



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETTITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

May 8, 2020

VIA EMAIL

Dermot F. Shea
Police Commissioner
New York City Police Department
One Police Plaza
New York, New York 10007

Re: Social Distancing Enforcement Statistics

Dear Commissioner Shea:

The New York State Office of the Attorney General (“OAG”) is alarmed by recent videos and reporting that suggest unequal enforcement by the New York City Police Department (“NYPD”) of social distancing rules in communities of color.

As was reported over the past weekend, a video taken on May 2 in the East Village captures plainclothes NYPD officers—who themselves are not wearing protective masks—arresting a black man and his girlfriend for purportedly ignoring a verbal request to disperse.¹ Seconds later, the footage shows one of those officers approaching a black bystander with his Taser drawn, tackling and repeatedly punching him, dragging him onto the sidewalk, and then kneeling on his neck as he is handcuffed.

A second video posted on May 3 shows NYPD police officers arresting black individuals who had congregated in front of their Brownsville homes, in one instance forcefully body-slaming a man to the ground.²

These violent images stand in stark contrast to the restrained enforcement by the NYPD in more affluent neighborhoods last weekend. Instead of arrests, the NYPD issued only summonses

¹ John Del Signore, *Video: NYPD Officer Beats Bystander, Kneels on His Head During Social Distancing Enforcement*, THE GOTHAMIST (MAY 3, 2020), <https://gothamist.com/news/video-nypd-officer-beating-social-distancing-enforcement>.

² Chaya Crowder, *White Privilege Is On Full Display as People Overcrowded NYC Parks*, THE GRIO (May 4, 2020), <https://thegrio.com/2020/05/04/white-privilege-crowded-parks-nyc/>.

for failure to social distance.³ To the thousands that crowded Central Park, Washington Square Park, and Fort Greene Park, officers dealt out free face masks.⁴

In a recent radio interview, you voiced the NYPD's commitment to ensuring equal treatment under the law and, for the sake of transparency, agreed to release demographic data on social distancing arrests and summonses. We agree that neither one's race nor one's neighborhood should invite harsher punishment. Examining enforcement data will help ensure that. Accordingly, we request the following information from the NYPD⁵ relating to the period from March 1, 2020 to the present ("Relevant Period"):

1. All documents regarding NYPD policies or directives for enforcing social distancing laws and regulations, including any materials used to train officers on social distancing enforcement;
2. All data reflecting 311 complaints of alleged violations of social distancing rules;
3. All data on live arrests by NYPD officers related to a failure to comply with social distancing rules,⁶ including the total number of arrests in the Relevant Period per race and age group of the arrestee and per precinct;
4. All data on criminal summonses issued by NYPD officers related to a failure to comply with social distancing rules, including the total number of arrests in the Relevant Period per race and age group of the arrestee and per precinct;
5. All data on civil summonses issued by NYPD officers related to a failure to comply with social distancing rules, including the total number of arrests in the Relevant Period per race and age group of the arrestee and per precinct.

If the Department is unable to respond to any inquiry in full, please provide all available responsive information and a detailed explanation as to why a more complete

³ NBC NEWS, *NYPD Arrests 3, Issues 51 Summonses Amid Enhanced Social Distancing Enforcement* (May 3, 2020), <https://www.nbcnewyork.com/news/local/nypd-arrests-3-issues-51-summonses-amid-enhanced-social-distancing-enforcement/2400113/>.

⁴ Ellen Moynihan, *New Yorkers Flock to Parks as Mercury Soars but Dozens Ticketed for Violating Social Distancing Rules*, NY DAILY NEWS (May 2, 2020), <https://www.nydailynews.com/coronavirus/ny-coronavirus-social-distancing-parks-spring-20200503-z46sr6ynynazvcsp4kn3bad6u-story.html>; NYPD Special Ops, Twitter (May 2, 2020), <https://twitter.com/NYPDSpecialops/status/1256696945378279424>; Jeremiah Moss, Twitter (May 2, 2020), <https://twitter.com/jeremoss/status/1256715403188998146>.

⁵ For purposes of these requests, "NYPD" includes all units within the department. "Social distancing rules" refers to those rules and regulations implemented to curb the spread of COVID-19, including rules that require maintaining a physical distance of at least six feet from other individuals and to wear a face mask when maintaining such distance is not possible.

⁶ The live arrest and criminal summonses data requested herein includes arrests under provisions that do not directly mandate social distancing, such as disorderly conduct.

response is not possible. Please produce all responsive documents by **Friday, May 15, 2020.**

Thank you for your anticipated cooperation. Should you have any questions prior to that date, please feel free to contact our office at one of the numbers below.

Sincerely,



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