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May 6, 2024

Jeanene L. Barrett, Inspector General  
Office of the Inspector General for the New York City Police Department  
New York City Department of Investigation  
80 Maiden Lane  
New York, NY 10038

Dear Inspector General Barrett:

We write to request that your office immediately investigate the NYPD's reckless and militaristic response to last week's protests at local college campuses and the NYPD's jailing of protestors for low-level offenses in blatant violation of the Criminal Procedure Law prohibiting custodial arrests for such offenses. In addition, we write to support City Council Speaker Adrienne Adams' request that your office investigate the NYPD's improper use of their social media accounts, particularly their use of social media to discredit protesters and chill future protests by making speculative claims linking them to terrorism – a clear abuse of the NYPD's authority.

On April 30, administrators for Columbia University and the City College of New York ("CCNY") each wrote to the NYPD requesting its assistance with removing protestors, along with their tents, flags, and banners, from their campuses.<sup>1</sup> Columbia officials also requested that the NYPD remove protestors occupying the Hamilton Hall building.<sup>2</sup> That same day, the NYPD raided both campuses and arrested 282 protestors.<sup>3</sup> During these raids, the NYPD allegedly slammed protestors to

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<sup>1</sup> NYPD Deputy Commissioner of Operations Kaz Daughtry [@NYPDDaughtry], X, "The @NYPDNews received letters from @CityCollegeNY & @Columbia detailing that protestors' actions have interfered with the safety and security of their campuses..." April 30, 2024, <https://twitter.com/NYPDDaughtry/status/1785519091714752885>.

<sup>2</sup> *See id.*

<sup>3</sup> Shimon Prokupecz, Mark Morales, and Celina Tebor, *Here's What We Know About Those Arrested at NYC Pro-Palestinian Campuse Protests Tuesday Night*, CNN, May 2, 2024, <https://www.cnn.com/2024/05/02/us/columbia-university-protests-arrest-charges/index.html>.

the ground,<sup>4</sup> pushed others,<sup>5</sup> and threw one protestor down the stairs.<sup>6</sup> The NYPD conducted similar raids at Fordham University, The New School, and New York University (NYU) to remove protestors after receiving similar requests from those university administrators.<sup>7</sup> At NYU, the NYPD allegedly used pepper spray on protestors, legal observers from the National Lawyers Guild, and on a journalist.<sup>8</sup>

The NYPD's reported response to protestors at these universities is troubling. What is most troubling is an incident that the NYPD chose not to tell the public until reporters made the incident public. Based on reports from various sources including the NYPD, a sergeant in the NYPD's Emergency Service Unit allegedly unholstered his gun, with the safety off, and pointed it towards Columbia University's Hamilton Hall as he entered the building.<sup>9</sup> By the same account, the weapon was discharged and the bullet traveled into an empty office and did not strike anyone.<sup>10</sup> We request that your office investigate and review the NYPD's actions in response to last week's protests, which include the following alleged conduct: sending armed Emergency Service Unit officers to remove unarmed protestors, permitting at least one officer to unholster his firearm with the safety off and aiming it at a building with protestors, pushing and slamming protestors to the ground, throwing a

<sup>4</sup> Talia Jane [@taliaotg], X, "Community Response Team' cop (tan pants) documented by multiple students at Columbia University grabbing and forcefully throwing someone down a flight of stairs outside of Hind Hall (Hamilton) tonight," April 30, 2024, <https://x.com/taliaotg/status/1785519844734992508>; see also *infra*, Fn 7; see also *infra*, Fn 6.

<sup>5</sup> Vinay Uteriya [@VinayUteriya11], X, NYPD Throw Columbia student down the steps on campus. THIS IS BRUTALIT IS WHAT MINOUCHE SHAFIK DEEMS ACCEPTABLE !!" April 30, 2024, <https://twitter.com/VinayUteriya11/status/1785505104105521270>; see also sjp.columbia [@sjp.columbia], "NYPD at Columbia pushed three students down the stairs and dragged out one passed out student. They threw out all items down the stairs, endangering students, and pushed a group of five that were walking without resisting arrest. They are not letting EMT out of John Jay to provide medical attention." Instagram, May 2, 2024, <https://www.instagram.com/sjp.columbia/reel/C6aHAHnNB5Q/>.

<sup>6</sup> Allie Wong, *I'm a Student Who Was Arrested at a Columbia Protest. I Am Not A Hero, Nor Am I A Villain*, USA Today, May 3, 2024, <https://www.usatoday.com/story/opinion/voices/2024/05/03/Columbia-protests-student-arrests-nypd-gaza/73539755007/>.

