

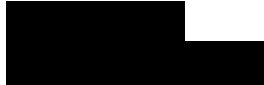


The City of New York  
Department of Investigation  
MARGARET GARNETT  
COMMISSIONER

180 Maiden Lane  
New York, NY 10038

May 10, 2021

Greg B. Smith  
THE CITY  
35 W. 31 St.  
New York, NY



Re: Freedom of Information Law Request

Dear Greg Smith:

This is in response to your March 4, 2021, FOIL request seeking transcripts of DOI's interviews with New York Police Commissioner Dermot Shea and Chief of Department Terence Monahan conducted as part of DOI's December 18, 2020, report.

Your request is granted in part. Please note that some redactions have been applied for the following reasons:

- (1) Where disclosure of the underlying information is prohibited by statute, including where a criminal action has been terminated in favor of the accused. See Public Officers Law § 87(2)(a) and N.Y. Criminal Procedure Law § 160.50;
- (2) Where disclosure of the underlying information would result in an unwarranted invasion of personal privacy, including the disclosure of arrest and medical information. See Public Officers Law § 87(2)(b) and 89(2)(b); and
- (3) Where disclosure of the underlying information could endanger the safety of NYPD officers. See Public Officers Law § 87(2)(f).

Please note that DOI has sought to produce these records largely unredacted and has not invoked any additional exceptions beyond those mentioned above because of several distinguishing factors.

This investigation was prompted by Mayoral Executive Order 58, which required DOI to conduct a review and evaluation of the New York City Police Department's planning and response to the protests and to make factual findings related to the evidence obtained. As part of its final report, DOI chose to specifically identify and attribute statements to both Commissioner Dermot Shea and Chief of Department Terence Monahan for several reasons. Among them, that the interviews were compelled and that both interviewees were not interviewed solely in their personal capacity, but rather primarily as representatives of the New York City Police Department—as such, both interviewees were represented by NYPD attorneys rather than personal counsel. Given this representation, DOI concluded that most, if not all, statements made by these two interviewees represented the testimony of an agency rather than the statements of individuals.

DOI makes every effort to safeguard the confidentiality of witnesses to ensure that witnesses speak with full and open candor, to protect a witness that chooses to cooperate with DOI's inquiries, to protect the identities of complainants, and to ensure that allegations are not levied against an individual who has not had the opportunity to face such allegations in a fair trial or impartial adjudication. After review and consideration, DOI concluded that none of these concerns were present in these two interviews.

For the reasons and principles above, your request is granted in significant part. The responsive records have been provided via email.

This correspondence represents our complete response to your request. Should you wish to appeal this determination, you must submit a written appeal addressed to Deputy General Counsel John Carroll within 30 days. You may send this appeal by regular mail to the address indicated below, or via email to [FOILAppeals@doi.nyc.gov](mailto:FOILAppeals@doi.nyc.gov).

Sincerely,

Christopher Tellet  
Assistant General Counsel



1           Comm. Shea:           She did --

2           AIG. Sanchez:         -- to take this --

3           Comm. Shea:           She did.

4           AIG. Sanchez:         Commissioner, I'm gonna ahead and read those interview  
5                                 warnings now. This statement is being taken by the Department  
6                                 of Investigation of the City of New York pursuant to Chapter  
7                                 34 of the New York City Charter. You're gonna be asked a  
8                                 number of specific questions concerning the performance of  
9                                 your official duties. You have the option to remain silence,  
10                                 although you may be subject to removal from your employment  
11                                 with the City, if you fail to answer material and relevant  
12                                 questions relating to the performance of your duties as an  
13                                 employee. The answers you furnish, and any information or  
14                                 evidence resulting therefrom, maybe used in the course of civil  
15                                 or administrative proceedings. Neither your statements nor any  
16                                 information or evidence derived therefrom, would be used  
17                                 against you in a subsequent criminal prosecution other than for  
18                                 perjury or contempt arising from such testimony. If at any time  
19                                 during the interview you wish to consult with your attorney,  
20                                 just say so, and we would give you an opportunity to do so  
21                                 privately. Commissioner, do you acknowledge everything I  
22                                 just read?

23          Comm. Shea:           Yes.

24          AIG. Sanchez:         Thank you. And now I'm gonna administer the oath. If you  
25                                 could please raise your right hand, Commissioner. Do you

1 solemnly swear or affirm that the statements you're about to  
2 make at this interview shall be the truth, the whole truth, and  
3 nothing but the truth?

4 Comm. Shea: I do.

5 AIG. Sanchez: Thank you Commissioner. Commissioner, we are here today  
6 pursuant to Executive Order 58 where Mayor de Blasio has  
7 directed the Department of Investigation and the Corporation  
8 Counsel to launch an independent investigation into the  
9 enforcement actions by the NYPD in connection to protests that  
10 began in late May and continued through mid-June. In the  
11 course of our investigation, we've conducted interviews of  
12 members of the service, and individuals not employed by the  
13 NYPD. Additionally, we've issued several document requests  
14 for information. And the purpose of this interview is to help  
15 our team contextualize the information we've learned from the  
16 individuals we've spoke with, and the information we've  
17 received from the NYPD, specific to the NYPD's response to  
18 these protests. You know, Commissioner, we're here to learn  
19 from you, and get a sense of your vantage point as the police  
20 commissioner. Before the protest began, and as they unfold,  
21 we ask that, you know, please try to keep in mind that as you're  
22 answering our questions, you know, please try to distinguish if  
23 your answer is the department's stance, or if the answer is your  
24 opinion. Both are important to us. And as Commissioner  
25 Garnett just mentioned to you, just to give you a sense of the

1 format, we're going to be going -- our questions are broken  
2 down into sections. And I'm gonna turn to the team for any  
3 follow-up questions they may have, after each section. And  
4 please, also if you, at any point want to speak with your counsel,  
5 please don't hesitate to interrupt. We're happy to give you an  
6 opportunity to do so, as you wish. And with that, we'll go  
7 ahead and begin. Commissioner, how long have you been  
8 employed by the NYPD?

9 Comm. Shea: Nearly 30 years.

10 AIG. Sanchez: When were you promoted to Police Commissioner?

11 Comm. Shea: The first week of December 2019.

12 AIG. Sanchez: And what roles at the NYPD did you hold before your  
13 appointment as commissioner?

14 Comm. Shea: Prior to, I was the Chief of Detectives.

15 AIG. Sanchez: And prior to that, sir?

16 Comm. Shea: I was the Chief of Crime Control Strategies, which was also  
17 known as Deputy Commissioner of Operations.

18 AIG. Sanchez: Thank you. Commissioner, in your opinion or from your --  
19 from your perspective, how would you characterize the role of  
20 the NYPD at protests, in general?

21 Comm. Shea: My -- my opinion you said?

22 AIG. Sanchez: Yeah. You know, from your prospective, how would you  
23 characterize the role of the NYPD at protests, generally?

24 Comm. Shea: I -- I would say, you know, we take very seriously the right of  
25 people to voice their opinion throughout New York City. So,

1 it's one where our primary function is to allow them to exercise  
2 that Constitutional Right, and -- and to do it in such a manner  
3 that balances the needs of those that are trying to exercise that  
4 right, and protest about whatever cause it could be, and with the  
5 rights of also, never forgotten is the right to the public that want  
6 to go about their daily lives. And -- and generally, I think we  
7 do a pretty good job at doing that.

8 AIG. Sanchez: Commissioner, you've been in the department for a long time.  
9 Until becoming Police Commissioner, did you have much of a  
10 role in the department's protest response?

11 Comm. Shea: I, you know, over the course of nearly 30 years, I've certainly  
12 worked a -- a lot of protests in a variety of ranks. Formulating  
13 the response, I don't know that I would categorize that as an  
14 accurate statement.

15 AIG. Sanchez: How so?

16 Comm. Shea: Well, for example, Disorder Control Unit, I've never worked at  
17 that. I've been a part of the Management Team, if you will,  
18 since 2014. I wanna say, January of 2014, then Commissioner  
19 Bratton appointed me as Deputy Commissioner of Operations.  
20 But it -- from 2014 to last December, which was a period of, I  
21 guess, five years roughly. In those two roles, it was much more  
22 looking at crime strategies, and response to crimes, as both  
23 Chief of Crime Control Strategy, Deputy Chief of Operations,  
24 and then, Chief of Detectives. In those two roles, protests and  
25 things of that nature were not key components.

1           AIG. Sanchez:            Thank you for that clarification. Was there anything that made  
2                                    the protests of late May to mid-June this year, stand out from  
3                                    others that you've experienced?

4           Comm. Shea:             Yes, the violence.

5           AIG. Sanchez:           Can you unpack that a little bit?

6           Comm. Shea:            Ah, well, I think I've said publicly, probably a number of times,  
7                                    what sets these protests out as different, we've had anti-police  
8                                    protests. We've had large protests. We've had everything in  
9                                    between. We've had protests that are happy occasions. And  
10                                  we-- and we've had that for years and years and years. What  
11                                  set these protests out immediately was the violent nature  
12                                  towards the police officers.

13          AIG. Sanchez:           Thank you Commissioner. Can you walk us through your role,  
14                                    as Commissioner, with respect to this summer's protests, you  
15                                    know, in terms of, you know, the planning, implementation,  
16                                    and execution, post protested briefing, can you walk us through  
17                                    your role with respect to what unfolded this summer?

18          Comm. Shea:             Sure. So, you know, May -- May of this year, with George  
19                                    Floyd, within a week, we started to see protest in New York  
20                                    City. Whether it was my days could be off, whether it was the  
21                                    Thursday or the Friday, they escalated. Violence, as I said,  
22                                    immediately. And -- and that quickly escalated into, I'll  
23                                    paraphrase it today, as, you know, a -- a two week period of  
24                                    intense protests. Certainly the protests have never ended.  
25                                    They've gone on for a longer period. So, you know, it -- it was



1 extremely busy, maybe for a month. But, the -- the intense  
2 period was probably for two weeks within that month. And  
3 now they've continued. We -- we dealt with the -- the intense  
4 period, mobilized a number of police officers. We dealt with  
5 the looting that took place, which I'll describe as a most intense  
6 three day period. You know, obviously we'll get into the  
7 curfew and all things of that nature. But it's -- it has been a, you  
8 know, coming out of COVID into the protests, as we saw what  
9 happened, really, across the country, in multiple cities. We  
10 were not immune to it. We dealt with it. I think there is, you  
11 know, as you look back, some positives would be when you  
12 compare loss of life in other cities, you know things burned  
13 down in other cities, certainly people tried to do that here, were  
14 not successful. So, I -- I think that we managed through it. And  
15 -- and, here we are today.

16 AIG. Sanchez: Commissioner, when did you first become personally involved  
17 in the department's response to the protests?

18 Comm. Shea: I would say, the Barclay Center is when I was first personally  
19 aware that I can recall, as I sit here, which I think was the  
20 Friday, but I could be off again.

21 AIG. Sanchez: Commissioner, what was the nature of that initial involvement  
22 once you started to receive information?

23 Comm. Shea: I remember I received information. I can't remember who it  
24 was from, right now. But that, it was obviously gonna be one  
25 of the members of the executive staff. It could have been Terry

1 Monahan, I don't remember who it was, but that it was different  
2 in that it was violent, almost immediately.

3 AIG. Sanchez: And Commissioner, as information is starting to reach you, do  
4 you recall, you know, were these just briefings you were  
5 receiving? Were they -- were they planning meetings,  
6 deployment decisions? Do you remember early on what your  
7 involvement was?

8 Comm. Shea: No. I don't recall. Again, George Floyd happened. Within that  
9 same week, the protests had reached New York City. And  
10 almost from the beginning, they were intense, and violent. And  
11 they grew from there. That's how they started. So, it wasn't as  
12 if there was planning meetings. These were more spontaneous  
13 in nature.

14 AIG. Sanchez: Thank you Commissioner. As a general matter, when do you  
15 personally, as NYPD Commissioner, become involved in the  
16 department's response to protests in the city?

17 Comm. Shea: Well, I'm certainly, you know, ultimately I'm responsible for  
18 New York City and New Yorkers' safety. So I'm certainly  
19 monitoring, you know, any -- any large scale incidents that take  
20 place in New York City. But I would not categorize it, I'm in  
21 the weeds on day-to-day DTL preparation incidents.

22 AIG. Sanchez: Understood. Is -- can you pinpoint a threshold at which you  
23 would become personally involved in the decision-making?

24 Comm. Shea: What -- well, Barclay Center was -- was that first week. And  
25 when we had officers being attacked, and that was widely

1 known to us, from then on, we were holding meetings, either in  
2 person or -- or being phoned, except with the executive staff.  
3 Again, this was at a time of COVID as well. So, you know, as  
4 I sit here today, I can't tell you if was business as usual. But it  
5 was get the job done in the circumstances we were in.

6 AIG. Sanchez: Commissioner, these earlier meetings, do you recall who would  
7 have been involved in those conversations?

8 Comm. Shea: It would have been members of the executive staff. But again,  
9 it was also a time of COVID. So, it was not necessarily  
10 business as usual, in terms of social distancing, some in person,  
11 po-- possibly some via phone, some out sick. You know, so  
12 that would all have to be worked out.

13 AIG. Sanchez: Understood. Commissioner, how effected was the NYPD's  
14 command and communication structure that is currently in  
15 place regarding protest?

16 Comm. Shea: I think it's effective. With that being said, I think it's also an  
17 organization that recognizes that we're never satisfied. So  
18 we're always looking to improve.

19 AIG. Sanchez: Commissioner, how does the NYPD ensure that information is  
20 communicated effectively, either from the top down or from the  
21 bottom up?

22 Comm. Shea: Well it-- it's a para-military organization. So we rely on chain  
23 of command. And we utilized any methods that are available  
24 to include, in person meetings, obviously telephone, emails,  
25 and things of that nature as well.



1           Comm. Shea:            Wha-- what I'll say is that, you know, we watched the news.  
2                                    We monitored events worldwide, including -- obviously to  
3                                    include this country. We see events happen. But I can't recall  
4                                    if we had any information, as I sit here, about planned potential  
5                                    protests. But it's certainly something that we were aware could  
6                                    happen.

7           AIG. Sanchez:        Sure. Commissioner, what did you or the department expect in  
8                                    terms of what the protest activity might be in New York City  
9                                    once they had begun in Minneapolis?

10          Comm. Shea:           Same answer I just gave. We -- we monitor events that -- that  
11                                    happened. And -- and we --we respond and adapt to the current  
12                                    conditions that we see.

13          AIG. Sanchez:        Commissioner, a-- after the killing of George Floyd, protests  
14                                    erupting nationally, can you describe for us the overall strategy  
15                                    within the NYPD about how to police these particular protests?

16          Comm. Shea:           Which protest are you referring to, the ones that possibly could  
17                                    happen here or the ones that are happening out of the city?

