SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CHARLES DOUGLAS, JULIAN GILBERT, DEREK BARON, and EMILY MARTIN, Plaintiffs, -against- THE CITY OF NEW YORK, POLICE OFFICER STEVEN FERREIRA, POLICE OFFICER AARON HUSBANDS, POLICE OFFICER PATRICK KING, POLICE OFFICER EDWIN NIEVES, POLICE OFFICER SAMUT GULU, POLICE OFFICER KEVIN HERRERA, POLICE OFFICER CHRISTOP MARTINEZ, and POLICE OFFICER ANTHONY PEREZ, Defendants.	Index No. 153606/21 Hon. Carol Sharpe IAS Part 52 Motion Seq. #008

PLAINTIFFS' COMBINED MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' CROSS MOTION FOR PARTIAL SUMMARY JUDGMENT AND REPLY IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

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PRELIMINARY STATEMENT

Defendants' motion confirms that plaintiffs—not defendants—are entitled to summary judgment. Defendants do not raise any material factual disputes in opposition to plaintiffs' motion for summary judgment. They do not dispute that plaintiffs were all handcuffed, transported, and detained for hours at NYPD arrest processing facilities. Nor do they dispute that this conduct occurred pursuant to NYPD policy, which *requires* officers to handcuff, transport, and detain individuals at NYPD precincts or other arrest processing facilities *before* officers may issue them an appearance ticket. And they do not dispute that plaintiffs were all entitled to appearance tickets in lieu of arrest for their low-level charges under CPL 150.20[1].

Instead, defendants contort the plain meaning of CPL 150.20 to allow themselves free reign to handcuff, transport, and detain people in precinct holding cells. Defendants apply an absurd formalism to the statute that would mean a police officer's conduct could never constitute an "arrest" if that officer ultimately issued a person an appearance ticket. But this interpretation of CPL 150.20 would render the statute's mandate meaningless. (*See* CPL 150.20[1][a]). It would also insulate NYPD conduct preceding the issuance of an appearance ticket from ever being reviewed by a court. Defendants' argument presumes that NYPD's policy is lawful and suggests that the law should be read to conform with this policy, instead of assessing whether NYPD policy conforms with the law. But defendants' interpretation of the statute defies its plain meaning and its legislative history, and undercuts basic principles of separation of powers and judicial review.

Defendants' remaining arguments regarding plaintiffs' entitlement to relief all fail. Plaintiffs' claims are not barred by an unrelated settlement to which they were not parties or privies. And plaintiffs are entitled to both declaratory and injunctive relief on their claims to stop NYPD's ongoing violations of CPL 150.20 and article I, § 12 of the state Constitution. Accordingly, the

Court should grant plaintiffs' motion for summary judgment and deny defendants' cross-motion for summary judgment.

ARGUMENT

I. Plaintiffs' Arrests, Pursuant to Undisputed NYPD Policy, Violated CPL 150.20

Defendants argue that a person can never be "arrested" in violation of CPL 150.20 as long as an officer eventually issues them an appearance ticket. This argument is inconsistent with the plain meaning of the statute and the term "arrest," the legislative history of the statute, and basic principles of separation of powers and judicial review.

Plaintiffs were arrested and should have been issued appearance tickets *instead of* being arrested under the plain meaning of CPL 150.20. When a statute's plain language is precise and unambiguous, it is determinative. (*Loehr v New York State Unified Ct. Sys.*, 150 AD3d 716, 720 [2d Dept 2017]). CPL 150.20[1][a] states that "[w]henever a police officer is authorized . . . to arrest a person without a warrant [for a low-level offense] he *shall* . . . *instead* issue to and serve upon such person an appearance ticket." [emphasis added]. The statute is abundantly clear: police *cannot* arrest people accused of low-level offenses and instead *must* issue them an appearance ticket, unless an enumerated exception applies. Despite this clear mandate, NYPD policy requires officers to handcuff, transport, and detain *every* individual at an NYPD precinct or arrest facility before issuing them an appearance ticket. (Dkt. 156, Plfs. Statement of Undisputed Material Facts ["Facts"] ¶¶ 25, 29, 36, 39, 42, 43). And pursuant to NYPD policy, officers handcuffed plaintiffs, detained them on the street, eventually forced them into police vehicles, transported them to arrest facilities, and detained them for hours in holding cells before they received appearance tickets. (Facts ¶¶ 97-109, 125-37, 166-87, 207-18). Nevertheless, defendants claim that plaintiffs were never under "arrest," just in some unnamed limbo between freedom and arraignment.