<sup>7</sup> NYPD Deputy Commissioner of Operations Kaz Daughtry [QNYPD Daughtry], X, "#HappeningNow: In an effort to ensure further escalation does not occur, @FordhamNYC has requested our assistance to disperse an unlawful encampment of individuals inside one of their buildings. Attached is the letter from the university, Your @NYPDnews officers continue to protect the right to peacefully protest, but lawlessness will not be tolerated. I commend the professionalism consistently displayed by our officers. Without incident, we have placed the individuals who refused to disperse from the unlawful encampment inside a @FordhamNYC building under arrest." May 1, 2024, [https://twitter.com/NYPDDaughtry/status/1785794579679125965?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1785794579679125965%7Ctwgr%5E141d3c2b712bde424b48f8568e628a5858f8360e%7Ctwcon%5Es1&ref\\_url=https%3A%2F%2Fabc7ny.com%2Fcity-college-protests-nypd-arrests-over-100-ccny-columbia-protesters-demonstration-at-police-headquarters%2F14749736%2F](https://twitter.com/NYPDDaughtry/status/1785794579679125965?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1785794579679125965%7Ctwgr%5E141d3c2b712bde424b48f8568e628a5858f8360e%7Ctwcon%5Es1&ref_url=https%3A%2F%2Fabc7ny.com%2Fcity-college-protests-nypd-arrests-over-100-ccny-columbia-protesters-demonstration-at-police-headquarters%2F14749736%2F); see *id.*, May 3, 2024, <https://twitter.com/NYPDDaughtry/status/1786339346481643930>.

<sup>8</sup> Noah Hurowitz, *NYU Has NYPD Arrest and Pepper-Spray Protestors at Pro-Palestine Student Encampment*, Hellgate, available at <https://hellgatenyc.com/nyu-nypd-gaza-solidarity-encampment>.

<sup>9</sup> Amanda Woods, *New Details Emerge about NYPD Cop's 'Purely Unintentional' Gun Discharge During Columbia Raid on Anti-Israel Protestors Inside Hamilton Hall*, New York Post, available at [https://nypost.com/2024/05/03/us-news/details-emerge-about-nypd-cop-who-accidentally-fired-during-columbia-anti-israel-raid/?utm\\_campaign=iphone\\_nyp&utm\\_source=pasteboard\\_app](https://nypost.com/2024/05/03/us-news/details-emerge-about-nypd-cop-who-accidentally-fired-during-columbia-anti-israel-raid/?utm_campaign=iphone_nyp&utm_source=pasteboard_app).

<sup>10</sup> See *id.*

protestor downstairs, and indiscriminately using pepper spray on protestors and non-protestors alike. We also request that your office investigate and review the NYPD's decision to withhold information from the public related to the discharge of a firearm in Hamilton Hall. The NYPD's response to these protests endangered the public, and its subsequent decision to withhold information about its actions should be reviewed by your office, as the independent oversight agency for the NYPD.

Additionally, under Criminal Procedure Law § 150.20, police officers must issue appearance tickets rather than arrest individuals suspected of committing violations, infractions, misdemeanors, and certain class E felonies (together, "low-level offenses"). But many of the protestors whom the NYPD arrested for low-level offenses last week were not issued appearance tickets. At least 46 Columbia protestors and many CCNY protestors were arrested and detained on appearance-ticket offenses, like trespassing or criminal mischief.<sup>11</sup> Indeed, one professor was arrested and detained for obstructing governmental administration, another appearance-ticket offense, because he reportedly exercised his First Amendment right to record the police without interfering in police action, spending five hours unnecessarily confined in a holding cell.<sup>12</sup> Some protestors languished in holding cells for more than 24 hours, in violation of the 24-hour requirement from arrest to arraignment.<sup>13</sup> We request that your office investigate and review the NYPD's practice of unlawfully detaining protestors on low-level offenses instead of issuing them appearance tickets at or near the site of the alleged criminal activity as required by law.

Throughout last week's protests, NYPD executives used official departmental social media accounts unprofessionally and unethically to discredit protesters and chill future protests by making speculative claims linking them to terrorism. NYPD officials used a British historian's book on the history of terrorism that they found at Columbia University to speculate that "somebody whether paid or not paid, they are radicalizing our students," and pointed to things like bike chains and goggles found at the university to speculate that there is a "mastermind" behind the protests who is radicalizing students and paying for these items.<sup>14</sup> These unsupported claims linking student protestors to terrorism

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<sup>11</sup> Sahalie Donaldson, *Nearly two-thirds of protestors Arrested at Columbia and City College Released with Summonses*, City & State New York, May 2, 2024, <https://www.cityandstateny.com/policy/2024/05/how-will-student-protesters-be-charged-manhattan/396285/>; see also NYPD Clears Encampment Inside Fordham; 15 Arrests Made: Law Enforcement Sources, ABC7 Eyewitness News, <https://abc7ny.com/city-college-protests-nypd-arrests-over-100-cny-columbia-protesters-demonstration-at-police-headquarters/14749736/>.

