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City of Ithaca
Office of the Mayor
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REPORT ON THE EVENTS OF OCTOBER 22, 2020

Introduction

On the afternoon of October 22, 2020, officers of the Ithaca Police Department (“IPD”) arrested three demonstrators, one on Meadow Street and two outside of IPD’s headquarters on Clinton Street. Several hours of loud, profane, and sometimes physically violent demonstrations ensued and continued outside of IPD’s headquarters, resulting in a declaration of unlawful assembly, several additional arrests and, after multiple warnings, dispersal of a crowd with a one second burst of pepper spray (after which the crowd returned and resumed demonstrating until the release of all arrestees).

IPD’s officers collectively recorded many events of October 22, 2020 using IPD’s body worn camera (“BWC”) system. The records consist of fifty-seven (57) discrete audio-visual files. Footage recorded from fixed-location cameras installed around IPD headquarters also captured some of the events, although without audio. The events captured in these files are cataloged in the accompanying review (the “Review”). Part I of the Review provides a title/high level summary of each file. Part II of the Review notes specific events occurring within each file at the time indicated in the column titled “Mark.” I am releasing most of the raw footage cataloged in the Review, and an abbreviated file that collects clips capturing the major events of October 22, 2020.¹

With that background, I present the remainder of this report in question-and-answer format.

Discussion

Question 1. Why are these materials being released now?

Answer: The City of Ithaca has been and remains vitally committed to open and transparent dialog between City government, including IPD, and the City’s diverse communities.

¹ Files and portions of files that involve the gathering of private information (*e.g.*, addresses, Social Security numbers, fingerprints) or processing a minor who was arrested are omitted in their entirety or redacted in part. A total of fifty-one (51) files are being released, forty-nine (49) containing BWC footage and two (2) containing stationary camera footage.

We have pursued multiple programs over the years I have been Mayor, and before, to foster the kind of positive and productive relationships between IPD and the City's communities that help make our City not only safe, but a place where all can be comfortable living, raising families, and doing business. We are deep into a Reimagining Public Safety initiative in collaboration with Tompkins County. In furtherance of the initiative, we have held numerous public forums (with one more later this month) and plan to release a report that vigorously examines policing in our region, identifies best practices, and makes achievable recommendations for reform.

Within that broader context, and standing alone, the events of October 22, 2020 remain a matter of considerable public concern and discussion. This would always be the case when things get to a point that IPD considers it necessary to use pepper spray to disperse a crowd of demonstrators. In the end, I believe the use of pepper spray was only a small aspect of the events of October 22, 2020. More significantly, these events offer prescient lessons about how we raise, discuss, and resolve issues critical to our City. After the violence just witnessed in Washington, D.C. on January 6, 2021, the lessons for Ithaca of October 22, 2020 are especially timely.

Question 2. What subject matter is covered by the Review and the audio-visual files being released?

Answer: The Review (and accompanying footage) covers the following: (a) the initial arrest made on Meadow Street and two arrests made in front of IPD headquarters shortly thereafter; (b) the way IPD officers treated persons arrested while they were in custody, and the officers' interactions with an attorney who represents some of them; (c) the events outside of IPD on the night of October 22, 2020 leading to the announcement that the demonstration was an unlawful assembly and directing the crowd to disperse; (d) dispersal of the demonstrators, followed by a period of dialog between officers and civilians who remained, after which the crowd returned and resumed demonstrating; and (e) the end of the demonstration when the last of the persons who had been arrested was released.

Question 3. Why was an arrest made on Meadow Street during the afternoon of October 22, 2020?

Answer: On that afternoon, some speeches were made in support of Donald Trump's reelection campaign outside of Tompkins County Republican headquarters on Meadow Street. The speakers included Congressman Tom Reed. Counterdemonstrators also appeared. One of the counterdemonstrators is alleged to have run into the middle of Meadow Street, where he chased and threw a bottle at a car. The motorist returned to the scene and requested to press charges against the demonstrator who threw the bottle. The individual who threw the bottle was arrested by Deputy Chief ("DC") Monticello. File Nos. 1646.00, 1647.00. This individual later, after being advised of his right to remain silent, admitted throwing the bottle. File Nos. 1700.00, Mark 0:04:46; 1708.00, Mark 0:15:30.

Question 4. I have heard that racial bias played a role in the arrest of the individual on Meadow Street. Is that true?