The word "arrest" in CPL 150.20[1][a] means what it does in every other area of New York law. Under well-established, controlling case law, defendants' conduct as to plaintiffs plainly constituted arrests. (*See, e.g.*, *People v Robinson*, 282 AD2d 75, 79-80 [1st Dept 2001] ["Being taken involuntarily, handcuffed and transported to a police station, then held in a barred cell for over two hours, requires the conclusion that [the detention] developed into an arrest."]; *see also* Dkt. 155, Plfs. Br. at 11-12). Indeed, the Court of Appeals has held that handcuffing, detaining, and transporting an individual, even without detaining them at a precinct, is an arrest. (*See People v Brnja*, 50 NY2d 366, 372 [1980]). Because plaintiffs were entitled to receive appearance tickets at the scene of the police encounter *in lieu of* arrest,[1] their arrests violated CPL 150.20.

Defendants' redefinition of "arrest" is also inconsistent with CPL 150.20[2], which provides that where an exception to the appearance ticket mandate applies under CPL 150.20[1][b] and an officer "has arrested" someone for an otherwise appearance ticket-eligible offense, the officer *may* nonetheless issue an appearance ticket instead of bringing the person to an arraignment. (CPL 150.20[2]). Defendants' view would produce the untenable outcome that the same conduct that constitutes an arrest under CPL 150.20[2], where issuance of an appearance ticket is discretionary, would somehow *not* be an arrest where the appearance ticket is *mandatory* under CPL 150.20[1][a]. Their stance that CPL 150.20[1][a] authorizes NYPD to detain individuals without it constituting an arrest so long as officers ultimately issue an appearance ticket would thus render CPL 150.20[2] redundant and meaningless. (*See Avella v City of New York*, 29

[1] Plaintiffs concede that officers would be permitted under CPL 150.20 and article I § 12 to briefly detain a person to perform the administrative tasks necessary to issue an appearance ticket, all of which NYPD can and must perform on scene. (See Plfs. Br. at 13-14, 16-17).

Welch v City of New York has no bearing on this case. (2021 NY Slip Op 33885[U], [Sup Ct, NY County 2021]). *Welch* is a non-binding trial court decision that did not involve a statutory claim under CPL 150.20 and included no analysis of CPL 150.20's text or purpose.

NY3d 425, 434 [2017] ["It is an accepted rule that all parts of a statute are intended to be given effect and that a statutory construction which renders one part meaningless should be avoided."]).

The legislative history of CPL 150.20 makes clear that the statute was intended to prevent the practice of handcuffing, transporting, and detaining individuals prior to issuing appearance tickets. The Commission Staff Notes on CPL 150.20 explain that a typical course of action "[a]bsent the appearance ticket device . . . requires [the officer] to arrest the defendant . . . take him to the station house to book him, and then take him to a local criminal court [for arraignment]". (Dkt. 163, Commission Staff Notes at 3; s*ee also People ex rel. Maxian on Behalf of Roundtree v Brown*, 77 NY2d 422, 425 [1991] [arrest procedure includes taking the arrestee to a precinct, reviewing their case, fingerprinting them, and taking them to central booking, before they are taken to the courthouse for arraignment]). They add that appearance tickets help to avoid "the use of th[is] ominous, humiliating and frequently expensive arrest procedure," which is "both unnecessary and unfair" for "a relatively minor offense." (Facts ¶ 12). Clearly, the legislature intended that individuals receiving mandatory appearance tickets pursuant to CPL 150.20 would not be subject to these typical arrest procedures at all, including transportation to and detention at a precinct. (*See People v Hedgeman*, 70 NY2d 533 [1987] [relying on Commission Staff Notes to aid court's interpretation of the statute]).

Defendants mischaracterize the legislative history to assert that the legislature only sought to prohibit the part of a typical warrantless arrest procedure where an arrestee is in custody at the courthouse and arraigned, and that only at this point would a person be "arrested" under CPL 150.20. (Defs. Br. at 9-13). Defendants cite passages about the legislature's desire to reduce the number of people "in jail awaiting trial" as evidence of this intent, without any explanation for why time spent in custody in a police precinct cell would not constitute pre-trial detention that the

legislature sought to avoid. (Defs. Br. at 11). But defendants omit that the legislative history they cite concerns a *package* of criminal law reform bills, and the cited language about limiting the number of people "in jail awaiting trial" primarily refers to the package's significant reforms to the bail statute, not to CPL 150.20. Defendants have no support in the legislative history to assert that a person detained in a police precinct cell is not in police custody for purposes of CPL 150.20's arrest restrictions, but *is* in custody if held until arraignment.[2] This arbitrary distinction is inconsistent with how courts measure the time spent in police custody prior to arraignment, which at *least* includes time spent detained at a precinct, detained at central booking, *and* detained at the courthouse until an arraignment.[3] (*See, e.g.*, *People ex rel. Maxian*, 77 NY2d at 425).