<sup>12</sup> Edward Cueves, *A Columbia Professor Aanted to Document History. NYPD Arrested Him Outside of His Home*, USA Today, May 4, 2024, <https://www.usatoday.com/story/news/2024/05/04/columbia-professor-arrested-nypd-protests-israel-gaza/73561493007/>.

<sup>13</sup> Press Statement, The Legal Aid Society, May 2, 2024 available at <https://legalaidnyc.org/wp-content/uploads/2024/05/Legal-Aid-Condemns-NYPD-for-Unlawfully-Detaining-and-Processing-Demonstrators-on-Low-Level-Offenses-Who-Should-Have-Received-Appearance-Tickets.pdf>.

<sup>14</sup> NYPD Deputy Commissioner of Operations Kaz Daughtry [@NYPDDaughtry], X, "Great to join @NewsMax today with @NYPDChiefPatrol after today's successful operations at @NYUniversity & @TheNewSchool. Our youth are being radicalized and in some cases have been encouraged to escalate their protests into violence. I shared some of the disturbing observations we made at some of the campuses we have cleared of illegal encampments, including stockpiles

are dangerous. They put students in danger of harm from vigilantes inspired by the NYPD's fearmongering, and they chill future protests from students who fear being smeared and treated like terrorists by the NYPD. Moreover, these gross misrepresentations by high-level NYPD executives without any consequence signals a larger problem within NYPD's disciplinary system – a two-tiered system, one for higher level officers, and another for the rank-and-file. The NYPD's own Disciplinary Matrix prescribes a presumptive penalty of termination for False Official Statements, 30 Penalty Days and Dismissal Probation for Intentionally Making a Misleading Official Statement, and 10 Penalty Days for Making an Inaccurate Official Statement.<sup>15</sup> We support Speaker Adam's request that your office conduct an official investigation and review of NYPD's policies, practices, and operations related to its use of social media.<sup>16</sup>

We look forward to your investigation into these policing tactics and practices and welcome the opportunity to discuss our concerns further.

Respectfully,

/s/ Jennvine Wong

Jennvine Wong  
Supervising Attorney  
Cop Accountability Project

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of gear and tools, as well as inflammatory literature and signage. It truly makes us question who is funding these protest efforts...”, May 3, 2024, <https://twitter.com/NYPDDaughtry/status/1786518991361519933>; *see also* NYPD Deputy Commissioner of Operations Kaz Daughtry [@NYPDDaughtry], X, “Pencils, books, laptops, those are the tools of students and what you expect to find on a college campus. But here’s what the NYPD found in Hamilton Hall at Columbia University after we were able to arrest the protestors and agitators for commandeering and barricading themselves inside the building. Gas masks, ear plugs, helmets, goggles, tape, hammers, knives, ropes, and a book on TERRORISM. These are not the tools of students protesting, these are the tools of agitators, of people who were working on something nefarious. Thankfully, your NYPD was able to prevent whatever they were planning and stop them before they could do it. Continue to peacefully and lawfully protest; but know that if you engage in illegal conduct, the NYPD will hold you responsible and hold you accountable—someone has to.” May 3, 2024,

<https://twitter.com/NYPDDaughtry/status/1786449287359992179>; NYPD Chief of Patrol John Chell

[@NYPDChiefofPatrol], X, “This morning, @nyuniversity & @TheNewSchool requested @nypdnews to clear protesting students on their grounds. “Options” were afforded to the student protesters, with some leaving and 56 choosing arrest. There were no incidents, nor injuries to report. Once again the NYPD was extremely professional in their response! However, as we have been stating for the past 2 weeks, there is an underlying radical indoctrination of some of these students. Vulnerable and young people being influenced by professional agitators. Who is funding and leading this movement? We found numerous disturbing pieces of literature in both encampments but wanted to highlight this most disturbing one, clearly stating “Death to America ! “ May 3, 2024,

[https://twitter.com/nypdchiefpatrol/status/1786430444432433673?s=46&t=acgbwkUneyx-nhksaK\\_jbw](https://twitter.com/nypdchiefpatrol/status/1786430444432433673?s=46&t=acgbwkUneyx-nhksaK_jbw).

<sup>15</sup>NYPD Disciplinary Matrix, [https://www.nyc.gov/assets/nypd/downloads/pdf/public\\_information/disciplinary-system-penalty-guidelines-effective-01-15-2021-competite-.pdf](https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/disciplinary-system-penalty-guidelines-effective-01-15-2021-competite-.pdf) at 35 (last accessed May 4, 2024).

<sup>16</sup> Statement from Speaker Adams on Requesting an Official NYPD Inspector General Investigation of NYPD's Social Media Policies, Practices, and Operations, May 3, 2024, available at <https://council.nyc.gov/press/2024/05/03/2597/>.

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