



**The Council of the City of New York
Committee on Public Safety**

Hearing on NYPD Enforcement of Social Distancing
May 22, 2020

**Testimony of the Legal Aid Society
Special Litigation Unit
Cop Accountability Project**

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The Legal Aid Society thanks this Committee for the opportunity to provide testimony on the New York Police Department's enforcement of public health measures.

Since 1876, The Legal Aid Society has provided free legal services to New York City residents who are unable to afford private counsel. Annually, through our criminal, civil and juvenile offices in all five boroughs, our staff handles about 300,000 cases for low income families and individuals. By contract with the City, the Society serves as the primary defender of indigent people prosecuted in the State court system. In this capacity, and through our role as counsel in several civil rights cases as well, the Legal Aid Society is in a unique position to testify about the irreparable harm that the NYPD's selective enforcement of social distancing requirements is causing in New York City.

The COVID-19 pandemic has upended every aspect of life in our city. Legal Aid Society's Criminal Defense Practice continues to provide legal representation to our clients throughout this pandemic in remote arraignment and emergency hearings across all boroughs. During this already difficult time, our clients are also now unjustly subject to disparate enforcement of public health measures by the police department. We are gravely concerned with NYPD's steadfast resistance to common sense changes to policing in the midst of a public health crisis.

We request the Council to consider the following:

1. **Prioritize Public Health Funding Over Law Enforcement Funding.**
2. **Supporting a Public Health Model Approach to Replace Police Enforcement of Social Distancing Measures.**
3. **Supporting State Legislative Agenda Aimed at Increasing Transparency and Accountability in Policing.**

RACIAL DISPARITIES REFLECTED IN DATA OF NYPD ENFORCEMENT OF SOCIAL DISTANCING UNDER EXECUTIVE ORDER 202.10 & 202.17

On March 23, 2020, Governor Cuomo issued Executive Order 202.10 ordering "Non-essential gatherings of individuals of any size for any reason ... canceled or postponed..." On April 15, 2020, he issued Executive Order 202.17 ordering that "any individual...over the age two and able to medically tolerate a face-covering shall be required to cover their nose and

mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance.”

Mayor DeBlasio incorporated these orders into his own executive order, and both leaders deputized the NYPD to enforce them. Despite initial promises that violations would merely result in civil penalties, the NYPD used their leadership positions to incite police officers to engage in aggressive policing. Criticisms prompted by pictures of crowded city parks in early April led Governor Cuomo to double the fines for social distancing violations to \$1,000 and demand that the NYPD get more aggressive to enforce public health measures. Recently, over another spring weekend, multiple videos and photos surfaced online that showed a stark contrast in the NYPD’s enforcement across the city – friendly officers in affluent neighborhoods handing out masks while fellow officers were aggressively escalating encounters across town in poorer neighborhoods.

Despite the concerns these images immediately raised about racially discriminatory policing, the Mayor continued to insist that “you can’t do effective enforcement without the NYPD and the NYPD is more than up to the job.”¹ A week later, Commissioner Shea defended the NYPD’s racially disparate enforcement – calling the victims of these brutal arrests “gang members.”² Commissioner Shea's dismissive comments during this press conference show that NYPD leadership has a fundamental misunderstanding of systemic institutionalized racism. While the Mayor assures the public that the City will be shifting its reliance to “social distancing ambassadors,” he maintains that police enforcement is an essential part of the equation.³ During his daily press conference on May 15th, the Mayor insisted that the NYPD will still continue to enforce the ban on social distancing, while suggesting that “[a]bsent a serious danger to the public, NYPD will not take enforcement actions for failing to wear face coverings.”⁴

Thus, it is clear that absent further reform, New Yorkers can expect that policing will remain a critical component of the enforcement of social distancing rules, despite weeks of expressions of concern from community members who have experienced that policing as a

¹ Mayor de Blasio Holds Media Availability, PRESS CONFERENCE (May 4, 2020) available at <https://www1.nyc.gov/office-of-the-mayor/news/317-20/transcript-mayor-de-blasio-holds-media-availability>

² Mayor de Blasio Holds Media Availability, PRESS CONFERENCE (May 13, 2020) available at <https://www1.nyc.gov/office-of-the-mayor/news/344-20/transcript-mayor-de-blasio-holds-media-availability>

³ “And having the NYPD there as part of that plan, as part of the enforcement when needed is crucial, and that's not going to change.” *Id.*

⁴ Mayor de Blasio Holds Media Availability, PRESS CONFERENCE (May 15, 2020) available at <https://www1.nyc.gov/office-of-the-mayor/news/348-20/transcript-mayor-de-blasio-holds-media-availability>

continuation of longstanding patterns of excessive and discriminatory enforcement, and despite the spate of viral videos and photos showing disturbing encounters between police and people of color in the month of April.