Finally, defendants' interpretation of CPL 150.20 is inconsistent with bedrock principles of separation of powers and judicial review. The courts must have the ability to review NYPD's conduct to determine if it is consistent with the law and the legislature's mandate. (*Mei Xing Yu v Hasaki Rest., Inc.*, 944 F3d 395, 412 [2d Cir 2019] ["In accordance with the Constitution's separation of powers, courts are charged with interpreting the actual text of the laws Congress enacts. . ."]; *Abdur-Rashid v New York City Police Dept*, 31 NY3d 217, 233-34 [2018] ["[T]he task of interpreting [laws crafted by the legislature] falls squarely within the province of the courts."]). The courts determine whether police conduct rises to the level of an arrest, (*see Robinson*, 282 AD2d at 79), but defendants' position would remove that authority from courts and empower NYPD to unilaterally determine what an "arrest" is under CPL 150.20. An NYPD officer could

[2] Defendants' reliance on a state assemblymember's misguided testimony (Defs. Br. at 12) should not instruct this court's interpretation of CPL 150.20. The Court of Appeals "accords the statements of individual legislators—as opposed to pronouncements made in the formal bill jacket—little, if any, weight in construing statutes." (*Reyes v City of New York*, No. 23-7640, 2025 WL 1699624, at *13 [2d Cir Jun. 18, 2025] [citing *Majewski v Broadalbin-Perth Cent. Sch. Dist.*, 91 NY2d 577, 585 [1998]]).

[3] Defendants' view is also not supported by CPL 140.20[1] (*see* Defs. Br. at 9-10), which merely describes the typical warrantless arrest procedure where an individual is *not* charged with an appearance ticket-eligible offense, including the requirement that officers perform all preliminary arrest processing steps before bringing the person to be arraigned.

detain someone for 24 hours in a precinct cell, for example, but shield their conduct from judicial review simply by issuing an appearance ticket. That is a dangerous proposition.

Defendants thus violated the clear command of CPL 150.20, and their arguments to the contrary are unavailing.[4]

II. Plaintiffs Are Entitled to Relief

A. Plaintiffs' Claims Are Not Barred by Res Judicata

Defendants argue that plaintiffs' claims are barred by res judicata based on the false premise that a settlement in *In Re: New York City Policing During Summer 2020 Demonstrations*, SDNY Case No. 20-cv-8924 ("consolidated cases") was a class action, when it was not, and that it addressed CPL 150.20, which it did not. (Defs. Br. 5-7). Res judicata only precludes "additional actions between the same parties on the same claims based upon the same harm." (*Rojas v Romanoff,* 186 AD3d 103, 108 [1st Dept 2020]). Defendants do not meet their burden to assert this narrow defense.

To establish res judicata based on a prior action, the moving party must show that (1) the parties to the prior case are the same as or in privity with the parties in the instant case, (2) there is a final judgment on the merits, and (3) the prior judgment involved the same cause of action. (*Phillips v Burgio & Campofelice, Inc.*, 181 AD3d 1276, 1278 [4th Dept 2020] [citing *Paramount Pictures Corp. v Allianz Risk Transfer AG*, 31 NY3d 64, 73 [2018]]). Defendants fail to establish privity between the parties, and the settlement in the consolidated cases did not involve any of the causes of action in this litigation.

[4] Defendants' arguments regarding the practicality of issuing appearance tickets (Defs. Br. at 14) cannot override the clear mandate of CPL 150.20. Changes in the law inevitably require adjustments in order to comply. This argument also fails on the facts: "well over 100 officers" were present at the Mott Haven protest where plaintiffs Martin and Baron were arrested (*see* Dkt. 193, Plfs. Ex. 32), and body worn camera footage produced by defendants shows police officers standing and waiting with only one or two protesters per officer. (*See* Dkt. 199, Plfs. Ex. 38.)

