



THE COUNCIL OF
THE CITY OF NEW YORK

CITY HALL

NEW YORK, NY 10007

COREY JOHNSON
SPEAKER

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June 17, 2020

Hon. Margaret Garnett
Commissioner
New York City Department of Investigation
180 Maiden Lane
New York, NY 10038

Hon. Dermot F. Shea
Commissioner
New York City Police Department
1 Police Plaza
New York, NY 10038

Hon. Frederick Davie
Chair
Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, NY 10007

Dear Commissioner Garnett, Commissioner Shea, and Chair Davie:

We are writing with directions and requests concerning three recent matters involving alleged misconduct by police officers.

Shake Shack Incident

On the night of June 15, 2020, the Detectives' Endowment Association (DEA) published the following statement on social media: "URGENT SAFETY MESSAGE: Tonight, three of our fellow officers were intentionally poisoned by one or more workers at the Shake Shack at 200 Broadway in Manhattan. Fortunately, they were not seriously harmed. Please see the safety alert."

That same night, the Police Benevolent Association (PBA) publicly released a "SAFETY ALERT" under the heading "CRITICAL CRITICAL CRITICAL." The alert stated that police officers had "discovered that a toxic substance, believed to be bleach, had been placed in their beverages" and indicated that the officers were hospitalized. The alert also noted that the officers involved were "assigned to a protest detail in lower Manhattan" and concluded by saying: "When New York City police officers cannot even take meal without coming under attack, it is clear that environment in which we work has deteriorated to a

critical level. **We cannot afford to let our guard down for even a moment** [emphasis in original].”

These statements prompted public alarm and calls to boycott Shake Shack. The statements were also false. On June 16, 2020, the New York City Police Department (NYPD) reported that “[a]fter a thorough investigation by the NYPD’s Manhattan South investigators, it has been determined that there was no criminality by shake shack’s employees.”

Pursuant to section 803 of the Charter, as Speaker of the New York City Council and Chair of the New York City Council’s Committee on Oversight and Investigations, respectively, we are hereby directing the Commissioner of Investigation to immediately undertake an investigation to determine whether this matter involves improperly disclosing confidential information, knowingly making a false or deceptive report or statement, failing to fulfill misconduct reporting obligations, or a violation of any other applicable laws, rules, or orders.

Additionally, we are requesting that the Police Commissioner immediately undertake an investigation to determine whether this matter involves improperly divulging or discussing official NYPD business without authorization, improperly using non-departmental social media accounts to post nonpublic items, or a violation of any other applicable laws, rules, orders, or provisions of the NYPD Patrol Guide; impose appropriate discipline; and promptly report the findings and conclusions of such investigation to us together with the disciplinary records of each person who was disciplined in relation to this matter.

Commissioner Barbot Incident

On May 14, 2020, the Sergeants Benevolent Association (SBA) published the following statement on social media with respect to a dispute between NYPD and Oxiris Barbot, the City’s Commissioner of Health and Mental Hygiene: “NYC health head rejected NYPD mask plea: ‘I don’t give two rats’ asses about your cops’... Again the NYPD fails to comment. Why did it take 2 months for it to be made public. Why did Monaghan sit silent? He should of exposed her to the media... Truth is this bitch has blood on her hands but why should any be surprised the NYPD has suffered under DeBlasio since he became Mayor [*sic*].”

Pursuant to section 440 of the Charter, we are requesting that the Civilian Complaint Review Board (CCRB) immediately undertake an investigation to determine whether this matter involves “discourtesy, or use of offensive language, including, but not limited to, slurs relating to... gender” as contemplated under that section or a violation of any other applicable laws, rules, or orders.

Additionally, we are requesting that the Police Commissioner immediately undertake an investigation to determine whether this matter involves using “discourteous or disrespectful remarks regarding another person’s... gender” as contemplated under NYPD Patrol Guide Procedure No. 203-10 or a violation of any other applicable laws, rules, orders, or provisions of the NYPD Patrol Guide; impose appropriate discipline; and promptly report the findings and conclusions of such investigation to us together with the disciplinary records of each person who was disciplined in relation to this matter.

NYPD Investigation of Sgt. Edward D. Mullins

On February 20, 2020, NYPD reported that it had opened “an internal investigation into Sergeant Ed Mullins” relating to statements he made with respect to “declaring war on the mayor” and that such investigation would include a “deeper dive into Mullins’ history of offensive statements, and whether those views undermine his capacity as a sergeant.” See Jake Offenhartz, *NYPD Opens Investigation Into Police Union Boss After Declaration of ‘War’ On De Blasio*, Gothamist, Feb. 20, 2020.

We are requesting that the Police Commissioner provide us with the findings and conclusions of that investigation together with the disciplinary records of each police officer who was disciplined in relation to the investigation.

Sincerely,



COREY JOHNSON
Speaker



RITCHIE TORRES
Chair, Committee on Oversight &
Investigations