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Legal Aid, Debevoise File Lawsuit Against City, NYPD for Illegally Arresting and Detaining New Yorkers for Low-Level Offenses

On Minor Charges, NYPD Must Issue Appearance Tickets Instead of Processing New Yorkers Through the Criminal Legal System

(NEW YORK, NY) – The Legal Aid Society and Debevoise & Plimpton LLP filed a [lawsuit](#) in New York State Supreme Court today against the City of New York, the New York City Police Department (NYPD), and named and unnamed NYPD officers on behalf of five plaintiffs who were unlawfully arrested and detained on low-level offenses instead of receiving an appearance ticket as prescribed by law during the George Floyd demonstrations last summer. This lawsuit petitions the Court to enjoin the NYPD from continuing to violate the law, award compensatory damages to Plaintiffs, and other relief as the Court deems just and proper.

In January 2020, New York State enacted legislation to eliminate unnecessary arrests, minimize the amount of time that New Yorkers accused of crimes may be detained, and reduce an overcrowded detention system.

Part of the legislation amended New York Criminal Procedure Law to mandate that, for violations, infractions, misdemeanors, and certain class E felonies, police officers issue appearance tickets at the point of a police encounter rather than arrest individuals suspected of committing such offenses.

The NYPD, however, has blatantly disregarded the law by continuing to exercise unfettered discretion to arrest and take into custody individuals alleged to have engaged in low-level offenses, despite the law's mandate to issue appearance tickets. As a result of these unlawful arrests, many people spend hours or even days unnecessarily incarcerated, disrupting their lives and jeopardizing their employment and family obligations.

The problem of unnecessary arrests spans a range of low-level criminal enforcement, but was particularly acute during the protests last year, when the NYPD arrested Plaintiffs in this litigation for violating the Mayor's curfew or for Disorderly Conduct – both of which are low-level offenses (a class B misdemeanor and a violation, respectively) for which an appearance ticket is mandated.

Though all charges against all of the Plaintiffs were dismissed, or were never even filed with a court, the police should have issued appearance tickets for those charges, rather than arrest the Plaintiffs.

Despite the law's clear mandate to issue appearance tickets, the NYPD unlawfully arrested, handcuffed, and in some instances physically brutalized the Plaintiffs. The NYPD then transported and detained the Plaintiffs in overcrowded, filthy, and overheated vehicles and held them in jail cells inside of police facilities for many hours, where little or no COVID-19 pandemic precautions were taken.

“For merely observing a protest, the NYPD illegally arrested and detained me for eight hours. I was confined to a packed cell with fifty other people, unable to socially distance, and many people were without masks,” said **Lead Plaintiff Charles Douglas**. “No one should experience what I went through – the law is designed to prevent these sorts of needless arrests, and the NYPD must be held to account for their egregious flaunting of the law.”

“The NYPD illegally arrested and incarcerated me and hundreds of other demonstrators for low-level offenses instead of issuing appearance tickets as the law requires,” said **Plaintiff Julian Gilbert**. “This practice unfortunately continues today, and I’m proud to share my story to ensure that the NYPD actually adheres to the law, and so that other New Yorkers are spared from the trauma that I was forced to endure.”

“The law is clear, but the NYPD still overwhelmingly refuses to issue appearance tickets for low-level offenses, instead, processing New Yorkers - the majority from Black and Brown neighborhoods - through the legal system,” said **Marlen Boddien, Staff Attorney with the Special Litigation Unit at The Legal Aid Society**. “The NYPD is not above the law, and we are asking the court to order the NYPD to follow it or face the consequences.”

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