The data bears out these community complaints and provide a context to suggest that these videos are no mere anomalies.

- Between March 16 and May 5, NYPD reported 374 summonses issued for social distancing violations. Four out of five of those summonses have been to black or Hispanic people.⁵
- From March 16 and May 5, NYPD reported at least 120 total arrests city-wide for social distancing violations. 93% of these arrests were made up of people of color 68%.⁶
- From March 17 to May 4, the Brooklyn DA's office confirmed that 40 people were arrested for not following social distancing measures. 35 of those were black, four of them were Hispanic and one was white.⁷

It does not seem possible to explain this stark racial disparity by reference to any objective measure of who actually commits social distancing violations. Indeed, Legal Aid analyzed social distancing complaints made through 311 between March 28 and May 12, along with the data released by NYPD,⁸ showing that responses to 311 complaints for social distancing violations are distributed evenly across New York without regard to race. However, such complaints were considerably more likely to result in a summons or arrest in majority black or Latino precincts. Our findings indicate that 78% of COVID-19 related summonses and 74% of COVID-19 related arrests occurred in majority Black and Latinx precincts, despite the fact that slightly more than half of all 311 social distancing complaints concerned violations in majority white neighborhoods.

⁵ Josiah Bates, *Police Data Reveals Stark Racial Discrepancies in Social Distancing Enforcement Across New York City*, TIME (May 8, 2020) <https://time.com/5834414/nypd-social-distancing-arrest-data/>

⁶ Kevin Duggan, *NYPD stats find that 93% of COVID-19 related arrests are made up of people of color*, amNY (May 14, 2020) <https://www.amny.com/police-fire/nypd-stats-find-that-93-of-covid-19-related-arrests-are-made-up-of-people-of-color/>

⁷ Bates, *supra*.

⁸ *Racial Disparities in NYPD's COVID-19 Policing: Unequal Enforcement of 311 Social Distancing Calls*, The Legal Aid Society, Cop Accountability Project (May 2020) attached.

RACIAL DISPARITIES IN SOCIAL DISTANCING ENFORCEMENT ARE AN EXTENSION OF LONG-STANDING PATTERNS WITHIN NYPD

The pattern of racially disparate policing evidenced in the data associated with social distancing enforcement reflects a long-standing pattern within NYPD. In 2013, NYPD's decades-long reliance on "stop and frisk" as a tool of policing was found to be racially discriminatory.⁹ Despite the purported end of the "stop and frisk" era and an overall decrease in crime, broken windows policing persists and disproportionately sweeps up people of color into our criminal justice system. For example, in 2014, New York City decided it would no longer arrest people for low-level marijuana possession.¹⁰ Despite this decision, 93% of the people arrested by the NYPD for marijuana possession in January-March of 2018 were New Yorkers of color. Of the 4,081 arrests for criminal possession of marijuana, only 287 of those arrested were white people, compared to 2,006 black people and 1,621 Latino people.¹¹ As recently as 2018, people of color bore the brunt of fare evasion summonses — 78.2 percent for summonses, and 93.9 percent of arrests. Just 3 percent of white individuals stopped for fare evasion were arrested, compared to 14 percent of African Americans.¹² According to NYC Open Data, 60% of all arrests in 2019 were for misdemeanors.¹³ Of those arrests, black and Latinx New Yorkers represented the majority at 45% and 26%, respectively. Even less punitive measures, including summonses and tickets, affect communities of color disproportionately. Despite a general move from criminal to civil penalties, enforcement remains uneven as over 90% of criminal summonses, and over 70% of civil summonses, are issued to people of color.¹⁴

The pattern seen in videos of low-level social distancing encounters escalating into violence against people of color is also a continuation of a long-standing pattern within NYPD

⁹ *Floyd v. City of New York*, 959 F. Supp. 2d 540, 559 (S.D.N.Y. 2013).

