



The Honorable Bill de Blasio
Mayor of the City of New York
City Hall
New York, NY 10007

Sent via Mail and Email

December 2, 2020

Re: Mott Haven accountability

Dear Mayor de Blasio,

December 4 will mark six months since the New York Police Department (NYPD) carried out a violent crackdown against protesters in the predominately Latinx and Black Mott Haven neighborhood of the Bronx—one of the most aggressive assaults on protesters in the United States following the police killing of George Floyd in Minneapolis.¹ Yet as of today, your administration does not appear to have held anyone accountable for the NYPD’s actions in Mott Haven. As civil and human rights organizations that documented abuses by members of the NYPD during this protest, who represent victims in lawsuits against the city, or who advocate for an end to impunity for repeated NYPD violence that disproportionately targets Black and Latinx communities, we urge you to act with greater urgency to hold those responsible for these abuses to account and to provide redress, including apology and compensation, to the victims.

The June 4 Mott Haven incident was documented in a 99-page Human Rights Watch [report](#) and [12-minute video](#) that was based on accounts from more than 80 people present at the protest and an analysis of 155 videos. The NYPD’s highest-ranking uniformed officer, Chief of Department Terence Monahan, led the operation in Mott Haven.² He oversaw scores of police officers who surrounded and

¹ Human Rights Watch, “‘Kettling’ Protesters in the Bronx: Systemic Police Brutality and Its Costs in the United States,” September 30, 2020 https://www.hrw.org/sites/default/files/media_2020/10/us_mott%20haven0920_web.pdf; “A Targeted Attack on the Bronx”: Police Violence and Arrests of Health Workers at a New York City Protest, Physicians for Human Rights, September 2020, <https://phr.org/our-work/resources/a-targeted-attack-on-the-bronx/>; “We’re suing the NYPD for its attacks on Black Lives Matters Protesters, the New York Civil Liberties Union (NYCLU),” October 29, 2020, <https://www.nyclu.org/en/news/were-suing-nypd-its-attacks-black-lives-matter-protesters>; “NYCLU and LAS Sue Mayor, NYPD for Police Brutality During Protests,” The Legal Aid Society, <https://legalaidnyc.org/news/lawsuit-mayor-nypd-police-brutality-during-protests/>.

² Human Rights Watch, “‘Kettling’ Protesters in the Bronx,” p. 28.

trapped the protesters in Mott Haven just before the 8 p.m. curfew, using the “kettling” tactic. Then, just after 8 p.m., the police—unprovoked and without warning—moved in on the protesters, wielding batons, beating people from car tops, shoving them to the ground, and firing pepper spray into their faces before rounding up more than 250 people for arrest.³

The assault injured at least 61 people, who had lacerations, a broken nose, a lost tooth, a sprained shoulder, a broken finger, black eyes, and potential nerve damage from overly tight zip ties. Human Rights Watch did not learn of any police officers being injured during the protest.⁴

Human Rights Watch also found no evidence of threats or acts of violence or vandalism by the protest organizers or protesters. To the contrary, the protest was peaceful; the only violence was in the police response. As documented by Physicians for Human Rights, most of those injured did not receive any immediate medical care, as police arrested or obstructed volunteer medics, clearly identifiable in medical scrubs with a red cross insignia.⁵ Dozens of people spent hours in detention with untreated wounds and their hands bound behind their backs. At least 13 legal observers—who wore clearly identifiable hats and badges—were also detained, in some cases violently, before being released.⁶

In an apparent attempt to justify the police action, Police Commissioner Dermot Shea spread misinformation about the protest and its organizers—with unfounded allegations that other city officials either debunked or contradicted.⁷ Shea also confirmed the premeditated nature of the police operation, stating at a news conference the next day: “We had a plan which was executed nearly flawlessly in the Bronx.” Shea wrongly described the protest as an attempt by “outside agitators” to “cause mayhem,” “tear down society,” and “injure cops.”⁸ He also claimed the police had recovered a firearm and gasoline from the protesters. It turns out the firearm was recovered from a couple about a half mile away from the march—more than an hour before it had started.⁹ The gasoline he cited had been found the night before. There was no apparent connection of either to the protest.¹⁰

³ Ibid., Summary, pp. 1-8.

