



Contact:

Jen Nessel, Center for Constitutional Rights, (212) 614-6449, jnessel@ccrjustice.org
Redmond Haskins, The Legal Aid Society, (929) 441-2384, rhaskins@legal-aid.org
Phoebe Plagens, NAACP Legal Defense and Educational Fund, Inc. (LDF), (646) 979-7382, pplagens@naacpldf.org

Stop-and-Frisk Attorneys Ask Court to Conduct Investigation Into NYPD's Social-Distancing Enforcement Practices

Moratorium Requested on NYPD Social-Distancing Enforcement

May 26, 2020, New York, NY - Today, the attorneys behind two of the three landmark class action lawsuits that challenged the NYPD's stop-and-frisk and trespass enforcement practices as racially discriminatory and unconstitutional (*Floyd v. City of New York* and *Davis v. City of New York*) filed a motion against the City of New York asking the court to direct Peter Zimroth, the court-appointed monitor in the stop-and-frisk cases, to conduct an investigation into the NYPD's social-distancing enforcement practices and report his findings to the parties, the court, and the public.

The Center for Constitutional Rights, the NAACP Legal Defense and Educational Fund, Inc. (LDF), the Legal Aid Society, and the law firm of Beldock, Levine, & Hoffman also asked the Southern District of New York District Court to direct Zimroth to impose a temporary moratorium on the NYPD's enforcement of social-distancing rules pending the outcome of his investigation, and

provide the plaintiffs with documents, data, and information concerning the NYPD's social-distancing enforcement practices, which they requested from the City last month.

Since March, 2020, 81 percent of NYPD summonses for social distancing violations were issued to Black and Latinx persons. Many of these situations involved pretextual stops, escalation, violence, and retaliation against those asserting their rights. As in *Floyd*, where approximately 85 percent of those stopped were Black and Latinx, these tactics violate the Fourth and Fourteenth Amendments, but also represent the most invasive methods at their disposal, showing disregard for the intrusion on Black and Latinx citizens' liberty.

Reports indicate the NYPD's enforcement of social distancing is dramatically different outside of Black and Latinx communities. In white neighborhoods, irrespective of affluence, the NYPD has not enforced social distancing to the same extent, despite large gatherings and persistently crowded parks, bars, and religious schools or ceremonies.

In *Floyd*, the court ruled that the NYPD's targeting and treatment of Black and Latinx pedestrians with respect to investigative street encounters violated the Equal Protection Clause of the Fourteenth Amendment and specified that the NYPD is required to make changes to its policies and practices to remedy these violations and bring itself into constitutional compliance.

“The NYPD's approach to social-distancing enforcement is stop and frisk 2.0,” said **Darius Charney**, senior staff attorney at the **Center for Constitutional Rights**. “But since the court ruling in 2013, the NYPD has continued to stop and frisk minorities at an alarmingly disproportionate rate. This latest activity, under the veil of social-distance enforcement, shows there is a racist double standard happening across the boroughs and that is it business as usual for the NYPD.”

In addition, throughout this period and demonstrating bad faith via racial dog whistles, the NYPD delayed its release of relevant data and generally obscured the ability of the public to get timely information relating to NYPD enforcement of social distancing. The NYPD also promoted misleading and inflammatory data. In responding to challenges regarding stark racial disparities in social distancing summonses, NYPD Commissioner Dermot Shea promoted the claim that 90 percent of people arrested for actual crime were Black or Latinx.

“Race should not determine whether someone gets handed a mask or handed a summons,” said **Corey Stoughton, Attorney-in-Charge of the Special Litigation Unit with the Criminal Defense Practice at The Legal Aid Society**. “But the data suggest that the NYPD’s enforcement of social distancing rules doesn’t follow complaints about rule-breakers, it follows the same pattern of disproportionate enforcement against New Yorkers of color that has long characterized stop and frisk and the enforcement of other low-level offenses like marijuana possession and turnstile jumping. Mayor DeBlasio’s treatment of this pandemic as a law enforcement issue rather than a public health crisis remains a disappointing failure of leadership.”

There has not been clear or transparent guidance on the NYPD’s enforcement of social distancing, or what the City’s rollout and rollbacks of the NYPD’s role entails. Instead, police misconduct has been publicly defended by NYPD leadership.

“All New York City residents are experiencing unprecedented trauma from the lives lost and harmed by COVID-19,” said **Jin Hee Lee, Senior Deputy Director of Litigation at the NAACP Legal Defense and Educational Fund, Inc. (LDF)**. “Amidst this public health crisis, the NYPD’s racially discriminatory enforcement of social distancing orders is unsafe, unacceptable, and deeply troubling. Our police can and should do better, especially for the Black and Latinx residents who continue to disproportionately suffer from this pandemic.”

For more information, visit case pages for *Floyd v. City of New York* and *Davis v. City of New York*.

Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at ccrjustice.org. Follow

the Center for Constitutional Rights on social media: [Center for Constitutional Rights](#) on Facebook, [@theCCR](#) on Twitter, and [ccrjustice.org](#) on Instagram.

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.
www.legalaidnyc.org

###