¹⁰ Tina Moore, *NYPD to stop arresting for minor marijuana possession, will issue tickets instead*, NY DAILY NEWS (Nov. 11, 2014) <https://www.nydailynews.com/new-york/nyc-crime/nypd-stop-arrests-low-level-marijuana-charges-source-article-1.2005222>

¹¹ *Racial Disparities Evident in New York City Arrest Data for Marijuana Possession*, THE INNOCENCE PROJECT (May 14, 2018) available at <https://www.innocenceproject.org/racial-disparities-in-nyc-arrest-data-marijuana-possession/>

¹² Peter Rugh, *Ticket to Jail (For Some): Study Finds Massive Racial Disparities in Fare Evasion Arrests*, The Independent (Oct. 22, 2018) <https://indypendent.org/2018/10/ticket-to-jail-for-some-study-finds-massive-racial-disparities-in-fare-evasion-arrests/>

¹³ NYC Open Data, *Arrest Data by Year*, <https://data.cityofnewyork.us/Public-Safety/NYPD-Arrest-Data-Year-to-Date-/uip8-fykc> (last accessed May 14, 2020)

¹⁴ Samar Khurshid, *NYPD Continues Move Away from Criminal Penalties for Low-Level Offenses, But Racial Disparities Remain*, Gotham Gazette (Sept. 4, 2019) <https://www.gothamgazette.com/city/8768-nypd-fewer-criminal-penalties-for-low-level-offenses-racial-differences-remain>

for similar unnecessary escalation in enforcement of low-level offenses in the same communities. Legal Aid is counsel on one such case involving a challenge of NYPD's use of excessive force and misuse of tasers on behalf of Tomas Medina after a response to a noise complaint, exemplifying the continued pattern of over-policing in neighborhoods of color.¹⁵ Between January 2015 and June 2018, the City has settled at least 30 lawsuits involving the use of chokeholds by the NYPD.¹⁶ During that same time period, the New York City Civilian Complaint Review Board ("CCRB") received at least 582 allegations of NYPD officers using chokeholds against civilians. Equally disturbing, NYPD officers wrongly deploy Tasers in situations where civilians have shown no active aggression. The NYPD also overuses Tasers once they are deployed, with multiple or prolonged shocks resulting in needless pain and injury to civilians. Between January 2015 and June 2018, the City has settled at least 14 lawsuits involving the use of Tasers by NYPD officers.¹⁷ On May 3rd, during an encounter initiated for violating social distancing guidelines, Officer Francisco Garcia was recorded using his taser to threaten civilian bystanders before he brutally assaulted Donni Wright.¹⁸

The root causes of these racially disparate patterns are the same: the NYPD does not take racial discrimination seriously and does not have an adequate system of police accountability. The lack of robust accountability for and transparency regarding police abuse of authority lies at the heart of the troubling patterns of policing we have witnessed over the past weeks and months. A report commissioned in 2018 found that the NYPD's disciplinary process is plagued by "a fundamental and pervasive lack of transparency" that damages public trust.¹⁹ The report concluded that police officials did not take allegations as seriously as they do other kinds of police misconduct, further finding that investigating officers failed to pursue cases properly or filed it incorrectly. The police department has received at least 2,495 complaints of biased policing since it began tracking in 2015. Significantly, not a single profiling allegation was

¹⁵ Graham Rayman, *Man choked and stun-gunned by cops in upper Manhattan sues NYPD*, NY DAILY NEWS (Oct. 11, 2019) <https://www.nydailynews.com/new-york/nyc-crime/ny-stun-gun-victim-sues-police-20191011-6jys522razgwtgudz7uop6b624-story.html>

¹⁶ *Medina v. City of New York*, 19 Civ. 09412-AJN (SDNY), Plaintiff's Complaint, Ex. C, October 10, 2019, available at https://legallaidnyc.org/wp-content/uploads/2020/01/Medina-Complaint-and-Exhibits_Combined.pdf

¹⁷ *Id.*

¹⁸ Kim Bellware, *Violent arrest in New York raises questions about police enforcement of social distancing orders*, Washington Post (May 5, 2020) <https://www.washingtonpost.com/nation/2020/05/05/donni-wright-nyc-arrest/>