⁴ Ibid.

⁵ “A Targeted Attack on the Bronx”: Police Violence and Arrests of Health Workers at a New York City Protest, Physicians for Human Rights, September 2020, <https://phr.org/our-work/resources/a-targeted-attack-on-the-bronx/>.

⁶ Human Rights Watch, “Kettling Protesters in the Bronx,” p. 32.

⁷ Ibid., p. 3 and pp. 48-52. See also, Ida Sawyer, “Mayor de Blasio Must Hold NYPD To Account for Bronx Assault,” *StreetsBlog NYC*, October 6, 2020, <https://nyc.streetsblog.org/2020/10/06/opinion-mayor-must-hold-nypd-to-account-for-bronx-assault/> (accessed November 25, 2020).

⁸ “NYC Mayor Bill De Blasio Holds Briefing Amid George Floyd Protests, Coronavirus,” June 5, 2020, video clip, YouTube, <https://www.youtube.com/watch?v=l2BVymmBmfE> (accessed August 24, 2020). In the video, “...intent to destroy property, to injure cops and to cause mayhem...” at 40:27; “This wasn’t again about protests, this was about tearing down society” at 40:42; “...the men and women of the police department last night and the community members again came together and got these outside agitators out before they could really cause significant damage...” at 41:11; and “we had a plan which was executed nearly flawlessly in the Bronx” at 40:33.

⁹ Craig McCarthy, “NYPD Commissioner Dermot Shea ignores his own ‘misinformation’ warnings,” *The New York Post*, June 8, 2020, <https://nypost.com/2020/06/08/nypd-commissioner-ignores-his-own-misinformation-warnings/> (accessed November 24, 2020). See also, New York State Office of the Attorney General, “Preliminary Report on the New York City Police Department’s Response to Demonstrations Following the Death of George Floyd,” July 2020, ag.ny.gov/sites/default/files/2020-nypd-report.pdf, p. 18 (accessed December 1, 2020).

¹⁰ Human Rights Watch, “Kettling Protesters in the Bronx,” p. 3; See also, Ida Sawyer, “Mayor de Blasio Must Hold NYPD To Account for Bronx Assault,” October 6, 2020, <https://nyc.streetsblog.org/2020/10/06/opinion-mayor-must-hold-nypd-to-account-for-bronx-assault/> (accessed November 25, 2020).

When you were asked about this incident during Brian Lehrer’s “Ask the Mayor” segment on WNYC on October 2, you said: “If things were done wrong, people need to be held accountable.”¹¹ In reference to the use of the kettling tactic in Mott Haven, you also said: “Warnings have to be given very clearly and people have to be given time to adjust to those warnings. ... If that didn’t happen, then that’s going to be a real problem for the people who were in charge that were on that scene.”¹²

We understand that on June 20, you issued an order that New York City’s Department of Investigation and the NYPD’s Corporation Counsel open an investigation into the NYPD’s response to the protests that took place between May 28 and June 20. However, this investigation remains pending even though the executive order states that investigators shall provide a written assessment by July 2 and make best efforts to issue a final report by August 31.¹³

Beyond this broader investigation, we are not aware of any other action taken to hold those responsible for the abuses in Mott Haven to account. With the abundance of available information about what happened, and the resources the city has at its disposal, it is hard to understand why no action has been taken, six months on. The people trapped, assaulted, beaten, and wrongfully arrested that day were merely exercising their right to peacefully demonstrate against systemic racism and police brutality—a right that you have repeatedly said you stand behind.¹⁴

Ensuring timely accountability for past abuses is critical to showing there are consequences for such actions and to deter further abuse. It is even more critical in a place like Mott Haven, one of the poorest parts of the city, where nearly 100 percent of residents are people of color, mostly Latinx and Black, and where residents have experienced some of the most damaging consequences of systemic racism, police violence, and the government’s overreliance on criminalization and policing to address societal problems.