Answer: Allegations that DC Monticello escalated the situation and of racial bias in the arrest were made to the Community Police Board (“CPB”). The allegations were made by a bystander and others who submitted video footage to the CPB found in social media posts. The CPB issued its report on the allegations on December 21, 2020 (the “CPB Report”), finding them to be lacking in merit. The CPB Report is also being released. Among other things, the CPB found:

- “Complaints accuse DC Monticello of escalating the situation. We do not find this to be the case. In fact, a situation which could have turned violent did not partly due to DC Monticello’s presence at the scene.”
- “The CPB concludes that there is no evidence that DC Monticello acted unprofessionally in this interaction. Evidence does not lead us to conclude that there was any explicit racial bias against the counter-protester or racial preference for the driver of the car on the part of DC Monticello.”

Question 5. I understand that IPD then arrested one of the leaders of the demonstration outside of IPD headquarters. Why was that done?

Answer: After the first arrest on Meadow St, a group of demonstrators quickly moved to IPD headquarters to demand the release of the first individual who had been arrested. At approximately the same time, IPD received a “shots fired” emergency call. The officer assigned to respond to the call got into a police SUV in the parking lot on the west side of IPD’s building, put on the emergency lights, and proceeded toward Clinton Street.

A demonstrator stepped in front of the police SUV and blocked its exit from IPD’s lot. The officer exited the vehicle and asked the demonstrator to move. She did not move. NW Side Lot Fixed Camera Footage, Mark 0:19:11-0:22:00. DC Monticello then arrested the demonstrator for obstructing governmental administration. File No. 1706.00, Mark 0:00:01-0:01:10. The fixed camera footage shows the hindrance of IPD’s response to the “shots fired” emergency call lasted approximately two minutes. Of note, a homicide by gunfire had occurred in the preceding 24 hours.

Later, while in custody, the individual took issue with her arrest, stating that the emergency call “wasn’t anything serious,” File No. 1751.00, Mark 0:03:23-0:03:58, and the officer should have driven around her even though she was standing inches from the vehicle. File No. 1804.00, Mark 0:02:30-0:04:25. No complaint has been filed with the CPB suggesting this arrest was improper.

Question 6. But I have been told that DC Monticello demeaned the individual he arrested for obstruction by intentionally misgendering her. Did that happen?

Answer: DC Monticello did refer to this individual using male pronouns, and a complaint about it was filed with CPB. This complaint was also made by a third-party, not the individual arrested. The CPB Report addresses this allegation and finds no malintent on DC Monticello's part. The Board found:

Complainants allege that DC Monticello referred to this third protestor using male pronouns instead of correctly recognizing her gender identity. Video evidence confirms that this did occur - once outside the station and twice inside. Outside, DC Monticello said, "Arrest him," and was admonished for this by the woman. DC Monticello replied, "my mistake," and acknowledged that he now recognized her.

It is unclear when this recognition occurred. Inside the station, he used male gender pronouns two additional times and the women again objected. DC Monticello apologized, "My bad okay?" Video evidence does not indicate any attempt to identify the woman as male or to be intentionally demeaning or offensive; the videos point to more of an inadvertent violation of professional standards. This not to excuse DC Monticello, but rather to strongly remind him and all other officers that misgendering does matter deeply to people and is often rightly taken as personally insulting. We suggest that a reminder be sent to all IPD personnel.

Even if inadvertent, I know that misgendering a person can be very demeaning and dehumanizing to the person misgendered and others. The Chief and I therefore required the retraining of IPD officers and leadership on this subject. IPD has already completed one round of that training on the topic of LGBTQ+ awareness in law enforcement. This robust training equips our officers of all ranks to effectively serve members of the LGBTQ+ community. These trainings are invaluable and we will be conducting more in the future.

The Review and files document multiple other interactions between IPD and the individual after her arrest. These files show IPD officers attempted to make sure she was comfortable; used proper pronouns when referring to her; explained everything they were doing in detail; had civil discussions with her when she questioned her arrest; assisted her effort to reach her attorney; and greeted her attorney and discussed timing and logistics with her attorney amicably. File Nos. 1708.00, Mark 0:01:04-0:07:20; 1751.00; 1802.00; 1804.00; 1812.00; 1840.00; 1846.00; 1900.00; 1915.03.

Question 7. This is Ithaca, not Washington, DC, or New York City. Why was pepper spray used to disperse demonstrators in Ithaca?

Answer. This is a question to which I have given a great deal of thought since October 22, 2020. I believe it needs to be addressed both in the narrow context of the specific events of that day, and in the broader context of disrespectful and dehumanizing discourse.

In the narrow context of the events in Ithaca on October 22, 2020, the analysis is somewhat straightforward even if the outcome can be debated. At the beginning of the sequence of events, during the afternoon, three arrests were made. Two of them are discussed above; the third involved another individual who came to IPD after the Meadow Street arrest, banged on doors, and literally engaged the responding officers in a boxing match. File No. 1658.00. After these arrests, a demonstration took hold outside of IPD that continued, unabated, for six or more hours, ending only when the last of the persons arrested (including later arrests for unlawful assembly and resisting arrest) was released.