18          AIG. Sanchez:        No, the ones that were likely coming to New York City.

19          Comm. Shea:           Your -- sa-- same answer I just gave. We monitor the incidents.  
20                                    We've had -- we have incidents that happened across the US.  
21                                    Sometimes they generate protests in New York City,  
22                                    sometimes, they don't. So we monitored them.

23          AIG. Sanchez:        So, your strategy was the same as every other protest in the  
24                                    City, just monitoring events, and making the decision as things  
25                                    are happening? Is that correct?

1           Comm. Shea:           That's fairly accurate. Yeah.

2           AIG. Sanchez:           Would you say that the department has a standard approach  
3                                   when addressing protest activity?

4           Comm. Shea:           Well, I -- I think you have to be, as I said, you have to be  
5                                   flexible. We certainly have, you know, many pieces to this.  
6                                   We have standard training. We have responded to conditions  
7                                   as they arise. We have monitoring of open source, social  
8                                   media. We have community contacts. I mean, we have many  
9                                   things in place. I don't know if I would call it -- categorize that  
10                                  as standard, because when you -- when you imply standard, you  
11                                  sometimes think that you don't -- are not open to new and  
12                                  different things. So we are open to new and different we're  
13                                  always looking to learn and get better.

14          AIG. Sanchez:           Commissioner, just to make clear, the first discussions about  
15                                  strategy held that you personally participated in, took place  
16                                  around the Barclays' incident? Is that correct? It didn't occur  
17                                  before?

18          Comm. Shea:           That's -- that I recall here, there could have been discussions,  
19                                  again, on other smaller protests. You know, we -- we know that  
20                                  there was a protest the day before, for example in, you know, I  
21                                  believe Union Square. I can't recall, as I sit here, whether I was  
22                                  at planning meetings or that came up in a executive conference.  
23                                  You know, it's, so let me take you a step back, and, any day  
24                                  when we sit down, we review what's going on in New York  
25                                  City; what is going on in the world of public information; what

1 is going on the crime picture; what is going on internally in the  
2 Police Department; what is going on with protests. And this is  
3 not George Floyd. This is anytime. So, that -- that protest the  
4 day before the Barclays, certainly, I would think, could have  
5 come up. I just don't recall now months later. And -- and it  
6 was nothing that, to my recollection, was rising, that it was  
7 anticipated violence outcome. We handle protests every day.  
8 And -- and we have every day since May, in New York City.  
9 Twenty to thirty protests a day is not out of the ordinary.

10 AIG. Sanchez: Thank you Commissioner. Earlier you mentioned that you  
11 recall having conversations with executives. Could you name  
12 some of those individuals, some of those executive, please?

13 Comm. Shea: I -- I speak to members of my command staff literally every  
14 day, on a variety of topics. And -- and I would have in May.  
15 And I -- I will today.

16 AIG. Sanchez: And Commissioner, those would likely include Chief  
17 Monahan, Chief of Patrol?

18 Comm. Shea: Chief of Patrol, Pichardo, all different members. I won't say  
19 that I speak to everyone every day. But, it is -- it is the norm  
20 that I'm spe-- speaking to many of them, each and every day,  
21 on a variety of topics.

22 AIG. Sanchez: Commissioner, as the protests started to pick-up steam, did the  
23 strategy change at all as the protests continued?

24 Comm. Shea: Yes.

25 AIG. Sanchez: How, please, if you could explain how?

1           Comm. Shea:           Well -- well, simply again, from the start, we had officers  
2                                   injured. So certainly, we had to make sure the safety of the  
3                                   officers, trying to establish contacts with the community, trying  
4                                   to get our arms around what was behind the violence,  
5                                   deployment of resources. So really, a number of different ways.  
6                                   We -- we changed literally, you know, it's not once a day. It's  
7                                   -- it could be several times a day, depending on the  
8                                   circumstances of what we're facing in different parts of the city.

9           AIG. Sanchez:           And -- and Commissioner, who is driving that strategy change?  
10                                  Is that you making the call, or is that others advising you?

11          Comm. Shea:           It's a number of different people.

12          AIG. Sanchez:           Who would you say at the department was tasked with the  
13                                  developing, and implementing the department's overall  
14                                  strategy for policing these protests?

15          Comm. Shea:           For policing, generally the Operations Center. That's the  
16                                  staffing arm, but again, this is your protest that could be  
17                                  happening in different parts of the city. So, from a lower level,  
18                                  command level, you'll have precinct commanders involved in  
19                                  smaller protests. But generally, everything feeds through the  
20                                  Operations Center.

21          AIG. Sanchez:           Thank you Commissioner. Was there ever a time during the  
22                                  protest where you disagreed with the strategy or the tactics that  
23                                  were employed?

24          Comm. Shea:           A-- my -- my -- my concern was the number of officers, to make  
25                                  sure we had enough officers deployed. That's something --



1           AIG. Sanchez:           (Unclear) --

2           Comm. Shea:               -- we're constantly evaluating. I wouldn't characterize it as

3                                   "disagree."

4           AIG. Sanchez:           Could you help explain what NYPD versus-- resources were

5                                   used to police these protests?

6           Comm. Shea:               We used thousands of officers of multiple ranks, as well as

7                                   support units.

8           AIG. Sanchez:           So, you know, the Special Operations, precinct officers, TARU,

9                                   all of these --

10          Comm. Shea:               Yes.

11          AIG. Sanchez:           -- Legal Bureau, Community (Unclear) --

12          Comm. Shea:               All of the -- all of the above. Yeah. As well as Logistic and

13                                   Support. So, if you think about barriers, and people that must

14                                   supply barriers, and things of that nature. You know, cars,

15                                   trucks, you know. So there is -- there's a lot of logistics behind

16                                   the scenes as well.

17          AIG. Sanchez:           Aviation -- was Aviation used at any point?

18          Comm. Shea:               Multiple days, yes.

19          AIG. Sanchez:           In what form, Commissioner?

20          Comm. Shea:               Flying missions in support of the men and women on the

21                                   ground. Their primary function, I would categorize as being

22                                   eyes. So, seeing people on rooftop to -- that perhaps were

23                                   throwing things, also estimate of su-- crowd control, potential

24                                   where of vehicles would have to be detoured to, in the event

25                                   locations that unauthorized or shutting down traffic. So that's

1 -- that's generally how Aviation, assists. And they also can  
2 provide a visual that could be provided then to people on the  
3 ground, that, if you're in the middle of something, you perhaps  
4 don't have a larger view of what's going on.

5 AIG. Sanchez: Understood. At any of the fixed wing asset or were just  
6 primarily helicopters?

7 Comm. Shea: I -- my recollection is helicopters.

8 AIG. Sanchez: Commissioner, did you or anyone from the department have  
9 conversations with the Mayor's Office about how to police  
10 these protests?

11 Comm. Shea: Multiple times.

12 AIG. Sanchez: Did these meetings take place in person, over the phone, how  
13 often? Can you tell us a little bit about those meetings?

14 Comm. Shea: I would categorize them as often. And they were both in  
15 person, and via the phone.

16 AIG. Sanchez: And, who was in those co-- who was involved in those  
17 conversations with the Mayor's Office?

18 Comm. Shea: Who, on -- on my side or both sides?

19 AIG. Sanchez: Both sides, Commissioner.

20 Comm. Shea: Certainly I was, the Mayor, you know. That's -- really what  
21 my concentration generally is on. I'm sure the First Deputy  
22 Mayor, Dean Fuleihan, was certainly at some meetings. I could  
23 tell you that I was not always alone on my side. But I don't  
24 recall now who was there. But I was definitely with, on at least  
25 one or two occasions, some members of my staff.





1 yes, that you're continually evaluating your information, and  
2 the strategy did change. Could you talk about that a little bit  
3 more about how, in what specific ways did the enforcement  
4 strategy changed as these protests went on from late May into  
5 mid-June?

6 Comm. Shea:

7 Yeah. Abs-- you know, what -- what still strikes me to this day,  
8 is the immediacy of the violence. At that first week in May,  
9 certainly we adapted to that, in many of our strategies, we had  
10 to for safety of the officers, enforced protection of buildings.  
11 We also learned quite a bit about the strategies of that -- that  
12 group of individuals that were trying to work their way into  
13 peaceful protests, and then, attacked our officers and sow fear  
14 and chaos, that's how I would put it. We also began to,  
15 unfortunately, learn, in some cases, exactly who these  
16 individuals were because we were arresting them. They would  
17 get out. And they'll be back to protest within hours. So, that's  
18 really what I'm referring to in terms of -- we learned,  
19 unfortunately through the actions of some of the people that  
20 were attacking, and -- and participating in the protest. I mean,  
21 the good thing is, that there were also many protests going on  
22 that were handled peacefully large, we did it as we always do.  
23 In that sense, giving them, you know, latitude. But it was a  
24 constant evaluation of what we were seeing, you know, on the  
25 ground. They -- there was not looting the first and second day.  
There was looting, maybe a week into it. And that was one

1 more thing now what we had to deal and -- and changed some  
2 of our deployments and tactics. So that's what I'm referring to.  
3 Comm. Garnett: Right. And -- and, I guess what I'm asking is -- is, can you give  
4 any specifics about what changed? So, I understand why the  
5 changes were put in place that you were responding to these  
6 conditions. But, if you could give, even just some examples of  
7 things that you did differently, whether in terms of -- of  
8 numbers, of tactics employed on the ground, equipment, units  
9 involved. You know, just some specific examples of what you  
10 would say changed over the course of these day, and weeks?  
11 Comm. Shea: Well, I -- I -- I think the -- the -- certainly, the deployment, more  
12 and more officers deployed. In terms of the public information  
13 piece too, I think there was a -- a campaign waged that many  
14 still don't realize, by some. And I'll call it, on the anarchist  
15 side, they were intentionally attempting to drive a wedge  
16 between the police and the community. So, a thing that  
17 changed was, we were more proactive in terms of putting  
18 information out about what was really happening on the  
19 ground. That's just two examples.  
20 AIG. Sanchez: Alright. If there's no other questions on Planning and Strategy,  
21 we could move on to the next section, which is the curfew.  
22 Commissioner, how was the decision to implement the curfew  
23 made?  
24 Comm. Shea: That was the decision that was made between the Governor and  
25 the Mayor.

1           AIG. Sanchez:           And, what was the NYPD's position on the curfew?

2           Comm. Shea:               Certainly if you lock down a city, it's gonna make it easier to

3                                   keep people off the street. I think if you go back and look at

4                                   news stories, I had a little bit of a different position. I

5                                   recognized that it would help. But I also recognize that many

6                                   of the people were -- were already committing a number of

7                                   crimes. So -- so, I was a little bit torn, in terms of, should a --

8                                   should a curfew be put into place or not because, it -- it weighs

9                                   heavily on me, in terms of people's right to assemble, and

10                                  people's right to go about their daily lives. But I -- I was not a,

11                                  if you will, a -- a, you know, a decision maker in whether or not

12                                  a curfew should be in place.

13          AIG. Sanchez:           At any point, were you asked to weigh in on that decision, as a

14                                   police commissioner?

15          Comm. Shea:               I -- I was part of a conversation, absolutely. And -- and just

16                                  what I said is what I just told you.

17          AIG. Sanchez:           So, it would be fair to say that you agreed with that initial

18                                  decision to impose a curfew?

19          Comm. Shea:               That's not what I just said. What I just said was that I'm on

20                                  record saying publicly that many of the people that would be

21                                  subject to a curfew, were -- were already committing a number

22                                  of violations. Remember, this is a time also where prosecutors

23                                  were coming out and saying, "We're not prosecuting these

24                                  violations if arrests were made." So, that's the environment

25                                  that it was in. I was -- I was very concerned about restricting

1 people's liberties, and with keeping people off the street. I -- I  
2 don't think that's a decision that should be made lightly in any  
3 case. I respect the decision. And from a law enforcement  
4 prospective, in terms of keeping people off the street, obviously  
5 it was effective. But those things should be done in extreme  
6 circumstances, in my opinion.

7 AIG. Sanchez: So you disagreed with the position?

8 Comm. Shea: I thought it could have been done differently.

9 AIG. Sanchez: Understood. Commissioner, on June 3<sup>rd</sup>, the curfew was  
10 lowered from 11:00 p.m. to 8:00 p.m., what was your  
11 involvement in that decision?

12 Comm. Shea: So, if you go back to the last question, once it was decided that  
13 a curfew was going to be put into place, I made the comments  
14 that if it was going to be put into place, then it should be earlier,  
15 because I thought that 11:00 was too late. And I think -- I think  
16 it bears that I was right.

17 AIG. Sanchez: And Commissioner, who did you express that view to, was that  
18 the Mayor, the Governor's --

19 Comm. Shea: The Mayor --

20 AIG. Sanchez: -- office?

21 Comm. Shea: -- the Mayor and the Governor.

22 AIG. Sanchez: How did the department pass down curfew-related information  
23 to members of the service on the ground?

24 Comm. Shea: I don't recall. It was obviously passed down. I, you know, this  
25 is my opinion now, and -- and it's not, you know, I do not



1 remember, you know, it's obviously we had the ability  
2 internally to push orders out. We probably put messages out  
3 through our legal bureau advising the public as well. Excuse  
4 me. Advising the police officers and members of the  
5 department, but then you also have to advise the public. So I -  
6 - I think that there was a variety of ways this went out. But I  
7 don't recall specifically right now.

8 AIG. Sanchez: Understood. And just generally Commissioner, just to get a  
9 sense of, you know, when you are issuing orders to rank and  
10 file, what mechanism do you use to relay those messages to the  
11 rank and file?

12 Comm. Shea: We can -- we do it in person. We do it -- we can do it via e-  
13 mail. We can send it directly to phones as messages. We can  
14 send out FINEST messages. We probably did all of these, in  
15 some way, shape or form.

16 AIG. Sanchez: Thank you for that clarification.

17 Comm. Shea: Yep.

18 AIG. Sanchez: Commissioner, would you have a -- we have reviewed some of  
19 those FINEST messages. One specifically issued on June 1<sup>st</sup>,  
20 instructing officers to provide curfew reminders, and warnings  
21 before arrest. Were you involved in crafting this instruction to  
22 the officers?

23 Comm. Shea: I don't recall.

24 AIG. Sanchez: Did you approve this instruction?

25 Comm. Shea: I don't recall.

1           AIG. Sanchez:           Do you recall being briefed on these instructions?

2           Comm. Shea:           I -- I certainly was, you know, there was, again, this is an  
3                                   extreme period where there are probably many, many messages  
4                                   going out via all of these ways that I just mentioned. I was  
5                                   certainly involved in, I'd like to say, most, but certainly many  
6                                   of them, but in individual message, you know, I -- I just can't  
7                                   tell you if I was intimately involved in it.

8           AIG. Sanchez:           Understood. Commissioner, there is a -- a second message,  
9                                   FINEST messages, relayed on June 3<sup>rd</sup>, that stated that,  
10                                  "members of the service could issue C Summonses for people  
11                                  violating curfew." In this particular FINEST message, on June  
12                                  3<sup>rd</sup>, there was no mention of instruction this time. It was just  
13                                  straight to C Summons. That difference between that June 1<sup>st</sup>  
14                                  and June 3<sup>rd</sup> FINEST message, who would have made that call  
15                                  to remove that -- the -- the warning piece?