First, there is no dispute that plaintiffs in this case are not parties to the consolidated cases. Nor are they bound as members of a settlement class, because those cases were not—as defendants incorrectly claim—class actions. (Defs. Br. at 5; Dkt. 220, Defs. Ex. C). Defendants' argument that plaintiffs are in privity with individual plaintiffs in multiple, unrelated cases because they attended the same protests and, in one of the cases, share the same counsel is baseless. Simply attending the same protests is not enough to confer privity. (*Taylor v Sturgell*, 553 US 880, 901 [2008] [rejecting an expansive view of nonparty representation that would "create *de facto* class actions at will" merely based on common interests and simple relationships between parties.]). The Legal Aid Society's representation of both the plaintiffs here and the plaintiffs in *Payne v de Blasio*—one of the consolidated cases—also does not create a "substantive legal relationship" with preclusive effect. (*See id.* at 884, 889, 894 [though the same lawyer represented both plaintiff and a nonparty in a prior action, there was "no legal relationship" between them and "no evidence that [plaintiff] controlled, financed, participated in, or even had notice of [the nonparty's] earlier suit" to preclude the later action]). Thus, plaintiffs are not privies with the individual plaintiffs in the consolidated cases.

Next, defendants fail to meet the remaining requirements for res judicata. The settlement in the consolidated cases is not a "judgment on the merits" regarding the "same cause of action" for claim preclusion purposes. Courts have limited the preclusive effect of settlement orders to "the intent of the parties as reflected by the terms of that agreement[.]" (*United States ex rel. Radcliffe v Purdue Pharm. LP*, 737 F3d 908, 914 [4th Cir 2013]; *Moche v City Univ. of New York*, 781 F Supp 160, 163 [EDNY 1991] [looking to the plain language of the consent decree to determine whether claims are precluded]).

The consolidated cases did not include any claims related to CPL 150.20, and the terms of that settlement do not address the purpose and scope of CPL 150.20. (*See* Dkt. 220, Defs. Ex. C). The settlement shows no intent to address any of the issues in this action. The purpose of the settlement is to change how NYPD responds to mass demonstrations, addressing claims that NYPD "us[ed] excessive force and arrest[ed] protesters, journalists, and legal observers without probable cause and in retaliation for their speech" during the 2020 racial justice protests. (*Id*. at 1). Defendants advance that plaintiffs' arrests for so-called "Red Light" offenses are "presumptively proper" under the settlement and that this precludes plaintiffs' claims. (Defs. Br. at 6). But the settlement merely memorializes that officers must have legal authority and supervisory approval before making an arrest for a "Red Light" offense and does not confer authority to arrest for a "Red Light" offense where that authority does not otherwise exist under the law. (*See* Dkt. 220, Defs. Ex. C at 2, 6-8; *Wilder v Berstein*, 645 F Supp 1292, 1308 [SDNY 1986] [courts "examining the terms of a proposed consent decree must ascertain . . . that the settlement . . . does not put the court's sanction on and power behind a decree that violates the Constitution, statutes, or jurisprudence"] [cleaned up]).

The terms of the settlement have no bearing on the core issue in this case: whether NYPD's policy and practice of arresting individuals for low-level offenses violates CPL 150.20. Therefore, the settlement does not preclude plaintiffs' claims.

B. Plaintiffs Are Entitled to Declaratory Relief

Defendants argue that plaintiffs are not entitled to declaratory relief because (i) defendants' policy of handcuffing, transporting, and detaining each person before giving them an appearance ticket is hypothetical (despite defendants admitting to this policy); and (ii) plaintiffs' request for damages on their false arrest claim bars their request for declaratory relief. (Defs. Br. at 17-19). Neither argument holds merit.

Plaintiffs are entitled to a declaratory judgment that NYPD's arrest and processing policies and practices for appearance ticket-eligible offenses violate CPL 150.20 and article I, § 12 of the New York Constitution. Declaratory relief is available "in cases where a constitutional question is involved or the legality or meaning of a statute is in question and no question of fact is involved." (*Morgenthau v Erlbaum*, 59 NY2d 143, 150 [1983]). Before this court is a simple question: does NYPD's undisputed policy and practice of handcuffing, transporting, and detaining individuals at precincts for appearance ticket-eligible offenses constitute an "arrest" that violates CPL 150.20? This is a "pure question[] of law" for which "[i]t would be difficult to imagine a case where [a declaratory judgment] would be more applicable." (*Dun & Bradstreet, Inc. v City of New York*, 276 NY 198, 206 [1937]). "To refuse to consider the questions in this action [would] leave[] unstable a jural relation, the facts of which are conceded," that affects plaintiffs' rights and the rights of countless others who encounter NYPD. (*Playtogs Factory Outlet, Inc. v Orange County*, 51 AD2d 772, 780 [2d Dept 1976]).