Viewed objectively, much of the ensuing demonstration was not peaceful, even in its early hours. Footage from the stationary camera mounted at the southwest entrance to IPD's headquarters shows one of the demonstrators, the individual arrested on Meadow Street who had just been released on an appearance ticket, climbed on the entry roof to IPD and jumped up and down, while the demonstrators below chanted. While he was on the roof, other demonstrators pounded and kicked the doors and sides of IPD's entry lobby. SW Entrance Fixed Camera Footage, Mark 1:10:35-1:11:01 and 1:14:51-1:15:20.

Hours later, the approximately ten-minute period immediately preceding the deployment of pepper spray is marked by disturbing violent verbal and physical conduct and contact by demonstrators. This begins with what appears to be the first announcement of an unlawful assembly and direction for the crowd to disperse or be subject to arrest. File No. 1912.02. A group of the demonstrators then link arms in an outward facing circle while protecting those they expect IPD will arrest inside the circle. This group verbally and physically resists efforts by police officers to arrest the persons they were protecting, scuffling with officers, pushing officers back, screaming at them, and kicking at them. Others in the circle, and around it, shout profanities at officers and physically hinder the performance of their duties. This conduct is captured clearly in File Nos. 1912.03, Mark 0:02:22-0:09:25; 1914.00, Mark 0:02:03-0:10:50; and 1915.01.

Officers repeatedly announced to the crowd that it was an unlawful assembly and directed the crowd to disperse or be subject to arrest. File No. 1912.03, Mark 0:11:31-0:12:56. The crowd was also repeatedly warned they would be subject to pepper spray if they did not disperse. File Nos. 1914.00, Mark 0:08:22-0:12:05; 1917.00, Mark 0:05:30-0:07:06; 1922.00, Mark 0:01:25-0:02:10. The crowd did not move. As a result, an IPD officer deployed a one second burst of pepper spray at the feet of the center front line of demonstrators, after which the crowd dispersed. File Nos. 1914, Mark 0:12:30 to end; 1917.00, Mark 0:07:20 to end; 1922.00, Mark 0:02:11 to end.

Nevertheless, use of pepper spray, like any use of force against a crowd of demonstrators, is a matter of great public concern in need of investigation and closure. The New York Attorney General declined to conduct this investigation for us due to jurisdictional issues and staffing limitations. Accordingly, I have written to the CPB and asked for its full and impartial investigation of, report, and any recommendations it desires to make on the following question:

After IPD declared the demonstration occurring outside of its headquarters on Clinton Street [on the night of] October 22, 2020, to be an unlawful assembly, did IPD act appropriately in accordance with its policies and procedures in using pepper spray to disperse the crowd? Are there other, safer, alternatives for crowd dispersal that the Board would recommend under the circumstances presented?

I look forward to the CPB's report. In the meantime, having reviewed all this material, I believe the rhetoric and behavior of some of the protestors was dangerously unproductive and intended to provoke violence from onlookers.

Now, many of the protestors during the day engaged in strident but respectful dialog. They engaged with police officers in lengthy discussions of policing issues being discussed in Ithaca and cities across the State and country. They civilly discussed things like police abolition, the difficulty of the job, reallocation of functions and resources, involvement in the political process, the SWAT bus, and militarization of police. File Nos. 1912.03, Mark 0:20:42-0:58:00; 1940.02, Mark 0:24:18 to end; 1948.00, Mark 0:04:28-0:06:30.

But many in the crowd engaged in verbally aggressive, profane chants, such as "f*** these racist ass police"; "f*** IPD"; "A-C-A-B, all cops are bastards"; "pigs can't stop the revolution"; and "how do you spell murder? IPD!" File No. 2002.00. Discouragingly, one of the people who just moments before had been discussing reallocation of police funding with an officer, holds up a sign that says "f*** pigs." File No. 2002.00. Mark 0:20:58.

This language is protected speech, and – unlike property damage or violence – is a legally protected form of protest. But I believe it is unproductive – and the people who engage in it do more harm than good to the greater project of reforming public safety and protecting black lives.

And that work is too serious to be deterred by the most disruptive actors, because we must deliver a more just, less biased system of criminal justice in our City.

I urge anyone with an interest in policing in Ithaca and real reform of policing to follow and engage fully in our ongoing Reimagining Public Safety initiative.

Svante Myrick
Mayor, Ithaca, New York