter requirements on police departments to justify why they should be able to acquire those tools to begin with. The Attorney General can support efforts to ban the use of chemical agents at protests and to require police departments to submit to greater transparency and oversight regarding the expensive and invasive technologies deployed in the name of public safety. Specifically, we call on the Attorney General to publicly support legislation already introduced to put a stop to the improper militarization of New York's police forces, including bills banning the use of drones and tear gas on protesters.

The NYCLU supports, and asks the AG to publicly support, a law banning the use of aerial drones above protests, S.6435 (Ramos) / A.9931 (Kim). The bill would prohibit drone surveillance of events and activities protected by the First Amendment, require a search warrant for use of a drone in police investigations, prohibit drones from using facial recognition software, weapons or crowd control devices, set rules for the public accessibility, retention and deletion of drone-collected data, and subject private drone operating companies to the same rules as law enforcement.

We also believe that the police use of tear gas – a weapon banned in war for its dispersed and painful effects<sup>37</sup> – must be banned in New York, and the use of pepper spray regulated to ensure against its use on groups of protesters. Senate Bill 8512 (Biaggi) would do so. In light of recent incidents making plain that police are willing to use pepper spray on captive crowds – including, apparently, legislators, medics, and essential personnel – during a respiratory epidemic, this legislation is acutely urgent. The NYCLU supports immediate passage of S.8512 and urges the Attorney General to join us.

With calls to defund police departments taking on a new sense of urgency, especially against the backdrop of states and localities struggling to preserve funding for the public health and social safety programs that will help us recover from the pandemic, the Attorney General's office can help to identify areas where we can make smarter investments and by supporting calls for greater transparency and oversight.

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<sup>37</sup> Jamil Dakwar, *Government Use of Tear Gas is Illegal in War. It Should be Illegal Here, Too.*, ACLU.org, Nov. 28, 2018, available at <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/government-use-tear-gas-illegal-war-it-should-be>.

**Addendum: Testimony on Police-Protester Interactions Experienced by and Reported to NYCLU Staff**

**Testimony # 1: firsthand experiences of NYCLU staff member over several recent days of protests at different locations in New York City**

- Officers riding bicycles into crowd, then arresting protesters who “bump into them” as they pass by
- There were dozens of violent arrests that I observed for seemingly no reason. They often approached crowds on foot as well and arrested anyone that they could physically grab.
- Indiscriminate use of batons to clear space.
- Mace used on protesters for approaching barricades (both physical fencing and barricades formed by officers’ bodies).
- Officers brandishing weapons including batons and mace.
- Officer at Washington Square Park with his hand on his gun. When I approached and asked for his badge number, the captain approached and ushered him away.
- Badge numbers covered by “mourning badges”, refusal to provide badge number when asked.
- Officers harassing and detaining essential workers past curfew.
- Police kettling protesters and blocking transportation, making it impossible to leave safely before curfew. This usually started between 7-7:30 pm. Police would then begin to surround on all sides, and call in officers on bicycles and motorcycles to charge protesters and make violent arrests.
- Police stealing bicycles from protesters past curfew, arresting people who made any attempt to resist or get their bike back. When I asked why this was happening, they told me that it was past curfew. I asked how they expected us to get home, and they said to take the bus or figure it out. Meanwhile, roads and ride sharing services were shut down, and subway stations were being blocked by officers.
- Officers in plain clothes filming protesters, making very obvious efforts to film people’s faces.
- Officers at Gracie Mansion leaning out their car window and threatening to run me and a few other protesters over. Once again, I asked for badge numbers and a captain approached and told us he would “get him out of here.” When protesters thanked him, he said “I’m not on your side, enjoy your riot.”
- Several days where not a single officer was wearing a mask. When I asked why, I was told “my body, my choice.”
- Groups of officers breaking off to follow small groups of people as they left protests. I followed a group of at least 10 officers on bicycles for 30 minutes as they followed a group of 15 teenagers of color. When I asked why they were pursuing them, an officer steered his bike towards me, trying to run over my feet. He continued to mock me until another officer told him to ignore me.
- Both [another NYCLU staff member] and I experienced police helicopters flying very close to crowd to intimidate and move crowd in certain direction.

**Testimony #2: selected experiences reported to NYCLU staff members reflecting several recent days of protests at different locations in New York City**

- A) Union Square:** On 06.02.20, arrested for peacefully protesting after curfew (which had just changed from 11pm to 8pm). Police appeared in troops on bikes and motor scooters to break up the crowd. The NYPD used shields, pushed protesters. There was a crowd stuck on Brooklyn Bridge. Arrested at 14th Street near Union Square on 5th Avenue. NYPD had spotlights on detained people with 10 NYPD cars and big NYPD trucks also shining lights. NYPD pushed people with sticks. One was hit by a baton while a woman nearby was also getting beaten by an NYPD with a baton. NYPD gathered protesters near New School. There were protesters with bloody faces, one with a dislocated arm, and another vomiting blood. No photos could be taken, one protester had their phone slapped out of their hand and then was dragged across the street and detained. Protesters asked, "Why are we getting arrested." NYPD officers responded, "This is like a parking ticket," which felt like they were diminishing what had just happened.
- B) Cadman Plaza:** Post curfew peaceful protest, protesters were arrested and beaten. Officers in riot gear charged protesters and 3 officers struck a protester with batons as he was trying to move backwards. Officers approached Bridge and 3-5 of them pinned a protester to the ground and sat on her so that she could not breathe. She sustained injuries and was cuffed with several other people. An off duty EMT officer who had protesting told someone on the bus that this person needed medical care. Incident occurred between 8pm-9pm and this person not get medical care until after release at 3:45am.
- C) Stuck on Manhattan Bridge:** Peacefully protesting at Barclays Center. By 8:20pm about 1,000 protesters were on the Manhattan Bridge with a few hundred NYPD officers. Protesters were kettled on both sides and stuck on the bridge for about 2 hours. Biker went back to Brooklyn side of bridge and then returned and reported both sides blocked by NYPD officers. NYPD failed to communicate anything to people on the bridge short of one announcement passed along by people that the crowd would be allowed out in 10 minutes, but another 50 minutes passed until protesters were released off the bridge. There were flood lights from 2 or 3 NYPD helicopters. 10 NYPD officers wearing mourning ribbons so difficult to read their badges. A few people were arrested because they tried to jump the railings to escape the crowd.
- D) Manhattan:** Protesting post curfew with 1,500 protesters from Karl Shurtz Park to 3rd Avenue & 50th Street. Cops on bikes started to charge the crowd. One protester was grabbed and handcuffed with zip tie cuffs and dragged to the sidewalk. Another was put in a solitary cage on the bus because they identified as non binary.