Defendants erroneously argue that a declaratory judgment would be an improper advisory opinion because plaintiffs may or may not commit appearance ticket-eligible offenses again in the future. (Defs. Br. at 17-18). "[T]he fact that the court may be required to determine the rights of the parties upon the happening of a future event does not mean that the declaratory judgment will be merely advisory." (*Hussein v State of New York*, 81 AD3d 132, 135 [3d Dept 2011]). Rather, where "the court's determination will have the immediate and practical effect of influencing [parties'] conduct," a declaratory judgment is appropriate. (*Id.* at 136). Here, a declaratory judgment would have an immediate, practical effect on defendants' undisputed policy and practice of handcuffing, transporting, and detaining individuals for appearance ticket-eligible offenses by settling whether this constitutes an "arrest" prohibited under CPL 150.20. (*Id.* at 136-37).

Plaintiffs' claims for declaratory relief are also not precluded by their request for damages on their false arrest claims. Defendants cite no case holding that a request for damages makes declaratory relief "unnecessary and inappropriate," as they claim. (Defs. Br. at 19). Where a genuine controversy exists that requires a judicial determination, the mere existence of other remedies does not require dismissal. (*Morgenthau*, 59 NY2d at 148). The declaratory relief plaintiffs seek is an answer to a purely legal question which will not be addressed through the damages sought on their false arrest claims. Plaintiffs are thus entitled to declaratory relief.

C. Plaintiffs Are Entitled to Injunctive Relief

Defendants essentially argue that plaintiffs are not entitled to injunctive relief because their claims are moot, but plaintiffs have demonstrated that defendants' violations of CPL 150.20 and the state Constitution are presently occurring, defeating any mootness argument.

Plaintiffs are entitled to relief enjoining defendants from continuing to violate CPL 150.20 and article I, § 12 of the state Constitution. A permanent injunction may be granted where the plaintiff demonstrates that (1) there was a violation of a right presently occurring, or threatened and imminent; (2) plaintiffs have no adequate remedy at law; (3) serious and irreparable harm will result absent the injunction; and (4) the equities are balanced in plaintiffs' favor. (*Rockefeller v Leon*, 233 AD3d 904, 907 [2024]). Because this Court may address the merits of plaintiffs' claims if they (1) are likely to recur, either between the parties *or other members of the public*, (2) raise a substantial and novel issue of public importance, and (3) typically evade review, (*see Coleman v Daines*, 19 NY3d 1087, 1090 [2012]), the mootness factors dovetail with the injunctive relief analysis of whether a violation of a right is presently occurring.

First, recurring violations of CPL 150.20 and article I, § 12 are threatened and imminent for both plaintiffs and the public. Plaintiffs continue to engage in First Amendment-protected protest activity and face the threat of unlawful arrest absent an injunction. (Facts ¶¶ 121, 151, 205,

233). This threat is especially imminent given New York City's long tradition of mass demonstrations and frequent arrests by NYPD at protests.[5] Indeed, NYPD's violations of CPL 150.20 and article I, § 12 are *guaranteed* to recur as to other members of the public because NYPD continues to unlawfully arrest individuals accused of appearance ticket-eligible offenses pursuant to undisputed NYPD policy.[6] The issues here are also likely to evade review, as the period during which individuals are "arrested" in violation of CPL 150.20 is inherently short—in plaintiffs' cases, a few hours. (*See People ex rel. Wells v DeMarco*, 168 AD3d 31, 38-39 [2d Dept 2018] [finding that a challenged policy related to jail detentions of incarcerated people for up to forty-eight hours evaded review and qualified for the mootness exception]). Finally, the questions presented here are novel and of substantial public importance given the overwhelming number of individuals arrested for appearance ticket-eligible offenses every day in New York City.[7] Without a permanent injunction, defendants will continue to violate the rights of plaintiffs and the public at large.