16          Comm. Shea:           Without -- without having those in front of me and really  
17                                   looking, it could be a number of reasons. It -- it could be a  
18                                   reason. It could be an oversight. Without having it in front of  
19                                   me, I'm -- I -- I don't wanna clarify. But I -- I think you also  
20                                   have to understand it's also discretion that is widely known  
21                                   with officers, that they have discretion on these types of things.  
22                                   So, there's probably more that could go into that discussion.

23          AIG. Sanchez:           Commissioner, I do have these FINEST messages here, and I  
24                                   could try to share my screen here with you, to see if you might  
25                                   be able to see these.

1           Comm. Shea:                I'm looking to the left, 'cause I need -- I need glasses. So, it's  
2    easier to see on the left.

3           AIG. Sanchez:             Understood, Commissioner. Here is the first of the FINEST  
4    messages. Are you able to see it on the screen?

5           Comm. Shea:                I can, if you scroll down. Yeah. Just go slow for me. The  
6    Mayor has imposed --

7           AIG. Sanchez:             Certainly.

8           Comm. Shea:                I'm reading slow. So be careful.

9           AIG. Sanchez:             Not a problem.

10          Comm. Shea:                Okay. Is that the total or is there more?

11          AIG. Sanchez:             So -- so this is the first --

12          Comm. Shea:                Sorry.

13          AIG. Sanchez:             -- FINEST message. And, you know, the -- the -- the piece of  
14    -- of interest here is, "Enforcement will only be taken after  
15    several warnings are issued, and the violators are refusing to  
16    comply." Let me show you the second finest message, which  
17    is different from this one. Here is the second finest message,  
18    issued on the 3<sup>rd</sup>, regarding the curfew extension. Except this  
19    one just goes straight -- if "An MOS observe a person violating  
20    the curfew a C Summons may be issued without issuing  
21    warnings."

22          Comm. Shea:                Yeah. I mean, I don't really see a major conflict in that. I think  
23    that the officers is widely known, they have discretion.

24          AIG. Sanchez:             Understood. But the decision to remove that language would  
25    that come from your office or would that come from Legal?

1                                    Would -- who -- who would be involved in making that  
2                                    decision?

3           Comm. Shea:           Well, you know, you see on the bottom of that, it-- it's put out  
4                                    through the Operations. Generally, Legal would be consulted  
5                                    on the crafting of that. And again, you have a lot going on.  
6                                    And -- and, is that intentional? Is that an oversight that I read  
7                                    that is -- is -- it would be widely understood. And I -- and I  
8                                    think the officers widely understand that there's discretion on  
9                                    these issues. And I think that that was what you saw on the  
10                                  screen. I think the -- the other point is, you know, we issue a  
11                                  series of orders throughout this organization, whether it's  
12                                  Interim orders, Operations orders, FINEST messages. And --  
13                                  and it's widely understood that when you issue an order, and  
14                                  then you issue subsequent orders, it replacing the first order.

15          AIG. Sanchez:       Understood, Commissioner. Thank you. In terms of curfew  
16                                  enforcement, the executive orders indicated that essential  
17                                  workers were exempt from curfew. Does the NYPD have a  
18                                  definition of what constitutes an "essential worker?"

19          Comm. Shea:       Yeah. These discussions were taking place with the onset of, I  
20                                  would say, COVID. And, certainly with the protest, I could tell  
21                                  you that these conversations were taking place in conjunction  
22                                  with our Legal Bureau. I -- I think similar conversations were  
23                                  taking place at -- at the level of the Governor's Office, and the  
24                                  Mayor's Office. There is a definition that we were going by.  
25                                  What it is right now, I -- I could not recite it to you. I think it

1 traces back to my recollection. As I sit here, is -- it traces back  
2 to -- I thought it was the Governor's -- one of the Governor's  
3 earlier executive orders.

4 AIG. Sanchez: And -- and broadly speaking, what is your conception of a,  
5 essential worker? I'm not asking you to recite word for word.

6 Comm. Shea: Please --

7 AIG. Sanchez: What do you --

8 Comm. Shea: -- please don't. I -- I think first time that I could remember  
9 hearing, "essential worker," you're bringing back a lot of bad  
10 memories, now. When we first went into the Mask Executive  
11 Orders, and it was probably March or April, who has to wear a  
12 mask outside. And, that's the first recollection I could  
13 remember of it, where some people were allowed to be out,  
14 where some businesses were allowed to operate. You would  
15 have to go back to those for the -- for the definition. I know  
16 that it was, you know, there was some categories of, you know,  
17 food delivery men, and things. Interesting like, for example,  
18 like liquor stores were determined to be essential, depending on  
19 if you like wine or not, that mean you may agree to that. But  
20 there is a -- that's the origin as far as I'm concerned.

21 AIG. Sanchez: Commissioner, were legal observers exempt from curfew  
22 enforcement?

23 Comm. Shea: I -- I think that legal observers were mentioned in some of these  
24 orders. I can't remember in what context right now. And again,  
25 you know, this has caused some confusion. There are

1 exemptions, but it does not exempt illegal conduct. And I think  
2 I've had to explain that a number of times in meetings.

3 AIG. Sanchez: What -- what about medics? Were they exempt?

4 Comm. Shea: I don't recall that.

5 AIG. Sanchez: What about members of --

6 Comm. Shea: I'm not even --

7 AIG. Sanchez: -- the press?

8 Comm. Shea: -- sure, to be honest, I'm not even sure what you mean by  
9 medics. Are you talking EMS? I mean --

10 AIG. Sanchez: I'm not talking --

11 Comm. Shea: -- was --

12 AIG. Sanchez: -- about somebody -- somebody attempting to render aid to an  
13 injured person?

14 Comm. Shea: Yeah. I would -- I would defer that to legal.

15 AIG. Sanchez: What about members of the press?

16 Comm. Shea: Members of the press being exempt?

17 AIG. Sanchez: Correct.

18 Comm. Shea: As I sit here now, my understanding is, yes. I could be wrong.  
19 But, that's my understanding as I sit here.

20 AIG. Sanchez: Commissioner, were there any directives issued or any  
21 directions or recommendations given to executive staff or  
22 commanding officers about how to deal with protestors giving  
23 their curfew?

24 Comm. Shea: Yes.

25 AIG. Sanchez: Can you please articulate a little bit?

1           Comm. Shea:           I think the overarching theme was just what you read in those  
2                                    finest messages. Giving -- giving wide latitude, giving people  
3                                    opportunities to get off the street. But, also understanding when  
4                                    these things were imposed, that it was new and foreign to many  
5                                    people, so they may not have an understanding of it. This is the  
6                                    world we live in. So taking all of this into consideration, but  
7                                    also taking into consideration that it is a tool that is available to  
8                                    law enforcement, depending on all the circumstances that are  
9                                    intertwined in the situation that is in front of the officer at that  
10                                  time. So there is a lot of different details that go into it -- no  
11                                  two situations are the same.

12          AIG. Sanchez:       Commissioner, were there any directives or any directions,  
13                                  recommendations given to executive staff or commanding  
14                                  officers regarding essential workers, and about them not being  
15                                  arrested during the protests?

16          Comm. Shea:        My -- my under-- again, my understanding is similar to the  
17                                  FINEST messages you showed. There were conference calls.  
18                                  There was messages that were sent out. But -- but it would not  
19                                  have been phrased as you just worded. Again, because we --  
20                                  we saw instances of quote-un-quote, "essential workers  
21                                  committing crimes." Certainly they would be subject to arrest.

22          AIG. Sanchez:       Understood. At -- at several points during the pendency of the  
23                                  curfew, the Mayor or City Hall made public statements at press  
24                                  briefings, and through social media, that the curfew would not  
25                                  be enforced against peaceful protestors. Was that your

1 understanding of the department's enforcement mandate for the  
2 curfew?

3 Comm. Shea: You would have to ask the mayor. We -- we followed the law.  
4 We followed the executive orders.

5 AIG. Sanchez: Who had the authority in a given situation to determine whether  
6 protestors qualified as peaceful?

7 Comm. Shea: Same -- same answer. We -- we have an executive order. We  
8 do not pass the laws. We enforce the laws. So we would follow  
9 those laws.

10 AIG. Sanchez: How, if at all, did these statements about the flexibility of the  
11 curfew affect the department's curfew enforcement, and  
12 exercise of its discretion?

13 Comm. Shea: Same answer. The officers have discretion. I think they did a  
14 good job to -- overall, as they do every day, whether it's  
15 protestor or other circumstances.

16 AIG. Sanchez: I want to turn to the team, if they had any questions or any  
17 follow-up, questions regarding the curfew.

18 IG. Brunsden: Sure. I just want to ask, with respect to your responses as to  
19 checking with the Mayors' Office or City Hall about their  
20 public statements regarding not enforcing a curfew, with  
21 respect to peaceful protestors, was it then not the department's  
22 policy to differentiate between whether a protestor was  
23 peaceful or not, with respect to curfew enforcement?



1           Comm. Shea:           The -- the Governor issued an executive order. Once that  
2   executive order was issued, we had the ability to enforce it.  
3   And that's what we did. We also had discretion.

4           IG. Brunsten:           Sir, what was the last thing you say you also practiced?

5           Comm. Shea:           We also had discretion.

6           IG. Brunsten:           Discretion. Okay. And, jumping back a moment, we were  
7   speaking about the finest messages with respect to, warnings,  
8   and the issuance of C Summonses, a moment ago, putting to  
9   one side the warnings themselves, were you ever personally  
10    involved in discussions as to whether or not warnings should  
11    be provided before any curfew enforcement?

12          Comm. Shea:           Say -- same exact answer I just gave. Sorry to repeat myself.  
13    But, it's -- it's -- it's almost second nature to us. I mean, we  
14    exercise discretion a number of times, every day in New York  
15    City for a variety of offenses. And we do that to protestors as  
16    well. So that's almost common sense, second nature to the  
17    officers. So that's not to me out of the ordinary. I don't recall  
18    independent exact conversations right now. But that wouldn't  
19    surprise me at all I took part in those conversations.

20          IG. Brunsten:           Thank you. Did you ever personally direct or authorize a  
21    particular arrest for a curfew violation?

22          Comm. Shea:           Not that I recall.

23          IG. Brunsten:           Did anyone ever seek to consult with you with respect to  
24    whether in -- whether to enforce the curfew as to any particular  
25    protest?

1           Comm. Shea:           Not that I recall.

2           IG. Brunsten:           Okay. Thank you.

3           Comm. Shea:           You're welcome.

4           Comm. Garnett:         So, the-- there were a number of instances or evenings during

5                                 that curfew time where, in some locations in the city, large --

6                                 large groups of protestors were allowed to continue marching

7                                 and protesting long past the curfew, and in the same evening,

8                                 other locations where that was not permitted. And, I'm not

9                                 talking about individual arrest, but like an entire group --

10          Comm. Shea:           Uh-huh.

11          Inv. Charles:           -- arrest for -- based on the curfew enforcement. Who is mak-

12                                 - like at what level of the department are those decisions being

13                                 made? Again, not -- not a one-off arrest, that's within

14                                 individual officer's discretion, but, larger scale decisions. This

15                                 -- this group would be permitted to continue. This group will

16                                 not.

17          Comm. Shea:           Yeah. Yeah. I -- I think you -- you -- you did see that. That's

18                                 accurate. And -- and I think the default is, if you look back at

19                                 the entirety of that week, two weeks, three weeks, a month,

20                                 whatever it was, we exercise broad latitude and discretion in

21                                 allowing people to march and protest, perhaps more than we

22                                 have in -- at other time. In terms of why one group might be

23                                 subject to arrest, I -- I would point, generally speaking, this is a

24                                 general statement, but it's -- it's based on the actions of the

25                                 group itself. So, what has happened with that group, perhaps

1 three blocks before, two block before, bottles coming from it,  
2 trash been set on fire, things of that nature. So, in identifying  
3 more problematic groups that are occurring throughout New  
4 York City. And it also could be a factor here in terms of  
5 logistics, in terms of personnel. So, what -- what arrest teams  
6 were available at a particular area, could also be a factor at  
7 times.

8 Comm. Garnett:

And who, in terms of level within the command structure, who  
9 is making that decision? Are -- is that being made at the Patrol  
10 Borough level, is that being made more by, you know, someone  
11 who at, sort of a precinct commander level, or even below that  
12 point? Like, who is making those decisions about the  
13 deferential enforcement?

14 Comm. Shea:

15 Uh-huh. Yeah. Great question, the decisions would be made  
16 by an executive in these types of circumstances. But it could  
17 be both of what you said, and -- and higher. It could be a -- a  
18 precinct commander, depending on the facts on the ground,  
19 with the knowledge that he or she has. It -- it certainly could  
20 be, depending on the circumstances, if -- if a borough  
21 commander was there. And -- and it could be done in  
22 conjunction with running information up through Operations,  
23 'cause sometimes these -- these protests or marches were going  
24 from one area to another, and being passed off. So, I think all  
25 of those things were happening. I think all of them could be  
behind the decision that was made. We trust our executives to

1 make decisions. But it would not be a situation that would be  
2 done. It would be out of the ordinary in a situation like this for  
3 a police officer to be making these decisions.

4 AIG Garcia: Good morning Commissioner.

5 Comm. Shea: Good morning.

6 AIG. Garcia: Just -- just one question regarding the issuance of the curfew. I  
7 know you had said that, "I didn't necessarily agree or disagree,"  
8 but you respected the decision, and that you said that it could  
9 have been handled differently. I'm just wondering if you could  
10 just elaborate on that. How do you think that it could have been  
11 handled differently?

12 Comm. Shea: Well, whether there was a curfew imposed or not.

13 AIG. Garcia: I mean, do you -- do you think -- so you said that you think that  
14 the curfew -- if the curfew was issued, it should have been  
15 earlier, 8:00, not 11:00 p.m.? And is there anything that you  
16 think should have been done differently regarding the curfew?

17 Comm. Shea: That's the -- wo-- once it was decided that a curfew was going  
18 to be issued, I -- I -- I thought it was a little late to be 11:00  
19 o'clock, considering the crowds, and the violence that we were  
20 already seeing. The looting that we were already seeing, it's --  
21 it's akin to trying to get, you know, the cat back in the bag. It's  
22 too late. I think that bore out to be correct, because within one  
23 day, it was moved up to whatever time it was moved up to.

24 AIG. Garcia: Thank you.

25 Mr. Richardson: Good morning Commissioner.

1           Comm. Shea:            Good morning.

2           Mr. Richardson:         So, although there's some confusion about who qualified as an  
3                                   essential worker during the curfews, I'm wondering if legal  
4                                   observers have certain protections at protests, whether or not  
5                                   there is a curfew?

