



Justice in Every Borough.

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

***Legal Aid Files Civil Complaint Against NYPD Officers Over
Outrageous Retaliatory Treatment of Brooklyn Mother for her Filming
of 2019 Arrest***

***Incident Reflects NYPD's Well-Documented History of Violating the 1st
Amendment Rights of Persons Recording Police Officers***

(NEW YORK, NY) - The Legal Aid Society filed a [lawsuit](#) in the United State District Court for the Eastern District of New York against the City of New York and New York Police Department (NYPD) Officers Obson Cesar and Alfredo Brewster for violating the first amendment rights of Robbin Vazquez — a 41 year-old Brooklyn mother and community youth mentor — in retaliation for her filming the 2019 arrest of her child’s father outside of her residence.

The lawsuit also documents a bevy of related civil rights violations perpetrated by officers Cesar and Brewster against Ms. Vazquez, including false arrest and imprisonment of federally protected rights.

“Ms. Vazquez’s unlawful arrest in retaliation for recording the police cannot be seen as an isolated incident, but rather, as a symptom of a widespread attitude held by the City and the NYPD to stifle the public’s First Amendment right to record the police,” said **Barbara Hamilton, Staff Attorney with the Criminal Defense Practice’s Special Litigation Unit at The Legal Aid Society**, who is representing Ms. Vazquez in court. “The outrageous abuses and violations endured by Ms. Vazquez in this case are a direct result of that mentality. It’s not only the actions of individual officers, who must be held to account. The institutional indifference to our constitutional rights by the very people who we charge to protect those rights has gone on far too long, and cannot be allowed to continue.”

Background

The First Amendment to the United States Constitution protects the right to record official police activity. Despite this, the City of New York and the NYPD maintain a widespread custom and practice of permitting officers to violate the First Amendment rights of people recording or attempting to record police activity in public spaces, even when those individuals are not interfering in any way with the police activity at issue. This custom is fostered

by the City's and the NYPD's deliberate indifference. The retaliatory arrest of Ms. Vazquez is but one example in a litany of unlawful arrests by the NYPD in retaliation against individuals exercising their First Amendment right to record the police.

On the morning of February 4, 2019, Ms. Vazquez met Orlando Sepulveda — the father of her 12 year-old son — outside of her residence in Brooklyn on the way to the veterinarian's office to have her son's new puppy vaccinated. Mr. Sepulveda was carrying approximately \$100 in cash to pay for the puppy's vaccination. After Mr. Sepulveda greeted a passerby with a handshake while holding a plastic bag (with which he had moments before collected the puppy's waste), NYPD Officers Cesar and Brewster — apparently under the impression that they had witnessed illegal activity — announced themselves from a car across the street, then advanced and began to arrest Mr. Sepulveda, throwing him to the ground and scattering his money (which Ms. Vazquez picked up.)

Frightened by the escalating situation, Ms. Vazquez began to record the arrest with her phone. When the officers asked that she step away from them, Ms. Vazquez complied quickly and peacefully to ensure that she did not interfere with the arrest, continuing to film while maintaining a reasonable distance for the remainder of the encounter. At no time was Ms. Vazquez ever questioned or detained by NYPD officers at the scene. She was not placed under arrest, and Cesar or Brewster gave no indication that Ms. Vazquez had acted unlawfully.

In the hours after Mr. Sepulveda's arrest, Ms. Vazquez made two trips to the police precinct where Sepulveda was held. She interacted with both Officer Cesar and Brewster during these visits. She communicated with Brewster that she felt the officers' actions and manner of arresting Mr. Sepulveda were both unnecessary and unprofessional, which elicited an apology from Brewster. Ms. Vazquez also complied immediately when Brewster requested that she turn in the cash that was dropped by Mr. Sepulveda when he was arrested.

Again, at no point during her two visits to PSA1 did Cesar, Brewster, or any other NYPD officer suggest that Ms. Vazquez had violated any law. Ms. Vazquez simply left the precinct and returned home. Two days later, on February 6, 2019, at approximately 4:30 a.m., Mr. Sepulveda was released from custody.