Next, plaintiffs will suffer irreparable injury without a permanent injunction because they have no adequate alternative remedies to redress defendants' violations of CPL 150.20 and article I, § 12. Defendants' argument that plaintiffs' claims for injunctive relief under article I, § 12 are not cognizable because they have an adequate alternative remedy in damages for their false arrest

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[5] (*See* Dean Moses, *Activist Arrested Spray-Painting Midtown Apple Store in Protest Over Climate Change and Trump*, amNY, https://www.amny.com/news/activist-arrested-midtown-apple-store-protest-07062025/ [July 6, 2025]; Johana Bhuiyan, *Six Arrested at Protest of Palantir, Tech Company Building Deportation Software for Trump Admin*, The Guardian, https://www.theguardian.com/us-news/2025/jun/26/trump-palantir-protest-arrests [Jun. 26, 2025]; Luis Ferré-Sadumi, *Hundreds Protest Outside ICE Headquarters in New York City,* NY Times, https://www.nytimes.com/2025/06/10/us/nyc-demonstrators-ice-crackdown.html [Jun. 10, 2025]).

[6] (*See, e.g.,* Graham Rayman, *NYPD Holding People Arrested for Low-Level Offenses for Much Longer Than Last Year*, NY Daily News, https://www.nydailynews.com/2025/03/31/nypd-holding-people-arrested-for-low-level-crimes-much-longer-than-last-year-legal-aid/?clearUserState=true [Mar. 31, 2025]).

[7] NYPD's own data shows that in the first quarter of 2025, NYPD issued 10,377 "Desk Appearance Tickets" and made at least 22,934 arrests for misdemeanors and violations that did not result in appearance tickets. (NYPD, Desk Appearance Ticket Arrest Analysis Data, https://www.nyc.gov/site/nypd/stats/reports-analysis/dat.page [accessed July 25, 2025]).

claims, fails. (Defs. Br. at 15-16). In *Brown v. State of New York*, 89 NY2d 172, 191-92 [1996], the Court of Appeals held that *damages* for violation of article I, § 12 of the state Constitution may be available against the state in "narrow" circumstances where no other remedies are available. There is nothing in *Brown* or its progeny—including cases cited by defendants—supporting that a claim for *injunctive relief* under the state Constitution is necessarily precluded by a common law false arrest claim for damages. Injunctive relief on plaintiffs' constitutional claims is necessary to "ensure the full realization of [plaintiffs'] rights" that money damages cannot redress. (*See id.* at 178, 189 [while "constitutional and common-law torts frequently protect similar interests, the causes of action are not coextensive" and create different rights and duties under the law]).

Finally, the equities are undoubtedly in plaintiffs' favor. This inquiry considers whether the injury is more burdensome to the plaintiffs than any burden an injunction would cause defendants, and courts must "weigh the interests of the general public as well as the interests of the parties to the litigation." (*Destiny USA Holdings, LLC v Citigroup Glob. Markets Realty Corp.*, 69 AD3d 212, 223 [4th Dept 2009]). A permanent injunction would require only minimal administrative changes from NYPD and provide critical protection to plaintiffs and the public against the harms of unlawful arrest. (*See Floyd v City of New York*, 959 F Supp. 2d 668, 672 [SDNY 2013] ["[T]he burden on the plaintiff class of continued unconstitutional stops and frisks far outweighs the administrative hardships that NYPD will face in correcting its unconstitutional practices."]). Indeed, issuing mandatory appearance tickets on the street instead of arresting and detaining individuals at precincts benefits all parties, as it would spare significant NYPD time and resources.

CONCLUSION

Plaintiffs respectfully request that this Court grant their motion for partial summary judgment and a) declare that CPL 150.20 prohibits arrests for eligible low-level offenses,

b) declare that NYPD's arrest and processing policies and practices for appearance ticket-eligible offenses violate CPL 150.20 and article I, § 12 of the New York Constitution, and c) enter an order permanently enjoining defendants from violating CPL 150.20 and article I, § 12 and ordering any further measures needed to effectuate this injunction. Plaintiffs further respectfully request that this Court deny defendants' cross-motion for partial summary judgment.

Dated: July 25, 2025
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CERTIFICATION PURSUANT TO RULE § 202.8-b

I, Brandon Fetzer, certify that the foregoing memorandum of law conforms with the length requirements of Rule 202.8-b of the Uniform Civil Rules for the Supreme Court and the County Court. I further certify that, excluding the caption and signature block, the foregoing memorandum contains 4,200 words according to the word-count tool of the word-processing software that was used to prepare the memorandum.

Dated: New York, New York
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