6           Comm. Shea:            Yeah. I -- I would defer this to Legal. I -- I don't know that  
7                                   there's any confusion. But I would defer that to the lawyers,  
8                                   both in your house, City Hall, as well as our legal bureau, better  
9                                   -- better situated to answer that. I don't -- I don't believe that  
10                                  accurate that there's confusion.

11          Mr. Richardson:         Sure. So, I'm saying that whether or not they were essential  
12                                  workers, like, let's put the curfew to the side. Does NYPD have  
13                                  specific protections for legal observers?

14          Comm. Shea:            Again, we -- we exercise broad latitude in -- in a number of  
15                                  classes of individuals. And -- and if there is a situation where  
16                                  they are arrested, what I have seen is, that they are committing  
17                                  violations under the guise of being, whether it is an essential  
18                                  worker or legal observers or something along those lines.

19          Mr. Richardson:         Right. So then it would be accurate to say that legal observers  
20                                  fall under the discretion of any other class, but there's not  
21                                  necessary a carved out specific protection?

22          Comm. Shea:            Again, I -- I'll defer that to Legal Bureau. I believe that's  
23                                  accurate, but I -- I'd rather we get a, you know, a solid answer  
24                                  from Legal. But I believe --

25          Mr. Richardson:         Thank you.

1           Comm. Shea:                -- that's accurate.

2           Mr. Richardson:            Thank you.

3           AIG. Sanchez:               Commissioner, we gonna just move on to the intelligence

4                                        section.   Commissioner, what type of information or

5                                        intelligence did the NYPD gather or receive, review, between

6                                        the death of George Floyd and the start of the protest in New

7                                        York City?

8           Comm. Shea:                I -- I don't recall as I sit here.  Certainly, you know, certainly,

9                                        as I started out today, monitoring events across the country, this

10                                      is something that routinely happens, whether it's a terrorist

11                                     attack in France, or at situations where a police officer

12                                     tragically is killed somewhere in the country, or an attack on a

13                                     police station house.  Now, we started to see that months after

14                                     the fact, though I don't remember exactly what had happened,

15                                     and when, and what Intel I had at what time.  I would tell you

16                                     though, that as I said before, the su-- speed and the swiftness of

17                                     the violence with these protests was surprising.

18          AIG. Sanchez:            Commissioner, what information or Intelligence did the NYPD

19                                     gather during the protests.  You know, and I'm trying to get

20                                     to, you know, what were the tools that the NYPD was using to

21                                     gather this intel, and also, you know, the substance of the Intel?

22                                     Can you speak to that type of information --

23          Comm. Shea:                Yea--

24          AIG. Sanchez:            -- that the --

1           Comm. Shea:           -- yeah. I mean, clearly with that Union Square, and then the  
2                                   Barclay Center, and every day after, clearly there was a  
3                                   problem in terms of -- and I'm not referring to intelligence  
4                                   collection. I'm just referring to what was occurring with the --  
5                                   the violence at these protests. So, there was a -- a quick move  
6                                   to gather as much intelligence as we could through open source,  
7                                   through all the social media outlets, through what protest were  
8                                   gonna be occurring, what we knew about, you know, an  
9                                   organization. You know, here you have, you know, something  
10                                  that hampered us significantly was that, ordinarily when  
11                                  protests happen, you have groups come in, and -- and have a  
12                                  conversation with the local law enforcement. And, that was  
13                                  really not happening for the most part, here. There was no point  
14                                  of contacts. There was no one to reach out to. If there was an  
15                                  attempt made, it wasn't answered. So, it was a little bit like  
16                                  flying in the dark. But all of these things were we were trying  
17                                  to do, and -- and trying to gather intelligence through, social  
18                                  media, through open source, to really have a better idea of what  
19                                  was expected, and what was happening.

20           AIG. Sanchez:           Commissioner, how was the intelligence related to these  
21                                   protests distributed to the members of the service by the Intel  
22                                   bureau?

23           Comm. Shea:           I would say the same thing. The Intelligence Bureau has a  
24                                   number of methods available to them. They could send out  
25                                   blast emails. They could send out notices, documents. They

1 could do it through the FIOs. They can do it through, whether  
2 it's attached to department wide messages that are sent out.  
3 And certainly, it's done through briefing as well.

4 AIG. Sanchez: And Commissioner, you know, we've -- we've learned that,  
5 obviously, intelligence and information flows differently  
6 throughout the department. How do you receive intelligence  
7 on a daily basis?

8 Comm. Shea: Well, all of the methods that I just talked about. I'll receive  
9 briefings. I'll receive phone calls. I'll receive emails, postings  
10 that are on our internal department websites, all of these  
11 methods.

12 AIG. Sanchez: Do you recall any of the information or intelligence that you  
13 personally received during these protests?

14 Comm. Shea: Not --not specific incidents, now, but it was occurring on a daily  
15 basis.

16 AIG. Sanchez: Commissioner, during the testimony that you provided to the  
17 Attorney General's Office, you mentioned that there was an  
18 inclusion of outside agitators during these protests. What did  
19 you mean by, "Outside agitators"? And what intel did you  
20 receive about them.

21 Comm. Shea: Okay so, when you look at some of the initial, I believe Deputy  
22 Commissioner Miller, did a press briefing earlier on, and it was  
23 a snapshot in time of a number arrests that had been affected in  
24 the early parts of these protests. And when you examined some  
25 of the people, it was -- it was interesting to us that they were



1 from -- a number of them were from outside New York City.  
2 That's what I was referring to.

3 AIG. Sanchez: Commissioner, to -- to your knowledge, is there any  
4 standardized guidance provided to officers as to how to  
5 understand the Intel that was being widely distributed within  
6 the department?

7 Comm. Shea: Not sure I understand that question.

8 AIG. Sanchez: Sure. A-- are -- are you aware of any -- any information or any  
9 advice provided to the officers, boots on the ground, to help  
10 them understand the intelligence that was being provided to  
11 them, that was flowing from intel to them?

12 Comm. Shea: Sa-- same answer. There is a variety of ways that intelligence  
13 is disseminated. And that would include at muster points where  
14 people are turned out for their assignments for the day, in  
15 situations such as protests. So I think it can travel to them in  
16 all of those ways..

17 AIG. Sanchez: Commissioner, to your knowledge, was there any guidance to  
18 specifically address how members of the service were to  
19 interpret Intel they were receiving?

20 Comm. Shea: To -- how to interpret it? We provide it. They're to, you know,  
21 take it in, and go forth accordingly. I -- I'm not really sure what  
22 you mean by that.

23 AIG. Sanchez: Understood. Commissioner, what did the intelligence say  
24 about threats or risks -- risk to officers?

25 Comm. Shea: What did the intelligence say?

1           AIG. Sanchez:           Yeah, to your knowledge?

2           Comm. Shea:           Well, I -- I don't recall the individual intelligence as I sit here.

3                                But as I said, from the first day, we had a number of officers

4                                injured. The Barclay Center, we had, some would say

5                                unprecedented violence immediately. Within days, we had

6                                Molotov cocktails thrown at officers. And, you know, attempts

7                                to take over precinct. And this was on the heels of where it

8                                actually happened in other cities. So I -- I don't really think the

9                                officers needed much more than that to understand the threat.

10                              The bricks were self-evident 'cause they were flying at their

11                              heads.

12           AIG. Sanchez:           Understood. Commissioner, was the department strategy for

13                              policing these protests driven by the Intel?

14           Comm. Shea:           In-- intel is one component. We also understand that it was a

15                              unique point in time. You know, it -- I will draw parallel to

16                              what we do on fighting crime. You have incredibly

17                              disproportionate areas in New York City where gun violence

18                              rampages communities. But we also understand that 99 percent

19                              of the people that live in those communities are good people

20                              that don't commit crimes at all. I would draw that parallel here.

21                              Maybe it's not a perfect analogy. But, people were upset.

22                              People were coming out to protest. We were honoring their

23                              right to protest, as we do every day in New York City. And just

24                              by the fact that there were extreme violence being committed

25                              against officers. I like to think that we -- we -- we still

1 understood that it was a -- a small number of people, too many,  
2 but still a small, in a larger context.

3 AIG. Sanchez: Commissioner, can you provide an example of how intelligence  
4 played a role in determining the NYPD strategy for policing in  
5 particular, Floyd protest?

6 Comm. Shea: I -- I think they provided information. And -- and that was one  
7 piece of information. It also goes with the boots on the ground,  
8 and the executive that's in charge of a particular zone or area,  
9 what they are seeing. intelligence is just that. It's intelligence.  
10 It doesn't mean it's right. It -- it's provided. It's taking in. And  
11 -- and we use that as one piece to formulate our response and  
12 our plans. So we -- we have intelligence that says there's gonna  
13 be a protest in an area, for example. We may have to put  
14 officers in that area, and no one shows up. It doesn't mean that  
15 we're going to start accosting people that are at that example,  
16 but, we take it in. You know, and -- and, you know, if we have  
17 pre-information about violence that's gonna take place, that's a  
18 piece of information that is given to our offices. And we weigh  
19 that based on what we're seeing at the scene.

20 AIG. Sanchez: Certainly.

21 Comm. Shea: Piece of the puzzle. But it's not necessarily the whole puzzle.

22 AIG. Sanchez: Commissioner, are you aware of any intel -- intelligence  
23 briefings being held on [REDACTED] [REDACTED] for officers before  
24 mobile field forces were deployed?

1 Comm. Shea: [REDACTED] [REDACTED] is one of the locations where we would muster  
2 up people to turn them out. And -- a- as any location where,  
3 whether it's a precinct station house, a parking lot, or [REDACTED]  
4 [REDACTED] that we're turning out people, we would muster them up  
5 or account for them, give them their assignments, turn them out.  
6 And it's expected as part of that to be given any information  
7 relevant to their tour that day, including intelligence.

8 AIG. Sanchez: Commissioner, who ran those briefings at [REDACTED] [REDACTED]

9 Comm. Shea: I do not know. In fact, it depends on who's in on any given  
10 day.

11 AIG. Sanchez: Did -- did you attend any of these meetings at [REDACTED] [REDACTED]

12 Comm. Shea: I think I stopped there one day to say thank you to officers,  
13 maybe one day, maybe two, but I don't recall attending any  
14 group meetings there.

15 AIG. Sanchez: The days that you were there on [REDACTED] [REDACTED] what was  
16 communicated to the officers while you were there?

17 Comm. Shea: I stopped there as I said. You know, I've been there a number  
18 of times during the protests, at least once, maybe twice. It may  
19 only be once. But it was drive there, get out of the car. Say,  
20 "Thank you. Keep up -- keep your chin up. We're gonna get  
21 through this." And then, get back in the car and keep going.  
22 So, that's really the extent of what my involvement.

23 AIG. Sanchez: And Commissioner, these meetings at [REDACTED] [REDACTED] what,  
24 you know, just -- just to get a sense of what took place there,  
25 what, you know, what discussions take place regarding

1 assignments, for example, strategy? What -- what goes on at  
2 these -- at these meetings, when officers are assembling for  
3 protocol role call?

4 Comm. Shea: Again, yeah. I -- I just answered that one already. That's --  
5 they would turn them out. And it's part of, you know, lining  
6 them up, making sure people are ready. What their assignment  
7 is, and send them out. So, all of those things would take place  
8 in any locations like that.

9 AIG. Sanchez: Understood.

10 Comm. Shea: Yeah.

11 AIG. Sanchez: Does anybody from the team have any other -- any additional

12 Comm. Shea: questions regarding Intel?

13 AIG Garcia: I just have one follow-up question, Commissioner. Earlier on  
14 in the interview, you had stated that one of the -- few of the  
15 positives for the department response or what happened in New  
16 York City compared to other cities is that there was no loss of  
17 life, and that no -- no buildings were burned. You had also said  
18 that people tried to burn buildings here in New York City. Just  
19 wondering if you can elaborate on that. What information did  
20 you get regarding what buildings were going to get burn in New  
21 York City?

22 Comm. Shea: We had fires. I mean, this is just a snapshot. But we had fires  
23 set in the Bronx, attacks to commercial/residential buildings.  
24 We had Molotov cocktail, to my knowledge, thrown at police

1 precincts in Brooklyn. You know, you -- you have a number of  
2 incidents like that throughout New York City.

3 Mr. Garcia: Thank you.

4 Comm. Shea: Yep.

5 Mr. Tellet: Co-- Commissioner, you had mentioned that when we were  
6 discussing outside agitators, that that was a snapshot of history,  
7 and it was a -- a trend that you noticed at the time. Did (unclear)  
8 --

9 Comm. Shea: I'm getting a lot of feed-back. I don't know if everyone is  
10 getting that.

11 Comm. Garnett: Yeah Chris, your audio is messed up.

12 Mr. Tellet: Alright. I'll -- I'll come back.

13 AIG. Sanchez: While Chris is logging back on, did anybody else have anything  
14 on the Intel section? Alright. Chris is logging on now.  
15 Apologies, Commissioner.

16 Comm. Shea: No worries.

17 Mr. Tellet: Very sorry about that. So, you had mentioned that, we were  
18 discussing outside agitators, that it was a snapshot in history,  
19 and it was a trend that had been noticed sort of early on. Did  
20 that trend continue?

21 Comm. Shea: It's hard to say. Overall, I would say, no. I don't have the data  
22 in front of me. I think if you looked at the vast majority of  
23 people that were arrested, and, I think the number is thousands,  
24 many released on summonses. But if you look at the protests  
25 related over months, you gonna find people with New York

1 City addresses, overwhelmingly. I also know that the more you  
2 dig, the more you get to the truth. So, you know, if -- if you  
3 have someone that came to New York a month ago, and now  
4 has a Brooklyn address. We're not only looking into that or  
5 digging into it, but -- so that's a little of both ways right? Early  
6 on, we -- we were struck by a number of people that came from  
7 out of state, and were arrested, and then, provided us with their  
8 residence as out of state. I -- I definitely know, as I sit here  
9 today, that there was a number of people that we arrested that  
10 gave addresses in the City, but really are here a short time. But  
11 I don't think that changes the overall, that overwhelmingly, it's  
12 more New York residence than not.

13 Mr. Tellet: And that's -- is that trend across both arrests generally, and also  
14 maybe some of the worst, like felony violence?

15 Comm. Shea: Are you talking protest related or -- or crime in genera?

16 Mr. Tellet: Yeah. Yeah. So, like, I'm trying to make the -- I'm trying to  
17 understand, is -- is there a distinction between locals and  
18 outsiders when it comes to, like, I'm not thinking about DisCon  
19 arrests. I'm think more about anything felony related, Molotov  
20 cocktails, assaults, that kind of thing?

