

How a YouTuber prompted a Danbury police investigation, a possible lawsuit and opened a First Amendment debate

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DANBURY — The YouTuber behind a video showing city police's response to a situation at the public library has filed an intent to sue a city sergeant involved. The response by police is not only raising questions about their actions, but also over whether it should be allowable for someone film or record inside a public building.

The Danbury Police Department launched an internal investigation this past week into the officers' actions on Wednesday after the video surfaced and the YouTuber filed a complaint with the department.

Four police officers and later the sergeant were called to the Danbury Public Library on Wednesday after the YouTuber, SeanPaul Reyes, refused to stop recording video in the building, despite a library policy banning filming or photography without permission from the library director.

"I'm engaging in a First Amendment protected activity," Reyes says in the video. "I'm gathering content for a story. I have freedom of the press. This is a public building. I'm allowed to be here and I'm allowed to record. Regardless of what their policy says, policy does not trump law."

Reyes, who is from Long Island, films similar videos for his YouTube channel, Long Island Audit, with the goal to educate officers and spread awareness about First Amendment rights, he said. He plans to make more videos in Connecticut, he said.

“I’ll definitely be exposing any tyranny out here,” he told Hearst Connecticut Media on Friday. “My intention is not to antagonize the police. My intention is to exercise my rights peacefully and educate the police.”

Danbury’s town clerk and city attorney confirmed an intent to sue was filed with the city on Thursday.

Sgt. John Dickinson, the supervisor called to the library, is the only person named, said Laszlo Pinter, deputy corporation counsel for Danbury.

Mayor Joe Cavo said the city is reviewing the footage from the newly purchased body cameras to get a better picture of what happened, as well as claims the YouTuber made about First Amendment violations.

“There is a lot of investigation that has to happen right now,” he said.

Reyes said he intends to add the library director and three more of the five officers who responded. Others could be named, as well. He plans to represent himself in the suit and ask for a to-be-determined amount in monetary damages, as well as “apologies” from the officers and more training sessions for cops.

Chief Patrick Ridenhour said in a Thursday statement he has “significant concerns” with how the officers and sergeant handled the situation. He did not return requests for comment on Friday about whether the officers are on duty, the full names of the officers involved, and other details about the investigation.

Hearst Connecticut Media has requested the footage from the body cameras, as well as a copy of the police report and the records of the involved officers.

The city’s library director did not return a request for comment.

First Amendment

A growing number of people are filming at libraries with the intent to argue they have the right to do so and to share on social media their interactions with police, security and other public officials, according to the Office for Intellectual Freedom of the American Library Association.

In a blog post, the association recommends libraries not engage with “First Amendment auditors” who are not violating policy.

“Allowing them to film without incident means that they will not obtain the videos that support their social media accounts,” writes Deborah Caldwell-Stone, director of the intellectual freedom office and executive director of the Freedom to Read Foundation.

Reyes said he has watched “First Amendment Audit” videos for years and was inspired to do his own following George Floyd’s murder. He started making the videos in March of this year and has about 22,800 subscribers.

He said he got a “bad reaction” from an officer in his first video in Suffolk County, N.Y., but that officials in his area are “learning” and “being educated on our First Amendment right to film.” He said he has filmed in some places for 10 to 15 minutes and officials have not had a problem.

The Connecticut Library Association has been aware of the issue nationally for several years, said Tom Piezzo, president.

“It has been quite infrequent in CT to date,” he said in email.

A case in New Jersey found that libraries are a “limited public forum,” which means they are only mandated to “permit the public to exercise rights that are consistent with the nature” of libraries, the court found.

Libraries have the right to regulate photography and recording because of the “potential threat of harassment,” a “possible chilling effect” on patrons’ use of the library, and a threat to patrons’ right to privacy, Caldwell-Stone writes.

Connecticut state statutes allow library boards of directors to adopt “bylaws, rules and regulations for the government of the library and reading room.”

Danbury Library’s policy states that filming or photography is not allowed inside the building without permission from the library director. Patrons may not take photos or videos of other library users without their permission.

“It’s a limited public forum, so it’s not open to every kind of activity that you want” Pinter said.

In the video

Reyes claims two of the officers touched him at different points during the incident. The YouTuber and some of the officers mock each other throughout the video, which appears to be edited. Reyes calls the officers “bozos” and “tyrants” in the video.

“I’m not harassing anybody,” Reyes says almost 27 minutes into the 34-minute video. “I’m a journalist gathering content for a story.”

“You’re a journalist,” Officer Tibbitts says. “Get a real job.”

Reyes claimed to Hearst Connecticut Media that Officer Tibbitts grabbed and pushed him after the YouTuber started to leave the building at the request of the sergeant and “under threat of arrest.” The video does not show whether Tibbitts did so.

“Don’t touch me,” Reyes says about 17 minutes into the video.

“Hold on,” Tibbitts says. “We need your ID.”

“No you don’t. No you don’t,” Reyes says.

“We have to identify you,” Tibbitts says.

“I have not committed a crime,” the YouTuber says.

“Yes, you have,” the officer says.

“No, I haven’t,” Reyes says. “Listen, man, you’re touching me.”

A few minutes later, Reyes tells Tibbitts again to stop touching him. In the video, Tibbitts arms are down.

Later outside, Reyes claims to Hearst Connecticut Media that Officer Utter grabbed his wrist and twisted it with the “intention” of turning the camera on him.

The footage does not show whether the officer is touching him, but the video shakes slightly as the cop leans his head closer to the camera and says, “You’re wrong.”

At one point inside the library, Reyes and Tibbitts quibble.

“I’m sorry that I know the law more than you,” Reyes said. “It’s very sad.”

“You’re sad,” Tibbitts says.

The sergeant puts up his hand.

“You really are,” another officer says off camera. “It’s pathetic.”

“Stop,” the sergeant says before addressing Reyes. “You’re going to talk to me now, all right.”

Other incidents

For other videos, Reyes said he normally sees this many officers show up to incidents like this.

“The response is disproportionate to the crime or the alleged crime that is taking place,” he said. “It’s just a show of force.”

Reyes claimed he filmed a similar video at the Post Office in Waterbury and was arrested. Court records show he was charged with criminal trespassing in the first degree on May 19 in Waterbury. He has not posted a video from the incident because his phone and camera were seized by police, he said.

Waterbury Sgt. Robert Davis confirmed Reyes' "camera and things" were turned in as evidence in the case. The Waterbury internal affairs department is investigating the incident, as well, Davis said.

Hearst Connecticut Media has filed a Freedom of Information Act request for the police report in the Waterbury case.

Reyes was also arrested in Hartford County, Maryland in May after filming during a traffic stop there, according to Fox 45 Baltimore. The deputy pulled out his stun gun, but did not fire it at Reyes, the TV station reports.

Reyes said he expects to post another video soon — potentially on Saturday — showing his visit to Danbury City Hall to file his intent to sue.

He refused to give his name to the security guard at City Hall, so three officers and a supervisor were called, Reyes said.

"These officers were a lot different than the officers that responded at the library scene," Reyes said. "They weren't escalating it. They weren't trying to be bullies. They were like, 'Hey, we really don't know.'"

City Hall is asking for visitor's names in order to contact trace in case of a COVID-19 outbreak, Cavo said.

"I didn't really hear much about the City Hall visit," he said. "I was at the high school graduation all afternoon when that transpired. I do know he had some interaction with the guard and the police came and he left."

Reyes said he is thankful and "proud" Ridenhour has launched an internal investigation and hopes to speak to him about training sessions for officers.

“That’s the only way change is going to come — through education and, unfortunately, legal actions, such as civil lawsuits,” he said.