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*****FOR IMMEDIATE RELEASE*****

***LEGAL AID CALLS ON BRONX DA TO DISMISS
CHARGES AGAINST CLIENT – DESTIN BURGESS –
WHO IS FREQUENTLY SUBJECTED TO ILLEGAL
STOP-AND-FRISK SEARCHES BY NYPD OFFICERS***

(BRONX, NY) – The Legal Aid Society called on the Bronx District’s Office to dismiss low-level charges pending against Destin Burgess, a Legal Aid client who is [frequently subjected to illegal stop-and-frisk searches](#) by local New York City Police Department (NYPD) officers.

A video filmed by Mr. Burgess this past September depicts NYPD officers, entirely without provocation, illegally searching Mr. Burgess and his friend without any cause. According to Mr. Burgess, this kind of misconduct from the officers at issue is neither unique nor even unusual. He and his friends in the community must contend with it regularly .

This video is unrelated to the current charges pending against Mr. Burgess, but those charges arise from an incident nearly identical to the one Mr. Burgess previously captured.

“This frisk flagrantly violates New York’s carefully graded laws governing police-civilian encounters, as well as the NYPD regulations that codify those laws,” said **Shannon Griffin, Staff Attorney with the Bronx Trial Office at The Legal Aid Society**. “Officers in the Bronx and other boroughs routinely profile and subject our clients and other New Yorkers of color to searches such as this one with impunity. We are calling on the Bronx District Attorney’s Office to dismiss the charges pending against our client - which arose from an incident nearly identical to what is captured in the video depicting the violation of his rights. Furthermore, we demand

action from the DA's office and the NYPD to hold these officers accountable for flouting the law.”

Case Background

On September 15, 2018, NYPD Housing PSA 8 officers stopped-and-frisked Mr. Burgess on Dewey Avenue without any cause. The officers repeatedly searched Mr. Burgess – a total of three times – but did not find anything illegal. In response to Mr. Burgess questioning officers about this baseless search, he was arrested, punched in the face, and charged with harassment and resisting arrest.

For well over a year now , Mr. Burgess – who has no criminal record – has returned to court for a total of eight appearances, with prosecutors stating not ready each time. The current offer from the Bronx District Attorney's Office is an Adjournment in Contemplation of Dismissal (ACD).

This case is just one example of the continued and troubling use of stop-and-frisk by the NYPD, including by Housing PSA officers. The Legal Aid Society and the NAACP Legal Defense Fund successfully challenged unconstitutional trespass stops and arrests by the NYPD at NYCHA housing in the case *Davis v. City of New York*, which is now part of the court monitoring process that was ordered in the lawsuit that successfully challenged the NYPD's stop-and-frisk policies (*Floyd v. City of New York*).

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>