21 Comm. Shea: I see. Yeah. Haven't -- I don't have that, you know, drilled  
22 down as much. When you -- when you look at the Molotov  
23 cocktails, when you said that, I think back to that. The first two  
24 people that were arrested, I think -- I think at least one, the

25 

1 [REDACTED]. You know what? I don't want to give bad  
2 information. So --

3 Mr. Tellet: Sure.

4 Comm. Shea: Listen, we still see people that are in New York City  
5 committing crimes or -- or involved in protests that came here  
6 to do that. Not because anything wrong with that, but it's  
7 something that is a fact in something that we were aware of.  
8 And we are still to this day coming across some of these people.  
9 I mean, we still have, as I said, we might have four protests, or  
10 we may have 20. And that -- it's fluctuates day to day. Ninety-  
11 nine percent of them don't walk without a -- a hitch. You know,  
12 we escort them. There's no harm, no foul. We utilized  
13 discretion. In rear circumstances now, we're making arrests.  
14 But we are aware that there are still some outside agitators  
15 mixed in there.

16 Mr. Tellet: You had also mentioned that one of the things that struck you  
17 about these protests was how violent they had become, and how  
18 quick they were to become violent. And I think, though, when  
19 we were discussing planning, you had mentioned that, among  
20 other things that you were trying to do, was get to the root of  
21 why that is. Now having had a couple months out, do you know  
22 why these protests were so uniquely violent?

23 Comm. Shea: Not definitively, no.

24 Mr. Tellet: Do you have a -- a suspicion?

25 Comm. Shea: None that I would like to share. I'll stick to facts, right?



1 Mr. Tellet: Sure, sure. So, you're still working on sort of getting to the root  
2 of it?

3 Comm. Shea: We're going about our business a-- as we always are. We're  
4 trying to keep people safe. We're policing protests. We're  
5 making arrests where it's valid. And if something should  
6 change, and more intelligence, or information, or facts become  
7 known, then we'll -- we'll make those known.

8 Mr. Tellet: Okay. And while you were talking about planning, you had  
9 mentioned two -- two other things. You had mentioned that  
10 you were taking care of injured officers. I think when you  
11 spoke to the AG, you had mentioned that there were about -- it  
12 was in the hundreds. It was either three or four hundred  
13 injuries.

14 Comm. Shea: Yeah.

15 Mr. Tellet: What sort of injuries were those? Was --wa-- was there a trend  
16 to those injuries?

17 Comm. Shea: Definitely hundreds. And if -- if -- I don't know if you just said  
18 a couple hundred or two or three hundreds, I think it's actually  
19 more. I wanna say closer to five hundred. A-- at this point in  
20 time, it runs the gamut. You know, it's -- it's -- it's injuries  
21 sustained making an arrest. So you got everything from a  
22 turned ankle, right, to an injured shoulder, to officers getting hit  
23 with bricks and bottles, to officers stabbed and shot, that  
24 occurred during these protest. Officers getting shot at during  
25 this protest, to being struck with cars, having Molotov cocktail

1 thrown at them. Thankfully, there were no burns to my  
2 knowledge were sustained. So, it really punched, you know, all  
3 of -- it's all of everything I just said. So, it really runs the  
4 gamut.

5 Mr. Tellet: And, were the injuries in anyway unusual for this protest as  
6 oppose to protests you'd seen in the past?

7 Comm. Shea: Absolutely. I mean, I've said it a couple times now. It -- it's  
8 swiftness. We had protests where a bottle thrown, rightly, with  
9 all I could say, that that wouldn't happen. But we also are wide  
10 eyed that sometimes you see things like this, but not to be  
11 numbered and not to the severity, and without really any reason.  
12 So it was the -- the volume. It was the breath, I mean officers  
13 making lawful arrests. And people coming up and hitting them  
14 in the heads with fire extinguishers. I mean, you name it, it  
15 happened. It -- it was disgusting. And -- and it was  
16 unprecedented.

17 Mr. Tellet: And, you had also mentioned that you tried reaching out to the  
18 community. Was that successful?

19 Comm. Shea: To -- to degrees. You know, we reached out to take, you know,  
20 it's hard to look at this point in time without looking at the  
21 continuum. So what really started with COVID too. And we  
22 reached out to elected officials during COVID to -- to come out  
23 with us and do some of our outreach with us. We did that same  
24 thing at some of these protests. Was it successful? It's -- that's

1 hard to say. Could it have been worst if we hadn't done that?

2 Really hard to say.

3 Mr. Tellet: I -- I think you'd mentioned earlier in the intel section that, I  
4 think the line was something like, "Flying in the dark." That it  
5 was hard to get to some of these protest groups. Is that why  
6 you were trying to reach out to like elected officials and what  
7 not, because it was difficult to reach these groups?

8 Comm. Shea: No but -- wha-- we reached out to elected officials for a number  
9 of reasons, to let them know what's going on. Sometimes,  
10 they'll be reaching out to us to -- to tell them what's happening  
11 at particular. You know, there was a lot of miss information,  
12 very, very smartly done by whoever was behind it, putting out  
13 snippets of videos that didn't tell the whole story. So, trying to  
14 tell people what really happened in some circumstances,  
15 reaching out to, you know, we developed over time significant  
16 relationships with, you name it, in communities across this city,  
17 reaching out to tell them what's going on. And -- and it was  
18 two-way communication. The sad thing was that many people  
19 were just afraid to come forward then. Because they were  
20 shouted down if -- if they were to come out and support the  
21 police. So, I mean all of these things were going on a daily  
22 basis from my level down to precinct commander levels, and  
23 community affairs levels, throughout New York City.

24 Mr. Tellet: Thank you, Commissioner.

25 Comm. Shea: Yep.

1           AIG. Sanchez:           Commissioner, moving on to NYPD Policies and Practices.  
2                                   Does the NYPD have any policies that relate specifically to  
3                                   protest response?  
4           Comm. Shea:           We certainly have policies regarding protests. Again, a -- it's -  
5                                   - it's a starting point. We adapt to whatever conditions are  
6                                   thrown at us. But you know, in the very basis part of our Patrol  
7                                   Guide, is the mission statement that we value human life. We  
8                                   protect life and property, and we're gonna follow the laws. And  
9                                   that law includes, respecting people's right to protest, and  
10                                  peacefully assemble. What -- what --  
11          AIG. Sanchez:           Commissioner --  
12          Comm. Shea:           -- I -- could I -- could I just take one minute, and I'll give you  
13                                  the minute back just to get a cup of coffee, and I'll come right  
14                                  back?  
15          AIG. Sanchez:           Of course, Commissioner.  
16          Comm. Shea:           I'll leave it live. Sorry about that. I drink way too much coffee.  
17                                  But I'm ready to go.  
18          AIG. Sanchez:           No worries, Commissioner. You're not alone. Commissioner,  
19                                  Let me get it back here too. Would you say that policing of  
20                                  large scale protests is a form of disorder control?  
21          Comm. Shea:           Not necessarily.  
22          AIG. Sanchez:           Do NY--  
23          Comm. Shea:           (Unclear) --  
24          AIG. Sanchez:           -- PD pa-- I'm sorry, Commissioner. Please go.

1           Comm. Shea:               Yeah. I'm sorry. You know, just by the -- the nature of the  
2                                       word "disorder", because sometimes there -- there's absolutely  
3                                       no disorder.

4           AIG. Sanchez:             Got it. Does the NYPD -- NYPD policies differentiate between  
5                                       policing different types of events, such as parades versus  
6                                       protests versus riots?

7           Comm. Shea:               I -- I think it's a little intuitive that each of those are a little  
8                                       different. Doesn't change our mission, nor does it change our  
9                                       values, that you know, to protect life, protect property, but  
10                                      certainly those great examples that you raised are quite  
11                                      different.

12          AIG. Sanchez:             Commissioner, when is it appropriate for NYPD personnel to  
13                                       use OC spray during a protest?

14          Comm. Shea:               So, it's a -- it's a form of physical force. The OC spray that is  
15                                       issued to our offices would be akin to, when we teach the Use  
16                                       of Force, it's a continuum where you don't have to go to each  
17                                       step. But it starts with verbal. It ends, tragically with the use  
18                                       of deadly physical force. And -- and during that course or  
19                                       continuum, is the use of OC spray. So, it's dependent on the  
20                                       threat that is in front of the officer at the time.

21          AIG. Sanchez:             And same goes with -- for batons? Is that right?

22          Comm. Shea:               Exac-- exactly. Yes.

23          AIG. Sanchez:             Commissioner, does the NYPD Use of Force policy account for  
24                                       the use of an NYPD vehicle as means of force?

25          Comm. Shea:               Not to my knowledge.

1           AIG. Sanchez:            Would the use of an NYPD vehicle in this particular case, the  
2                                       RMPs that we saw on May 30<sup>th</sup>, be covered by the Use of Force  
3                                       policy?  
4           Comm. Shea:            I mean, I'm not sure I understand that question. But I also don't  
5                                       agree that the vehicle was been used as a Use of Force. I think  
6                                       that --  
7           AIG. Sanchez:            (Uncler) --  
8           Comm. Shea:            -- characterization is false.  
9           AIG. Sanchez:            Well, you know, it -- it -- it goes, you know, conversely if  
10                                      members of the public, you just mentioned yourself protestors  
11                                      using vehicles against officers, I think would be -- fair to say  
12                                      that that's a -- could be lethal force in certain instances. We're  
13                                      just trying to get, you know, trying to account for this particular  
14                                      incident, if it would be covered under the Use of Force policy  
15                                      in the department?  
16           Comm. Shea:            Any-- anything that the officer does on a daily basis, is covered  
17                                      on the use of force policy. I think it's important --  
18           AIG. Sanchez:            Yeah.  
19           Comm. Shea:            -- also that there is internal mechanisms. For example, out  
20                                      Internal Affairs bureau that you're well aware of is also district  
21                                      attorneys and bodies such as yourself. Then, it's important to  
22                                      have, you know, for the public to have trust, and that incidents  
23                                      are reviewed. And -- and that's kinda why were' sitting here  
24                                      today, one of the many reasons. But, I -- I also stand behind my  
25                                      earlier statement, in that, I would not categorize, based on the

1 totality of that circumstance, the use of that car as a use of force  
2 when you look at everything that was happening in that  
3 instance.

4 AIG. Sanchez: Ye-- yeah. Yes, Commissioner. I think we can, you know,  
5 acknowledged certainly instances where officers inside of an  
6 RMP, driving, you know, the -- where there would be a  
7 legitimate reason for that.

8 Comm. Shea: Correct.

9 AIG. Sanchez: But there is, you know, very little language in the Patrol Guide  
10 to refer to these instances. At the time of the Floyd protests --  
11 I'm sorry, Commissioner. Go ahead.

12 Comm. Shea: Well, I was just gonna say, I mean, that's -- that's the Patrol  
13 Guide is a guide. We certainly don't put in that you can't take  
14 a knife out and stab your spouse either, because it's an illegal  
15 act. Running over people with a car is an illegal act. So, just  
16 because it's not in there, there's not a reason to be in the right.  
17 And I'll default to my earlier statement.

18 AIG. Sanchez: Sure. Or --or articulate the permissible uses of a vehicle should  
19 that need arise right? That circumstance could -- could be the  
20 case. But, moving on.

21 Comm. Shea: That's fine.

22 AIG. Sanchez: At the time of the Floyd protests, were there any NYPD policies  
23 in place related to the presence of members of the press at  
24 events, including protests?

1           Comm. Shea:           I think it's well established. I can't quote to you, you know,  
2    what verbatim, what procedure it's in. But, I think it's well  
3    established practice, the rights of the press. I think we -- we do  
4    a good job with the press. We've certainly involved current  
5    policies in New York City that the NYPD issues press passes.  
6    So I think we have a good working relationship with the press,  
7    overall.

8           AIG. Sanchez:       Commissioner, along that same vein, at the time of the protests,  
9    were there any NYPD policies in place related to the presence  
10    of legal observers at events?

11          Comm. Shea:        I'm racking my brain as I look at you screen here. I -- I -- I  
12    believe it comes up somewhere, either in Legal Bureau  
13    bulletins or policy memorialized somewhere. But I can't quote  
14    to you as I sit here, where it is.

15          AIG. Sanchez:     What about personal protective equipment requirements? Was  
16    there any internal NYPD directive issued regarding department  
17    personnel wearing masks or other PPE?

18          Comm. Shea:        So helmets, yes. Masks were covered in -- by other finest  
19    messages that had been put out.

20          AIG. Sanchez:     Commissioner, what about name plates and shields? At the  
21    time of the Floyd protests, was there any internal NYPD  
22    directive or Patrol Guide issued regarding department  
23    personnel covering their nameplates or shields?

24          Comm. Shea:        Ordering people to cover their name plates or shields?  
25    Absolutely not.



1           AIG. Sanchez:           No, no. That -- that -- that touched on that subject that made it  
2                                       forbidden to do so?

3           Comm. Shea:           No. The only thing that -- well, that's -- that's already  
4                                       memorialized in policy of the Patrol Guide. I know this issue  
5                                       of mourning bands has come up. I don't know if that's what  
6                                       you're also referring to or you were going to bring that up. But,  
7                                       earlier this year, probably in March or April, I put out a  
8                                       directive that mourning bands are to be worn over the shields  
9                                       in memory of the now 46 members that have lost their life. But  
10                                      that is not, you know, that was reported in the media that that  
11                                      was been as proof that officers were covering their shields.  
12                                      That's -- that's the furthest from the truth, because the  
13                                      mourning bands actually doesn't cover the shield number. It's  
14                                      done purposely so that it does not. So, other than that, I don't  
15                                      have anything to add regarding mourning bands or name plates  
16                                      or shields. They should be worn as they go on shift.

17          AIG. Sanchez:          Certainly, Commissioner. And -- and just to be clear, specific  
18                                      to the mourning bands, is there any directive -- did the directive  
19                                      changed in any way, or did anything disseminate from your  
20                                      office addressing the use of mourning bands to cover name  
21                                      plates or shields or shield numbers?

22          Comm. Shea:          No. But directive still stands. We reviewed that. We talked  
23                                      about that internally probably a month or so ago because we --  
24                                      we finally had the -- a mass at St. Patrick's Cathedral honoring  
25                                      the 46 members. And the question was, "Do we take that

1 directive down?" The issue though is that we still have,  
2 unfortunately, members going sick, thankfully not passing  
3 away. So, it still stands.

4 AIG. Sanchez: And hopefully that stays true.

5 Comm. Shea: Yeah.

6 AIG. Sanchez: Absolutely.

7 Comm. Shea: Amen. Amen.

8 AIG. Sanchez: Before we move out of the policies and procedures sections, I  
9 wanted to turn it to my colleagues if they have any follow-ups.

10 IG Brunsten: Hello Commissioner. You mentioned --

11 Comm. Shea: Hello.

12 IG Brunsten: -- you mentioned -- you mentioned at the start of this section  
13 related to policies that the NYPD has policies and Patrol Guide  
14 that relate to the policing of mass demonstrations or protests.  
15 Does the NYPD have a policy that is dedicated to, or is  
16 exclusive to the policing of mass demonstrations or protests?