Hours after his release, Mr. Sepulveda returned to the precinct to collect his belongings, accompanied by Ms. Vazquez. Surprised to see that Sepulveda had been released, Cesar approached Ms. Vazquez and informed her that he had some questions for her. After telling Cesar that she was not obligated to talk to him, Cesar suddenly placed Ms. Vazquez under arrest, had her frisked and searched, and confiscated the phone with which she had recorded Sepulveda's arrest.

Over the subsequent eight hours that she was unlawfully held in an unmonitored jail cell, Ms. Vazquez's rights were repeatedly violated while she endured degrading and inhuman treatment from Officer Cesar:

- Ms. Vazquez was inexplicably denied access to a phone for nearly two hours, causing her immense distress and triggering an asthma attack. When Ms. Vazquez alerted Cesar that she needed her medication, Cesar refused, informing Ms. Vazquez that people could not bring medication into jail without proper paperwork. Later on, Ms. Vazquez's mother brought her inhaler to the precinct, but at no point was Ms. Vazquez ever granted access to the inhaler. Instead, she was left to struggle with her breathing while her medication sat with the officers;
- Ms. Vazquez was forced to sit in a cell all day as Cesar lingered outside, sitting across from her, inappropriately flirting with her, making suggestive comments about her appearance, and asking her probing, personal questions. When Cesar was looking at her identification picture, Cesar told her "You look like you like to have fun." Ms. Vazquez felt sexually harassed by Cesar's conduct;
- when Ms. Vazquez needed to use the restroom, Cesar unlocked her cell and took her himself, rather than having a female officer escort her. There was a window in the restroom door that Cesar could look through while Ms. Vazquez was inside, which made Ms. Vazquez uncomfortable;

- Cesar also belittled Ms. Vazquez for being involved in anti-violence initiatives in her community;
- around 5:30 p.m., Ms. Vazquez was handcuffed, placed in a van and transported to the New York Police Department’s Central Booking Office. Ms. Vazquez pleaded to the attending officers that her handcuffs were too tight, were cutting off her circulation and causing her pain. When the officers rebuffed her requests, Ms. Vazquez suffered a further asthma attack. Ms. Vazquez was still unable to use her inhaler, and was only granted access to it more than an hour later when she was finally processed through Central Booking Office.

NYPD records indicate that Ms. Vazquez was arrested for allegedly obstructing governmental administration based on her supposed interference in the arrest of Mr. Sepulveda days earlier, but it is clear from the circumstances that the stated reason for Ms. Vazquez’s arrest was entirely pretextual. At no time during Mr. Sepulveda’s arrest — or during Ms. Vazquez’s two subsequent visits to the precinct later that same day — did Cesar or Brewster ever state that Ms. Vazquez had in any way improperly “distracted” them or that her actions had in any way “intentionally created” a dangerous situation. Upon information and belief, the actual reason for Ms. Vazquez’s arrest was in retaliation for filming Cesar and Brewster during Mr. Sepulveda’s arrest on February 4.

The Brooklyn District Attorney’s Office agreed that there was no basis to charge Ms. Vazquez with any crime and she was subsequently released.

In connection with her arrest, Ms. Vazquez submitted a complaint with the New York City Civilian Complaint Review Board. The CCRB substantiated two of Ms. Vazquez’s allegations related to abuse of authority by NYPD officers, including an allegation against Officer Brewster.

The impact of this unlawful and retaliatory arrest has been immense for Ms. Vazquez, devastating her emotionally, jeopardizing her livelihood and humiliating her both personally and professionally. Due to her arrest, Ms. Vazquez’s clearance from the Department of Education (DOE) — which was necessary for her to conduct her role at Operation H.O.O.D., a community outreach organization that works closely with schools — was revoked. The NYPD also attempted to malign Ms. Vazquez’s professional reputation directly — informing her boss at Operation H.O.O.D. about her arrest, and inviting him to view officers’ body camera footage. Notably, such an invitation was in stark contrast to Ms. Vazquez’s own lawful request for the body camera footage, which she made through multiple FOIL requests and which were denied without any reason given.

Ms. Vazquez seeks compensatory and punitive damages for the harms she suffered as a result of the City and NYPD’s unlawful actions.

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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 145 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