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***Legal Aid, Milbank LLP File Lawsuit Against NYPD for Illegally Accessing,
Using, and Disclosing Sealed Juvenile Records of Thousands of Young New
Yorkers***

(NEW YORK, NY) - The Legal Aid Society and Milbank LLP filed a class action [lawsuit](#) on behalf of three New Yorkers [against](#) the City of New York over the New York Police Department's (NYPD) practice of illegally accessing, using and disclosing sealed arrest-related records of youth ages 7 through 17.

Full docket: <https://tinyurl.com/bdd6dxfb>

The lawsuit seeks to end this unlawful practice and enforce the statutory rights of thousands of New Yorkers, predominantly Black and Latinx youth, whose sealed records are routinely accessed, used and disclosed by the NYPD.

New York State law requires that when a person is arrested as a juvenile and that arrest results in a favorable termination or a court-ordered sealing, the records relating to that arrest must be sealed and not be made available to any person or public or private agency.

Through a series of interconnected databases and systems, however, the NYPD accesses these sealed juvenile arrest-related records and uses the information they contain to make decisions that have profound effects on young people, including whether to arrest or detain them.

Additionally, the NYPD regularly discloses information from sealed arrest-related records outside of the Department, including to prosecutors and the media. In this way, the NYPD is marking, tracking, and perpetually punishing thousands of people who were arrested as children.

The NYPD has admitted to accessing and using sealed records in previous litigation regarding sealed adult arrest records, stating that “[t]he NYPD does indeed access sealed information for a variety of reasons” without court permission. The lawsuit challenging NYPD’s conduct with respect to sealed adult arrest records remains pending.

Thousands of New Yorkers are entitled to protection against the NYPD’s unlawful conduct with regard to juvenile arrest-related records. Between 2019 and 2022, more than 1,200 juvenile delinquency petitions charging misdemeanor offenses reached disposition. More than 75 percent of those cases resulted in favorable dispositions - meaning that the charges were not substantiated by a court of law. Similarly, out of the more than 3,100 juvenile delinquency petitions charging felonies that were disposed of, more than half resulted in favorable dispositions for the respondent. Each of these arrestees with favorable dispositions is entitled to have all of their arrest-related records sealed pursuant to New York’s youth sealing statutes.

Unlawfully accessing these records also perpetuates racial disparities across New York City. According to 2022 data, 92 percent of juvenile arrests and 91 percent of juvenile delinquency petitions filed in court involved Black and Latinx youth. As a result, Black and Latinx youth have a disproportionate share of juvenile sealed arrests and disproportionately face significant harm when these records are illegally accessed and used by the NYPD.

Plaintiffs

N.C. is a 19-year-old woman in foster care in New York City. While N.C. was commuting last spring, she attempted to transfer from a New York City bus to the subway at the Broadway Junction stop in Brooklyn. Her free transfer did not register on the card reader when she attempted to enter the subway and N.C. and a friend entered through the platform door.

Upon entering the subway platform, several NYPD officers stopped N.C. and her friend and demanded identification. N.C. and her friend each provided their name and date of birth. The NYPD police officers proceeded to enter N.C. and her friend’s information into their mobile devices.

After entering the information, NYPD officers let N.C.’s friend proceed onto the subway platform, but the NYPD officers continued to hold and question N.C.

An NYPD officer stated that the search on his mobile device indicated that N.C. had a prior arrest. The NYPD officer then questioned N.C. about that arrest. N.C.’s only prior arrest is sealed. Upon information and belief, the NYPD officer accessed N.C.’s sealed arrest-related information on his NYPD-issued mobile device.

N.C. was subsequently permitted to proceed on to the subway platform but she remained fearful and upset about the encounter with NYPD officers.

A.T. is a 19-year-old Latinx New York City resident who was arrested on September 9, 2022, at the age of seventeen. In the course of discovery related to that charge, the Family Court prosecutor produced documents that were created by the NYPD and contained information from A.T.’s sealed youth arrest-related records. Specifically, the prosecutor produced an “Entity - Summary Report,” as an exhibit.

The “Entity - Summary Report” bears the NYPD logo and states that it was generated by an NYPD police officer on September 9, 2022. It also states that A.T. had three arrests, and that two of these arrests are sealed.

Despite the fact that the records for this prior arrest are sealed, the “Entity – Summary Report” disclosed A.T.’s name, date of birth, the date of arrest, and the most serious crime the NYPD charged for the prior arrest.

J.P. is a 17-year-old young man living in New York City. J.P. was arrested on May 10, 2023, and in the course of discovery in the Family Court proceeding resulting from this arrest, the prosecutor produced documents created by the NYPD to J.P.’s counsel and to the co-defendant’s attorney.

Those documents produced included references to sealed records related to J.P.’s prior sealed juvenile arrest.

Specifically, the prosecutor produced an “Entity – Summary Report” which bore the NYPD logo and stated that it was generated by an NYPD officer on May 25, 2023. The “Entity – Summary Report” states that J.P. had a prior juvenile arrest in January 2022, which is sealed pursuant to the youth sealing statutes.

Despite the fact that the records for this prior arrest are sealed, the “Entity – Summary Report” disclosed J.P.’s name, date of birth, the date of arrest, and the most serious crime the NYPD charged for the prior arrest.

“The purpose of keeping juvenile records sealed is not only to prevent young people from facing undue prejudice from police and prosecutors, but also to ensure they have full and fair access to employment, educational, and housing opportunities in the future,” said **Kate Wood, Staff Attorney with the Special Litigation and Law Reform Unit at The Legal Aid Society**. “The NYPD’s repeated illegal accessing of youth records — which are supposed to be sealed to both the public and law enforcement agencies — has resulted in thousands of young New Yorkers having their rights infringed upon. The NYPD must end this practice immediately and stop perpetually punishing young people.”

Milbank special counsel Melanie Westover Yanez said: “We are troubled by the NYPD’s blatant disregard of the straightforward laws around sealed records. We are proud to take this first step to protect the privacy rights of New York City’s youth.”

In 2018, the NYPD also admitted to [unlawfully retaining thousands of juvenile fingerprints](#) in its internal database after years of denying the allegations. It was only after The Legal Aid Society contacted the New York State Division of Criminal Justice Services (DCJS) inquiring about its juvenile fingerprint retention and destruction practices that DCJS subsequently conducted an internal review of its records and found that the NYPD had in fact been retaining juvenile delinquency fingerprints. As a result, the NYPD was forced to destroy all juvenile fingerprints it had been illegally storing for years.

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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 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. <https://www.legalaidnyc.org>

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