17 Comm. Shea: If you've ever seen our Patrol Guide, it's quite lengthy. And  
18 we have a number of guides and procedural guides. It's  
19 certainly covered in training and other areas. Where is it, I -- I  
20 could not tell you, as I sit here now. But we -- we certainly put  
21 a lot of effort into policing protests, yes, from everything, from  
22 training, to staffing. And, it comes up. I -- I -- as I sit here  
23 thinking about it, it -- it crosses in a number of different  
24 procedures. For example, we have procedures about mass  
25 arrest that touches on protests. So, you know, one individual

1 procedure though that is all encompassing I think. I can't quote  
2 you. Not to say it doesn't exist.

3 IG Brunsten: Okay. And -- and certainly recognize there is policies on mass  
4 arrests, special events, disorderly --

5 Comm. Shea: (Unclear).

6 IG Brunsten: -- control.

7 Comm. Shea: Yeah.

8 IG Brunsten: Right, right. A num-- a number of policies that either indirectly  
9 or sometimes directly refer to or relate to demonstrations or  
10 protests, but, to -- to your knowledge, is there -- is there one  
11 that is dedicated to demonstrations or protests?

12 Comm. Shea: The same answer. I -- I would have to get back to you in terms  
13 of, those topics are covered in a variety of different ways, in  
14 both policy and training.

15 IG Brunsten: Okay. And then, you know, we -- we spoke about a few  
16 different policies in this section. Had there been any  
17 discussions since the Floyd protests about any policy changes  
18 that might be warranted or under consideration with respect to,  
19 policing protestor demonstrations?

20 Comm. Shea: Wa-- are you looking for specific policy or procedures  
21 changed?

22 IG Brunsten: Yes. That -- that -- that are -- that are being discussed or maybe  
23 under consideration?

24 Comm. Shea: Well, I can tell you, absolutely looking at the entirety of what  
25 took place in May and June, in terms of what we can learn from

1 that as an agency, what we were facing, how did we respond,  
2 how did we gather information, how did we deploy people,  
3 what other equipment or policies, we are absolutely doing that.  
4 Off the top of my head, I -- I can't think of one thing that I will  
5 point to. But we were at-- we are absolutely looking, as we  
6 always are to -- to learn from what took place, and -- and to put  
7 -- put any changes that might be needed into practice going  
8 forward.

9 IG Brunsdon: Thank you.

10 AIG. Sanchez: Alright. Commissioner, moving on to training. As to training,  
11 what type of training do officers receive specific to protests?

12 Comm. Shea: I think we've touched on some of them. You know, in -- in the  
13 -- in the academy, which is 6 months in length, they -- they're  
14 getting indoctrinated into our policies and practices. So that's  
15 par-- rules and regulations. I think when you talk about  
16 demonstrations or riots. It touches on a number of issues. For  
17 example, a black out in New York City, how would you  
18 respond? How do you respond when you're called in for duties,  
19 when you're off duty? How do you, you know, everything  
20 from, how do you report, where do you go for your assignment,  
21 what equipment do you need, how do you form lines and  
22 wedges. All of this are things that are covered in initial training,  
23 and subsequent training that takes place, both in the academy  
24 and afterwards. Just -- those are some examples.

1           AIG. Sanchez:           Thank you Commissioner. Are you aware of the term,  
2    “kettling?”

3           Comm. Shea:            I’m -- I am -- intimately aware of it now that is has been  
4   repeated a number of times since the protests.

5           AIG. Sanchez:           And -- and is this an NYPD crowd control tactics?

6           Comm. Shea:            A -- I was aware of the word before. But I was never aware of  
7   the word or in connection to any police department policies or  
8   procedures, either, you know, in writing or spoken. It was  
9   never a term, to my knowledge, that the Police Department  
10    used.

11          AIG. Sanchez:           And -- and in terms of any type of tactic that would, you know,  
12    used for mass arrests, where there’s police on one end, and on  
13    the other end, for the purposes of mass arrests, that is an NYPD  
14    tactic, is it not?

15          Comm. Shea:            Yeah. And I think this -- this is where exactly all the confusion  
16    stems from, as people discussed this. When you look at the  
17    totality of how we police large crowds and demonstrations,  
18    you’re gonna see an abundance of discretion, patience,  
19    marching around with people, working with people.  
20    Sometimes arrests are made, sometimes those arrests are  
21    organized beforehand, ‘cause people want to get arrested. You  
22    see all of this. I think, I’m not saying anything different. There  
23    comes a point in time, certainly, where we give warnings.  
24    We’ve learned from prior cases. We-- we’ve learned from  
25    court decisions where, you know, we -- we generally now when

1 we're aware and could plan in advance. We have systems in  
2 place where we have members of TARU on the scene. We have  
3 members of the Legal Bureau on the scene, where we give  
4 warnings, so that, a different story can't be told afterwards that  
5 may not be true, that we didn't warn people. We video this.  
6 This is what happens. And -- and generally, people are  
7 compliant, and will then disperse. That's exactly what we want  
8 them to do. That's the whole purpose of warning them to leave  
9 or they could be subject to summons or arrest. So it would be  
10 -- it would not make sense to me that we would be blocking  
11 people off and warning them at the same time. Now, if you  
12 have a circumstance where people are going to be arrested for  
13 whatever the case is, certainly you wanna have a perimeter on  
14 those peop-- people. And I think that those two descriptions  
15 that I just gave are completely different scenarios.

16 AIG. Sanchez: Thank you commissioner.

17 Comm. Shea: Yep.

18 AIG. Sanchez: We were informed that there were recent changes made to in  
19 service training related to policing protests. What was your  
20 involvement with these changes?

21 Comm. Shea: What I wanted to do is, I think that when you look at the review  
22 that's taking place, and when you look at the size and the scope  
23 of the protests that took place, I think if you said,  
24 unprecedented, you wouldn't be far off with the levels of  
25 protests, and the size of them, and how spread out they were,

1 together with the violence. So we wanted to make sure that  
2 who we had in this department had receive all current, and the  
3 -- the most up-to-date training, something that we do, I think  
4 constantly, whether it's about protests, or whether it's about  
5 shooting at the range, quite frankly. So, in the -- in the latest to  
6 your question, we took a look at what we were currently  
7 training people, a-- and thought that we could do more in terms  
8 of lines, wedges, working as a team, things of that nature. It's  
9 training that they receive in the academy. But it's something  
10 that I thought that we could do a little more towards that. And  
11 that's what we put into place in the summer. It was also done  
12 in -- in anticipation of getting prepared for the unknown, if you  
13 will, around the most recent election. So I think we put  
14 approximately 11,000 members through this training over the  
15 summer.

16 AIG. Sanchez: And, it was you that directed these changes? Is that correct?

17 Comm. Shea: Yes, myself in conjunction with the training bureau.

18 AIG. Sanchez: And -- and, this training that you ro-- that you're referring of,  
19 is it the same, disorder control training provided to members of  
20 the SRG?

21 Comm. Shea: I don't -- I can't tell you definitively it's exactly the same. SRG  
22 is a unique assignment, where they deal with that world. They  
23 are quote-unquote, the experts. But we wanna make sure that  
24 we had everyone up to the same or a comfortable level of  
25 proficiency. And again, these are perishable skills, we would

1 argue. So that even if you had them at one point in time,  
2 training is -- is really seen as a detriment. And some people  
3 have not had training for a period of time. So we thought it was  
4 prudent to refresh that training.

5 AIG. Sanchez: Thank you Commissioner. Do you know, by chance, who's in  
6 charge of this new training module?

7 Comm. Shea: It's done through the -- the Training Bureau, who physically is  
8 conducting it. I'm sure it's a team of individuals.

9 AIG. Sanchez: And who determines the content and focus of this new training?

10 Comm. Shea: The Training Bureau.

11 AIG. Sanchez: Okay. And just be mindful of the time, Commissioner. There's  
12 a lot of ground to cover still.

13 Comm. Shea: Sure.

14 AIG. Sanchez: Is there anything else that the team might wanna ask regarding  
15 the training, before moving on?

16 AIG Garcia: Just have one question, Commissioner. I'm sorry. You -- you  
17 had spoken awhile about discretion, and how officers use  
18 discretion in, obviously everything they do, you know, in the  
19 field. Is it your understanding that officers -- individual officers  
20 were using discretion related to arrests for these protests?

21 Comm. Shea: Now -- now you're into a little different area, though. So just  
22 remember, you're gonna have thousands of officers deploy.  
23 The officers maintain the right to make an arrest where it is  
24 warranted. But, you're -- you're balancing here between  
25 individual instances. So, somebody breaks a window, or



1 somebody punches an officer, the default there is, an arrest is  
2 gonna be made. But when you're talking about hundreds of  
3 people perhaps, violating a curfew, or blocking traffic for 10  
4 seconds versus 10 minutes on a deserted street versus a heavily  
5 traffic street, a block from a hospital or ambulances, you're  
6 talking every situation is unique. And in situations where you  
7 have the latter, that's where we gonna have executives on the  
8 scene, making those decisions, more often than not, still  
9 discretion.

10 AIG Garcia: Thank you.

11 AIG. Sanchez: Commissioner, moving on to Community Affairs. Generally  
12 speaking, what is the role of Community Affairs in policing  
13 protests?

14 Comm. Shea: Community Affairs' role could be a number of things. They  
15 could be assigned to the protest for the day, not in their normal  
16 roles as Community Affairs. So that's -- that would be just as  
17 the same as every other officer. They could be assigned  
18 specifically not to holding a line or to a specific assignment.  
19 They could be assigned, quote-un-quote, "as Community  
20 Affairs", if that makes sense to you. I apologize. And in that  
21 role, it -- it would be -- it could be omnipresence. It could be  
22 working with particular people. It could be escorting  
23 dignitaries. It could be a lot of different things.

1           AIG. Sanchez:           And Commissioner, to your knowledge, what did the  
2                                   Community Affairs officers do during these protests? What  
3                                   was their involvement?

4           Comm. Shea:            So -- so it could be just what I said. It -- it could be assigned  
5                                   per manpower needs, to the detail, or they could be in their role  
6                                   as Community Affairs. And it could have been a number of  
7                                   different assignments.

8           AIG. Sanchez:           As the NYPD was developing its strategy, and -- and certain  
9                                   times changing that strategy during the protests, was the use of  
10                                  Community Affairs officers part of that strategy in any -- at any  
11                                  time?

12          Comm. Shea:            Yeah. I mean, we touched on it earlier, whether it's elected  
13                                  officials, community leaders, clergy, business leaders, you  
14                                  know, there were many, many conversations, every day  
15                                  throughout New York City taking place, protestors, and -- and  
16                                  community affairs as well as executives up and down the  
17                                  department was speaking to people at that time.

18          AIG. Sanchez:           Commissioner, earlier on in the interview you'd been  
19                                  mentioning about some of the communications -- some of the  
20                                  attempts. My colleague Chris was talking a little bit about this,  
21                                  and asking you questions about, you know, flying in the dark.  
22                                  Are you aware of specific calls made from the department to  
23                                  organizations or members of the community for guidance, for  
24                                  assistance, for Intel, as these protests were happening?

25          Comm. Shea:            That's routine. That happens routinely.

1           AIG. Sanchez:           Were you personally involved in any of these calls?

2           Comm. Shea:                I -- I -- I lost track of the number of calls, and people I spoke to

3                                    during those weeks. Events I attended, calling for common

4                                    peace, it -- it ran the gamut, from informal to formal. It

5                                    happened, you know, in parks. It happened at protests. It

6                                    happened at -- at churches. It happened up and down the

7                                    department, myself included.

8           AIG. Sanchez:           And -- and you mentioned that a lot of these organizations or a

9                                    lot of these folks were reluctant to -- to speak out publicly

10                                  because they would be spoken down to at protests? Is that

11                                  correct?

12          Comm. Shea:                I lost track of the number of people that told me that. They

13                                    were worried that their homes would be destroyed. People

14                                    would protest then they would lose their jobs. I heard all of

15                                    that.

16          AIG. Sanchez:           Commissioner, we were informed that personnel assigned to

17                                    the Community Affairs Bureau were reassigned at the time of

18                                    the Floyd protests because the department had a need to shift

19                                    officers due to the COVID response. Who made that decision?

20          Comm. Shea:                I'm not sure what you're referring to there. So we have a

21                                    system in place in the NYPD where we have Community

22                                    Affairs officers in every precinct, in every TSA, which is the

23                                    Housing Units. We also have a Community Affairs Bureau in

24                                    -- this makes sense to no one, except the NYPD. But, they

25                                    belong to different people. So, you could have Community

1 Affairs Bureau su-- move to do different assignments. But that  
2 wouldn't affect necessarily the Community Affairs officers that  
3 work in every precinct. So, it's quite possible that officers were  
4 moved around for all of the reasons I mentioned before.

5 AIG. Sanchez: Thank you for articulating that, Commissioner. And, I'm  
6 referring specifically to the -- to those members assigned to the  
7 Community Affairs Bureau, not the ones at the precinct.

8 Comm. Shea: Yeah. You -- the precinct is actually bigger numbers than the  
9 bureau.

10 AIG. Sanchez: And Commissioner, the -- the -- those in Community Affairs  
11 Bureau, those assigned to the bureau themselves, them being  
12 reassigned to respond to COVID, was that your call?

13 Comm. Shea: So what -- what do you mean by "COVID"?

14 AIG. Sanchez: Yes. Essentially, they were not serving in their traditional roles  
15 as Community Affairs officers for the bureau, not again, the  
16 precinct, separately, you know, segregating that -- those  
17 officers assigned to precincts. I'm specifically referring to the  
18 Community Affairs officers within the bureau. We --

19 Comm. Shea: Yeah.

20 AIG. Sanchez: -- understand that they stopped functioning in their roles as  
21 Community Affairs officers, in an effort to help respond to  
22 COVID-19 initiatives? Whose call was it to repurpose that  
23 role?

24 Comm. Shea: I -- I would disagree with that entire premise. Officers that are  
25 out in the community talking to people in the community, trying

1 to help them, in handing out masks, and making sure people are  
2 compliant, is exactly what Community Affairs, and working  
3 with the community is. So, I -- I just -- I would disagree with  
4 that whole premise. Who -- who directed that, I -- I don't know.  
5 But there were a number of people assign-- reassigned to  
6 different tasks. It happens every day in the police world. But  
7 that is not, to me, non-Community Affairs work. That's exactly  
8 what they're supposed to do.

9       AIG. Sanchez:       Understood. And just -- just to be perfectly clear, to your  
10 knowledge, there wasn't any type of directives from you or  
11 from others -- other executives for these particular officers in  
12 Community Affairs Bureau?

13       Comm. Shea:       No. I -- I didn't say that. Whether it's Community Affairs,  
14 whether it's people working inside, numerous, numerous  
15 people were reassigned for a variety of reasons during COVID,  
16 and through the protests, and right through today, and for a  
17 number of reasons. And these things are done, you know, at  
18 the bureau level. They're done at the -- a -- a, you know, at  
19 policy level, at the executive staff. They're done at local levels.  
20 That particular reassignment, I don't recall. But that's not out  
21 of the ordinary to me.