The fact that no one has been held to account also emboldens officers to use the same tactics, as we have unfortunately seen in more recent protests. On November 4, for example, videos posted on social media showed police officers surrounding and trapping scores of demonstrators in Manhattan using the same “kettling” technique that they used in the Bronx on June 4, as protesters chanted “let us disperse.” Without giving them an opportunity to disperse, it appears that the police then moved in to arrest more than a dozen people, in some cases using excessive force.¹⁵

We are concerned that the NYPD’s willingness to continue to operate in this fashion reflects the absence of ramifications for its rights-violating conduct. As documented by the New York Civil Liberties Union,

¹¹ “Ask the Mayor,” WNYC, October 2, 2020, <https://www.wnyc.org/story/ask-mayor-covid-19-testing/> (accessed November 25, 2020)(minute 17:15).

¹² “Ask the Mayor,” WNYC, October 2, 2020, <https://www.wnyc.org/story/ask-mayor-covid-19-testing/> (accessed November 25, 2020)(minute 21:15).

¹³ “Executive Order No. 58,” City of New York, Office of the Mayor, June 20, 2020, PDF download available: https://a860-gpp.nyc.gov/concern/nyc_government_publications/8s45qb646?locale=fr (accessed December 2, 2020).

¹⁴ “Ask the Mayor,” WNYC, October 2, 2020, <https://www.wnyc.org/story/ask-mayor-covid-19-testing/> (accessed November 25, 2020)(“as someone who has protested myself a lot over the years”; “the right to peacefully protest has to be respected,” minute 17:30).

¹⁵ Laura Pitter, “New York Police Revert to Abusive Tactics Against Post-Election Demonstrators,” Human Rights Watch Race, Justice, and Elections in the US: Live Updates, November 6, 2020, <https://www.hrw.org/content/376979>.

NYPD officers are almost never sanctioned when they abuse or mistreat people.¹⁶ It took five years for the NYPD officer who killed Eric Garner to be fired.¹⁷ Many more people subjected to NYPD violence await justice.¹⁸

Yet you have the authority to help reverse this trend. We urge you to take action immediately to show that there are consequences for the violence and abuse that occurred in Mott Haven, and for deliberately mischaracterizing what occurred.

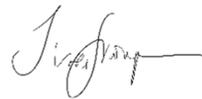
With your action on this case, and other incidents of police abuse against protesters and Latinx and Black New Yorkers, you have an opportunity to show that you take the demands of those who took to the streets following the death of George Floyd seriously and that this will not be another case of delayed, unsatisfactory justice. We hope you will seize the opportunity by treating the importance of accountability for these abuses with the urgency it deserves.

We would be happy to discuss these issues with you or members of your team in more detail. Please contact Laura Pitter, Deputy Director of the US Program at Human Rights Watch, at pitterl@hrw.org or (917) 450-4361.

Sincerely,



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¹⁶ "NYPD Misconduct Complaint Database," NYCLU, <https://www.nyclu.org/en/campaigns/nypd-misconduct-database>.

¹⁷ Ashley Southall, Daniel Pantaleo, "Officer Who Held Eric Garner in Chokehold, Is Fired," *New York Times*, August 18, 2019, <https://www.nytimes.com/2019/08/19/nyregion/daniel-pantaleo-fired.html> (accessed November 24, 2020).

¹⁸ "NYC Federal Civil Rights Lawsuit Data, 2015 to June 2018," CAPStat, <https://www.capstat.nyc/>; "NYPD Misconduct Complaint Database," NYCLU, <https://www.nyclu.org/en/campaigns/nypd-misconduct-database>; Jennifer Kelley, Amman Ahmad, Michael Forte, David Acevedo, "Lawsuits Show the High Cost of NYPD Abuse in The Bronx," *The Intercept*, August 19, 2020, <https://theintercept.com/2020/08/19/nypd-bronx-police-settlements/> (accessed December 2, 2020).