22       AIG. Sanchez:       Alright. And who -- and who would have the authority to make  
23 that call?

24       Comm. Shea:       Certainly the Chief of Community Affairs, or -- or anyone  
25 higher. But if they're taking people from Community Affairs

1 Bureau, not the precinct people, that would be Community  
2 Affairs or -- or similar stature.

3 AIG. Sanchez: Thank you for that explanation, Commissioner.

4 Comm. Shea: It could also be volunteering.

5 AIG. Sanchez: Thank you. Wa-- what do you mean by that?

6 Comm. Shea: So what I mean by that is, somebody could be saying x officers  
7 were reassigned. And -- and sometimes people don't like  
8 change. But it could be as simple as, "Hey, this task needs to  
9 be accomplished." And somebody say, "Hey, I have officers  
10 that can help you with that." And that's as simple as, not  
11 necessarily a mandated directive. It's just getting the job done.

12 AIG. Sanchez: Thank you. Commi-- Commissioner, was the new NYPD  
13 community partnership initiative, these meetings in all five  
14 boroughs launched because of the recent protests?

15 Comm. Shea: No. They were mandated by governor's executive order.

16 AIG. Sanchez: And what is the goal of this initiative?

17 Comm. Shea: The -- your -- you would have to read the exec-- governor's  
18 executive order. From my opinion now, we're in a place where  
19 we are mandated to participate in a reimagining, if you will, of  
20 police community relations. I actually don't like that. Because  
21 I think that's what we should be doing, whether there is an  
22 executive order or not. And that's the stance I take. So the  
23 goals of those meetings, in particular, are a first step of a multi-  
24 step process to get community input. And we accomplished  
25 that, I would say. It's one step of many. We're hearing that

1 people like somethings the police are doing. We're hearing that  
2 people support the police. We're also hearing that people are  
3 critical of somethings the police are doing, and everything in  
4 between, quite frankly. So we're taking all this in. We're  
5 working with partners. It's -- it's a start of a long process that  
6 should be done by April 1<sup>st</sup>. And I would just point out that this  
7 is taking place across New York State, to my knowledge. In --  
8 in all police departments, whether there were protests or not.  
9 So that's why I say it's not tied to the protests. But certainly,  
10 it's a part of a bigger discussion.

11 AIG. Sanchez: And Commissioner, when you -- when you mentioned partners  
12 that you're working with for this, could you mention who those  
13 partners are?

14 Comm. Shea: Well, we work with many, many partners. But I'm specifically  
15 speaking to Arva Rice, Jennifer Jones Austin, and West Moore  
16 that I personally spoke to before this process, and asked them  
17 to work with us on -- on -- from the ground floor, looking at  
18 how we think about policing in New York City. And I was very  
19 happy that they agreed to take part in that journey. But we're  
20 also going to be, as part of this again, this is a governor's  
21 executive order that mandates involvement of the City Council,  
22 and the Mayor, and which is one piece of this.

23 AIG. Sanchez: Thank you Commissioner.

24 Comm. Shea: You're welcome.

1           AIG. Sanchez:           Commissioner, were there recent changes made to Community  
2                                    Affairs leadership made as a result of the Floyd protests?

3           Comm. Shea:            Are you speaking to the -- the three star chief?

4           AIG. Sanchez:           So -- so the chief and the, you know the entire Community  
5                                    Affairs structure kinda change a little bit recently. What was  
6                                    the impetus for those changes?

7           Comm. Shea:            I -- I'm not familiar with what you're talking about with the  
8                                    structure. The three star chief, the -- the top person changed  
9                                    because of the death of Billy Marks.

10          AIG. Sanchez:           Thank you Commissioner. And, you know, we -- we did  
11                                    receive an Interim Order, or an Operations Order. It was  
12                                    specifically noting that changes within Community Affairs.  
13                                    That's what I'm referring to.

14          Comm. Shea:            Okay. Tragically, I can't think of that off the top of my head.  
15                                    If you -- if you put it up on the screen, maybe I could talk about  
16                                    it.

17          AIG. Sanchez:           Sure. I'll -- I'll try, if -- if we have time. And we -- we -- quite  
18                                    frankly, we should move on. Commissioner, now we're going  
19                                    to be talking about Mott Haven. There were, you know, public  
20                                    statements made by you and others, that the response to Mott  
21                                    Haven was planned. Whose plan was it to -- to police this  
22                                    event?

23          Comm. Shea:            This was one of many protests that were taking place. I can't  
24                                    remember if this was May or June. But it was certainly in the -  
25                                    - that busy two week period. One of many protests that were



1 being planned with -- with deployment of personnel throughout  
2 New York City, at that time. What was unique about this one,  
3 and not singularly unique, but what caught our attention,  
4 certainly is the -- the social media postings, and calling out to  
5 assemble there, were particularly violent in nature.

6 AIG. Sanchez: Commissioner, what information specific to that -- the  
7 department review in preparation for this event? Do you recall  
8 the -- the specific Intel that was reviewed for this?

9 Comm. Shea: Well, once I saw a burning police car that told me for the most  
10 part, that there was a potential for danger here. This is in the  
11 days after we had police cars burned. That was the call to come  
12 out. They're burning police cars upside down. And -- and my  
13 recollection is there was also calls to violence regarding this  
14 assemblage. I mean, this was a group that, the very name of it  
15 is antagonistic and violence driven, for some time in New York  
16 City.

17 AIG. Sanchez: Was this information shared with the Mayor's Office prior to  
18 the Mott Haven protest?

19 Comm. Shea: You have to ask the Mayor. I don't -- I don't recall as I sit here.  
20 Quite --

21 AIG. Sanchez: You --

22 Comm. Shea: -- possible. I don't recall.

23 AIG. Sanchez: Do you remember if the Mayor's Office or any of their staff  
24 provided any direction as to how to police this particular  
25 protest?

1           Comm. Shea:                No. As -- as I said earlier, I was in frequent contact with the  
2    mayor. It would not be out of the ordinary for any protest. This  
3    is what is expected tonight. This is what is going on. I don't  
4    recall it as I sit here now. It's months ago. But, in terms of the  
5    Mayor's Office dictating how to police protests that would not  
6    be how it would happen.

7           AIG. Sanchez:             Thank you Commissioner. What was your involvement in  
8    planning the response for Mott Haven?

9           Comm. Shea:                I'm sorry?

10          AIG. Sanchez:             Commissioner, what -- what was your involvement in planning  
11                                        the response for the Mott Haven event?

12          Comm. Shea:                I wouldn't categorize it as having any direct response, making  
13                                        sure that we had adequate resources throughout New York City.  
14                                        We deal with any and all protests. My recollection now is that  
15                                        this was, I think, towards the beginning of the curfew. I think  
16                                        that we had some incidents in the Bronx that week. I don't  
17                                        remember if it was immediately before or afterwards in terms  
18                                        of looting and fires being set. That was part of the narrative as  
19                                        well. And then you had this incident where, again, it's a call to  
20                                        come and do damage. And I -- in my recollection, there was  
21                                        specifically calls about burning things down.

22          AIG. Sanchez:             Commissioner, was it decided in advance that the curfew would  
23                                        be strictly enforced against this particular protest as a way to  
24                                        end it?

1           Comm. Shea:           I -- I don't recall that. But what I do recall is, as -- as the  
2                                    evening transpired in New York City, a number of protests, this  
3                                    being one of them, we had a couple of incidents that, again,  
4                                    pieces of the puzzles, if you will, where we had a gun arrest  
5                                    made in connection to this protest. You also had a -- a second  
6                                    car, as I recall, stopped, that had some weapons, inflammable  
7                                    fluids, again in connection to this protest. So now you have a  
8                                    call to come out and burn things down, attack the cops. You  
9                                    had a gun recovered. And now you have weapons and  
10                                  flammable fluids. I think all of those things contributed to  
11                                  decisions that were made.

12          AIG. Sanchez:        Thank you Commissioner. I'm now gonna turn it to the team  
13                                  if they have any follow-ups regarding Mott Haven.

14          Mr. Tellet:           Commissioner, did you have any communication with the  
15                                  Bronx Chamber of Commerce regarding the protest, in Mott  
16                                  Haven?

17          Comm. Shea:        The Bronx Chamber of Commerce? Can you give me a name?

18          Mr. Tellet:        Sorry, I can't. I -- I had seen that they had a Facebook posting  
19                                  that sort of went out to a lot of the businesses that associate with  
20                                  the Bronx Chamber of Commerce, saying that they had been  
21                                  advised by NYPD that the protest could -- had the potential who  
22                                  -- to become violent that night. I was wondering -- I -- I suspect  
23                                  it might have happened at a lower level. I was just curious if  
24                                  you had been involved in that at all?

1           Comm. Shea:           Yeah. You surprised me with that one. I don't -- I don't -- if  
2                                    you said the name, maybe it would draw. But I don't -- I'm not  
3                                    even sure that I know anyone on the Bronx Chamber of  
4                                    Commerce. Not that I recall at this point in time. I don't think  
5                                    I -- I. And that -- but that's not surprising to me because it  
6                                    would be routine for us to advise stores in the areas because  
7                                    that's exactly what the pro-- protestors put out, that there was  
8                                    going to be damage.

9           Mr. Tellet:           Prior to eight o'clock that night, did -- did you know that the  
10                                  entire protestors were going to be arrested?

11          Comm. Shea:           No.

12          Mr. Tellet:           When did you hear that the protestors had been arrested?

13          Comm. Shea:           Well, I don't know that the entire protest was arrested. There  
14                                  was a large number of individuals arrested in Mott Haven, that  
15                                  were part of a protest in violation of curfew, and probably some  
16                                  other charges. Whether they're-- they were 90 percent, or 50  
17                                  percent, or 20 percent of the group that was there, I --I don't  
18                                  have any data that tells me that.

19          Mr. Tellet:           Sure. A-- as I understand that there was somewhere around, I  
20                                  think 250. But, either way, so, when were you aware that 250  
21                                  people were going to be arrested, or had been?

22          Comm. Shea:           I -- ha-- had been, past tense, at some point that evening.

23          Mr. Tellet:           And, who informed you --

24          Comm. Shea:           Well, I don't know that --

25          Mr. Tellet:           -- about it?

1           Comm. Shea:                I'm sorry. I don't know that I knew the exact number. But, at  
2   some point, I heard there was a large number arrested.

3           Mr. Tellet:                   Who had informed you that?

4           Comm. Shea:                   I have no idea.

5           Mr. Tellet:                   Who would normally inform you of -- of large arrests like that?

6           Comm. Shea:                   It could -- it could come in a number of ways. It could be a --  
7   a call from somebody on the executive staff. It could be in  
8   Operations. I've spent, you know, time walking through  
9   Operations. So it could come in different ways.

10          Mr. Tellet:                   Did you have any communications with the mayor or the  
11   Mayor's Office that night regarding Mott Haven?

12          Comm. Shea:                   I don't remember. It wouldn't have been out of the ordinary.  
13   As I said, frequent means frequent.

14          Mr. Tellet:                   Sure. I think that's it for me at the moment.

15          AIG Garcia:                   Hey Commissioner. So you had said, I think, you received  
16   some information there, I guess there was, I don't know if it  
17   was a pamphlet on the car burning, and then an arrest of  
18   someone with a firearm, and -- and a car stop where they had  
19   some items in -- in the vehicle. Did you receive any  
20   information after the fact that the actual protestors in Mott  
21   Haven were violent during the protest?

22          Comm. Shea:                   I definitely learned of it after the fact. And again, we're -- we're  
23   categorizing a little too broadly here. So, I -- I think that there  
24   was some violence in the crowd. I, you know, in terms of if the  
25   number is accurate, 250 or 220, you know. I think there was a

1 variety of charges. Some people resisted arrest there. But in  
2 terms of, you know, what I learned after, I learned at some point  
3 afterwards that a large number of people had been arrested, and  
4 -- and all those subsequent details as well.

5 AIG Garcia: And did you get a chance to review the reports put out by the  
6 Human Rights watcher the physicians for Human Rights Watch  
7 on the Mott Haven?

8 Comm. Shea: I -- I heard there was report. I heard references to it. I've  
9 learned not to believe anything I read in the paper.

10 AIG Garcia: Okay.

11 Comm. Shea: Quite frankly, I did not read their report. But I know the facts.  
12 So, I -- I wasn't gonna read their report.

13 AIG Garcia: Thank you.

14 Mr. Tellet: Commissioner, do you believe that there has been any  
15 misinformation in the press or in reports regarding Mott  
16 Haven?

17 Comm. Shea: Yes.

18 Mr. Tellet: And what misinformation do you believe has been put out?

19 Comm. Shea: I -- I -- I see misinformation put out frequently. And I don't  
20 blame the media for that. So I don't mean to categorize it that  
21 way. The media role report, what people say. And there is  
22 active attempts to distort truth regarding these protests.

23 Mr. Tellet: So in regards to Mott Haven, does anything call out to you that  
24 you might have seen that you believe is incorrect?

1           Comm. Shea:                 Yes. I have reported publicly at press conferences. Can you  
2   hear me? I may have just lost --

3           Mr. Tellet:                     Yeah.

4           Comm. Shea:                 Okay. I lost the video. We have publicly stated everything that  
5   I have just said. And it has been categorized by, quote-un-quote  
6   experts, and then repeated in the media that the -- the arrest of  
7   the gun, and other flammable things did not occur, or they  
8   weren't related. That is patently false.

9           Mr. Tellet:                     And what is the basis -- well-- why is it false?

10          Comm. Shea:                    Because it's not true.

11          Mr. Tellet:                    Can you be more specific?

12          Comm. Shea:                    Not really. It was relayed.

13          Mr. Tellet:                    And, do you believe that it was related because of intelligence  
14   that you were provided?

15          Comm. Shea:                    Intelligence -- just information that I know to be factual.

16          Mr. Tellet:                    Did you know it -- did you know that it was false on that day or  
17   do you know that it's false today because of something you've  
18   learned since?

19          Comm. Shea:                    I don't understand that question.

20          Mr. Tellet:                    Sure. When people say, "It wasn't related," if I had told that to  
21   you on June 5<sup>th</sup>, would you have believed that that was false?

22          Comm. Shea:                    It was false every day. Listen --

23          Mr. Tellet:                    Understood.

24          Comm. Shea:                    -- there is -- there is numerous instances, numerous, of  
25   misinformation from day one regarding the protests. And that's

1 not to insinuate that the Police Department is in any way  
2 perfect. But there are numerous instances of misinformation,  
3 and attempts to make the Police Department look bad. And  
4 that's what I'm basing my statement on.

5 Mr. Tellet: Thank you, Commissioner.

6 Comm. Shea: You're welcome.

7 AIG. Sanchez: Commissioner, admittedly this is an unusual interview for us.  
8 You know, it's not every day that the Department of  
9 Investigation receives and exe-- an executive order requiring us  
10 to investigate. I think --

11 Comm. Shea: I understand.

12 AIG. Sanchez: -- I think we can both agree the reason we're sitting here today  
13 is because lots of New Yorkers were concerned about, you  
14 know, how the protests unfolded, and the nature of the  
15 department's response. What concerns have you heard  
16 expressed?

17 Comm. Shea: I think that the biggest one is, you know, some of the -- the  
18 violence or perceived violence by officers. I mean, I -- I think  
19 that that would be first and foremost. Yeah. And -- and -- and  
20 I think that there was a couple instances, conduct by officers  
21 that was inappropriate. That was acted upon pretty quickly, I  
22 would say, probably quicker than historically has been done in  
23 the Police Department. Where it gets confusing is, I think that,  
24 again, there are those that are looking to sow distrust between  
25 the police and the community. And they have also included,



1 and -- and publicized other incidents that way -- while they may  
2 not look pretty, and they never will, frankly. They weren't  
3 misconduct. So I think you have to take all of this into context.  
4 And I -- and I think that we have done not a perfect job by any  
5 stretch. But I think we're learning to do a better job getting our  
6 story out, quickly. Just this past weekend in the west village,  
7 there was an incident again that was put out on social media.  
8 And as soon as we got out the truth, the initial posting was taken  
9 down. So it's -- it's something that we are acutely aware of.  
10 But I think that the -- the conduct of officers is front and center  
11 of why we are having this discussion.

12 AIG. Sanchez: Commissioner, where have you heard these concerns?

13 Comm. Shea: I've heard it on the media. I've heard it from people. I've read  
14 it in the paper. I think -- I think we're all in the same boat there.

15 AIG. Sanchez: Have you heard any concerns from police officers or unions?

16 Comm. Shea: About the conduct of police officers?

17 AIG. Sanchez: Just -- just about the protests in general?

18 Comm. Shea: You got --

19 AIG. Sanchez: Concerns?

20 Comm. Shea: -- to be more specific.

21 AIG. Sanchez: Yeah. If -- if -- have police officers come to you with concerns  
22 about what unfolded late May through mid-June?

23 Comm. Shea: Yeah. I mean, of course. Police officers were disturbed about  
24 the -- the violence of those protestors directed towards them, as  
25 well as the statements of, you know, some elected officials.

1           AIG. Sanchez:           Do you think these concerns are fair?

2           Comm. Shea:               Yes. I do think they're fair.

3           AIG. Sanchez:           Do you have any parti-- particular concerns about how these

4                                    protests unfolded?

5           Comm. Shea:               All of the things we've talked about for the last two hours. If

6                                    the -- the -- the protests that are going on in May, that were

7                                    going on -- protests that went on before May, or continued after

8                                    May, are not the issue. The concern is the violence that took

9                                    place with them. We were very accustomed to handling large

10                                  groups of people. And we will continue to be. Where it was

11                                  difficult, and thankfully where it has calm own is that the -- the

12                                  individuals that wish to sow distrust, and fear, and chaos, have

13                                  lost their ability to hide in large numbers. And that, thankfully,

14                                  has turned the tide somewhat.

15          AIG. Sanchez:           You know, one of the concerns we've heard, Commissioner, is,

16                                  you know, is the fact, you know, members of the public saying,

17                                  "Listen, you know, there is clear demarcation between those

18                                  that were inciting violence, those that were committing crimes,

19                                  and the -- the rest of the individuals that were not doing that."

20                                  They were also inhabiting the same space, yet sometimes still

21                                  swallowed-up in police enforcement. Have you heard some of

22                                  these concerns?

23          Comm. Shea:               Yes, I have. I finally got you back on the video. It's easier to

24                                  talk when I can see you. I have heard those exact concerns.

25                                  And those --

1           AIG. Sanchez:           And wha--

2           Comm. Shea:               -- those are our concerns as well.

3           AIG. Sanchez:           Commissioner, we understand that there is an after action report

4                                   being drafted by your office, that's conducting this action

5                                   review in response to these protests. What is the status of that

6                                   report?

7           Comm. Shea:               It's in its final stages, I would categorize it.

8           AIG. Sanchez:           And what type of things did your office look into for this

9                                   review?

10          Comm. Shea:               I -- everything that we spoke about today.

11          AIG. Sanchez:           And Commissioner, can you -- can you tell us who is

12                                   conducting this review, specifically?

13          Comm. Shea:               It-- it's a number of people that is being done at the executive

14                                   level, interviews being conducted, a-- and the executive staff

15                                   would put out this document when it's completed.

16          AIG. Sanchez:           And, you know, in its final stages, is there a timeframe of when

17                                   you'd like to issue it?

18          Comm. Shea:               As soon as it's ready. I don't want to give a date.

19          AIG. Sanchez:           And Commissioner, and --

20          Comm. Garnett:           I'm very -- I'm -- I'm very sympathetic to that situation.

21          AIG. Sanchez:           Commissioner, in what form will -- will you receive the result

22                                   of this review? Is it going to be in oral briefing? Is it going to

23                                   be a written report?

24          Comm. Shea:               I anticipate both.

1           AIG. Sanchez:           And, to your knowledge, were there any recommendations or  
2   changes suggested in this report?

3           Comm. Shea:            I think -- I -- I think you see -- you've seen some of them  
4   already, in terms of, refresher trainings, in terms of equipment,  
5   in terms of actions we put into place to strengthen our ability to  
6   respond as quickly as possible. What -- what people should not  
7   misinterpret about this report is, a -- a -- a statement that, you  
8   know, cops having bricks thrown at their heads is gonna be  
9   fixed by a report. I mean, this is a complicated issue that we  
10    are a part of, and not the whole story.

11          AIG. Sanchez:           Commissioner, aside from this action -- action-- after action  
12    report, ca-- can you describe any kind of debriefing or post  
13    action discussions you or others in the NYPD leadership had  
14    with members of the service who were present at the protests?

15          Comm. Shea:            That was ongoing all the time.

16          AIG. Sanchez:           And who was present or involved in --

17          Comm. Shea:            And people --

18          AIG. Sanchez:           -- these discussions?

19          Comm. Shea:            -- people -- I'm sorry to cut you off. People literally worked  
20    with, you know, many cases without a day off or probably  
21    months. So these discussions were taking place new -- very  
22    frequently. Who was present? All different people throughout  
23    the department, as well as, you know, probably sometimes  
24    people outside the department.

1           AIG. Sanchez:           Commissioner, can you speak to any -- if any protests policing  
2   policies, tactics or strategies that have changed as a result of  
3   these after action reviews?

4           Comm. Shea:           Well, I mean, a simple one, and it's not the -- the largest one,  
5   but it's a simple one. If you were out there during the  
6   protestors, and saw some of its tactics, and again, I'm not gonna  
7   used the work "protestors", they're criminals. So, some of the  
8   tactics were used by some of the criminals that are intentionally  
9   damaging properties, setting fires, trying to sow fear and chaos.  
10    And we recognized early on that with some of these large  
11    crowds, and the -- the terrain that we were meeting them on,  
12    we -- we did not have the luxury to wait for the Fire  
13    Department, so we -- we contracted, and -- and purchased small  
14    devices that put out fires, and -- and distributed those to our  
15    officers. And you saw them put into use last week in the  
16    village, where people are putting things on fire, and now  
17    blocking the street, and now forming lines with bicycles. And  
18    now Fire Department can -- cop can't come in. And now you  
19    have the treat of a building catching on fire. Those are simple  
20    examples. But things like that have been changed since May.  
21    When now, the officers last week, they recounted that very  
22    situation, and put the fire out almost immediately. And it takes  
23    the entire temperature down. No pun intended.

1           AIG. Sanchez:           Commissioner, do you think the department was sufficiently  
2    prepared for these protests? Through the manpower,  
3    equipment, strategy, Intel -- in-- whatever?

4           Comm. Shea:            Listen, policing is a world of constantly evaluating, and then  
5    adapting, and responding to what happens, and -- and moving  
6    forward. So, it is -- it is a never ending. Everything around us  
7    is changing. Attitudes are changing. Laws are changing.  
8    Resources are changing. And we change with it.

9           AIG. Sanchez:           Commissioner, I have to circle back to the question. Do you  
10   think the department was sufficiently prepared for the protests,  
11   late May?

12          Comm. Shea:            I -- I -- I do. And -- and that's not to mean that it was a perfect  
13   scenario. I think we had the resources. You have to adapt. You  
14   have to learn from this. You're -- you're asking questions on  
15   one side. The problem with this discussion is, you're not asking  
16   questions of the other team. And maybe there's three teams in  
17   this. Right? There's -- there's people peacefully protesting.  
18   There's people that wanna drive a wedge. And then, there's the  
19   Police Department. And then, there's a lot of other sides. So,  
20   we're one -- one part of this equation. But it's hard to answer  
21   those questions without talking to everyone in concert. I think  
22   we responded to a very difficult situation. I think the officers  
23   did a phenomenal job under extremely difficult circumstances.  
24   But as with any situation like this, and this play out across the  
25   country, I mean, our biggest injuries, where we had people shot.

1 We had police officers shot. We had police officers stabbed.  
2 We had protestors shot in mid-town. But you had loss of life  
3 in other cities and much greater, and for prolong period of time,  
4 property damage. So, you know, were we -- were we ready?  
5 We were as ready as anyone is ready. And we'll learn from it,  
6 and move forward.

7 AIG. Sanchez: Thank you Commissioner. And just you know, for the record,  
8 it is very much our intention to speak to all stakeholders, not  
9 just the department. Our protestors, you know, it was certainly  
10 one to gather the facts as best as we can.

11 Comm. Shea: If you could forward me a copy of the Anarchist Minutes, I'll  
12 appreciate that.

13 AIG. Sanchez: 10-4. Commissioner, now that we're a couple of months out,  
14 what could the department have done better?

15 Comm. Shea: I -- I think I just answered that. There's nothing that I could  
16 add to that that I didn't just say.

17 AIG. Sanchez: Is there anything that you feel the department did particularly  
18 well?

19 Comm. Shea: Sa-- same answer to that. You know, I think that faced with  
20 what we were faced with, there's a lot of good. There's always  
21 things to learn. And we'll move forward.

22 AIG. Sanchez: Commissioner, if you -- if you can take one thing that the  
23 department did poorly or anything that you would change,  
24 anything at all, obviously hindsight being 20-20, is there

1 anything that you would pinpoint that you would want the  
2 department to handle differently?

3 Comm. Shea: My -- my -- my largest take away from this is external. And  
4 the -- the impact that collaboration and partnership with outside  
5 people, to include elected officials as the environment. And I  
6 think that that could have been much better.

7 AIG. Sanchez: Commissioner, you know, we know that officers, members of  
8 the service were working very long tours during these protests.  
9 Was this a matter of discussion by you or other executive staff  
10 as the protests were occurring?

11 Comm. Shea: That's -- that's routine. You know, it's on one hand it's all  
12 hands on deck. On the other hand, you have to make sure that  
13 people are properly arrested. And we do that every day.

14 AIG. Sanchez: Commissioner, you know, for that, you know, we did ask the  
15 department for your Outlook calendar for that first week of  
16 protests. We asked several times. We never got it. Did you  
17 attend any protests?

18 Comm. Shea: Not as a -- as -- as the Police Commissioner or as a private  
19 citizen?

20 AIG. Sanchez: Either.

21 Comm. Shea: Yeah. No. I -- I did not attend protests.

22 Comm. Garnett: (Unclear) --

23 AIG. Sanchez: Mostly --

24 Comm. Shea: Not that I recall.

25 Comm. Garnett: -- (unclear) --



1           Comm. Shea:                 -- that I recall.

2           Comm. Garnett:             I think we mean as Police Commissioner.

3           AIG. Sanchez:                Yeah.

4           Comm. Shea:                 Yeah. Not that I recall. No.

5           AIG. Sanchez:                Commissioner, anything else you think we should know or

6                                     consider as we write our report?

7           Comm. Shea:                 No, sir.

8           AIG. Sanchez:                Alright, Commissioner, I'm gonna turn it to my colleagues, but

9                                     thank you kindly for your time, we certainly appreciate it.

10          Comm. Shea:                 Thank you. Much appreciate it.

11          IG. Brunsdon:               Commissioner, I want to quickly ask a question about the

12                                     circumstances, the mindset of officers, and how the department

13                                     responded to the extent that officers were operate-- were

14                                     operating under traumatic circumstance, policing in the midst

15                                     of a pandemic, policing in response to protests that were

16                                     directed at policing, and directed at the department. How did

17                                     the NYPD account for that, or incorporate that into either its

18                                     strategy or simply the way that the department managed

19                                     officers in the field?

20          Comm. Shea:                 We were -- we were certainly aware of the impact, everything

21                                     that you just said, or the potential impact. We have a fairly

22                                     robust, many actually units within the department. I could tell

23                                     you that I also spoke to representatives from the unions,

24                                     throughout the COVID pandemic, and certainly into protests

25                                     times, and, you know, Health and Wellness Unit, that

1 specifically looks at the health and wellness, and how our  
2 officers and civilians are doing. So that was always something  
3 that was considered.

4 IG Brunsdon:

5 And there's similar questions about the mindset of those  
6 engaged in the protests, to the extent that they were operating  
7 under the traumatic circumstances, and the pandemic, and  
8 being engaged in protests where they were expressing some  
9 firmly held beliefs about policing, about police reform, and  
10 systemic racism, and related matters. How did the NYPD  
11 account for that in terms of its strategy, its response as to the  
12 protestors?

13 Comm. Shea:

14 We -- we were -- listen. We were well aware of that. And --  
15 and it was a unique time and period, that I believe also fueled  
16 some of the protests. And what I mean by that is, the city was  
17 shut down, many people out of work, many people going  
18 through stresses in their private lives. And you had, in many  
19 instances throughout the city, simply nothing else to do. That  
20 contributed. To what extent, I'll let other people write about  
21 that for years to come. Right? But there were no restaurant.  
22 There were no bars. There were no sporting events. There were  
23 no large activities. And that played a role in this as well. I -- I  
24 think we were well aware of all that. And I -- and I would --  
25 again, remind everyone of the -- the 10s of 1000s, perhaps more  
of people out there protesting every day that were accompanied  
around the city for hours without incidents. And that's the

1 norm. And that was through that period, before and after. It  
2 was -- it was an isolated incidents when arrests were made, or  
3 when physical confrontations took place. And that's just the  
4 facts.

5 IG Brunsden: Thank you.

6 Comm. Shea: You're welcome.

7 Comm. Garnett: Okay. I think -- I'm just looking at everyone's. I think we're  
8 done. Anyone -- anything else you want to ask? No? Right.  
9 Commissioner, we thank you very much for your time. We  
10 know how busy you are. Really appreciate the time. We'll  
11 circle back if we have any follow-up questions or anything else  
12 that -- that we didn't get to today.

13 Comm. Shea: Thank you. And to the whole team, thank you for a difficult  
14 job, and your professionalism.

15 Comm. Garnett: Thank you very much.

16 Comm. Shea: Bye-bye.

17 AIG. Garcia: Thank you.

18 Mr. Richardson: Thank you.

19 **END OF AUDIO FILE**