¹⁹ Mary Jo White, Robert L. Capers, and Barbara S. Jones, *The Report of the Independent Panel on the Disciplinary System of the New York City Police Department* (January 25, 2019) available at <https://www.independentpanelreportnypd.net/>

substantiated in the more than 1,918 closed complaints as of December 31, 2018²⁰ despite the police department being capable of investigating and substantiating other kinds of police misconduct.²¹

**AGGRESSIVE POLICE ENFORCEMENT OF PUBLIC HEALTH MEASURES
EXACERBATES THE EFFECTS OF THE PANDEMIC AND SHOULD BE
REPLACED WITH A PUBLIC HEALTH APPROACH**

We cannot look at racial disparities in policing and racial disparities in coronavirus infection rates separately. The long term effects of patterns of racially discriminatory policing on the mental health and wellbeing of communities of color, and particularly young black men, was well documented during the litigation surrounding stop and frisk.²² Policing is part of the larger public health crisis that the city as a whole, but especially Black and Latinx communities, are feeling so acutely right now.

For example, one of our clients was arrested with her boyfriend nearby to a group being dispersed by officers enforcing social distancing measures. A large group of officers, without face masks, approached her and her boyfriend. The interaction escalated and pepper spray was used. Our client subsequently spent over 24 hours in a crowded, unsanitary holding cell awaiting her arraignment. When she tried to return to work, her employer did not allow her to out of fear that she was exposed to the virus while in detention.²³

Another client, recently released from Rikers Island due to his medical condition, was approached by an officer for allegedly failing to socially distance and wear a mask, despite being arrested with his face mask in his hand. The encounter escalated rapidly and resulted in a violent arrest filmed by neighbors in the Queensbridge North Housing complex. He was arrested on accusations of resisting arrest. A parole warrant was lodged against him, alleging a failure to wear a mask as a parole violation specification. He subsequently spent nearly two weeks incarcerated at Rikers Island prior to a dismissal of his criminal case and release to parole supervision.

²⁰ Complaints of Biased Policing in New York City: An Assessment of NYPD's Investigations, Policies, and Training, NYC Department of Investigation (June 2019) available at <https://www.courthousenews.com/wp-content/uploads/2019/06/nypd-bias-report.pdf>

²¹ See *supra* note 21 at 20

²² Amanda Geller, PhD, Jeffrey Fagan, PhD, Tom Tyler, PhD, and Bruce G. Link PhD, *Aggressive Policing and the Mental Health of Young Urban Men*, AMERICAN JOURNAL OF PUBLIC HEALTH (April 9, 2014) <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2014.302046>

²³ Alice Speri, *NYPD's Aggressive Policing Risks Spreading the Coronavirus*, The Intercept (April 3, 2020) <https://theintercept.com/2020/04/03/nypd-social-distancing-arrests-coronavirus/>

Each of these arrests are prime examples of the unnecessary interactions that risk potential transmission of the virus to our clients, the officers involved, and their families. Placing coercive policing at the center of public health strategies is counterproductive. Members of the medical community and public health experts have spoken out publicly to caution against an overreliance on aggressive police enforcement of social distancing measures, noting the undue burden on those who have already been hit hard by the virus and the tendency of enforcement actions to exacerbate community spread rather than prevent it.²⁴ On April 23, 2020, over 200 medical workers – including doctors, nurses, public health experts, and more – penned a candid letter urging the City and the NYPD to reduce policing, and unnecessary police contacts, as part of the city’s effort to stop the spread of COVID-19 and focus instead on public education and community engagement to enforce social distancing measures.²⁵

Even the police unions have joined in calling for the NYPD to step away from social distancing enforcement. We do not usually find ourselves in agreement with Pat Lynch, president of the Police Benevolent Association, and Ed Mullins, president of the Sergeant’s Benevolent Association, but on this discrete issue, we agree – the NYPD should not be in the business of enforcing social distancing.²⁶ In a letter to the International Association of Chiefs of Police and the National Conference of Mayors, groups including the Heritage Foundation are urging police to limit unnecessary contact with the public to mitigate the spread of coronavirus among officers and protect their families.²⁷

Social distancing is vital to mitigating the spread of the virus. But punitive approaches are plainly misguided. To parry that there is “no playbook” is simply false. The potential for infectious disease outbreaks has prompted studies, reports, simulations, and guidelines well

²⁴ Dr. Brandon D.L. Marshall and Abdullah Shihpar, *We Can’t Police Our Way Out of a Pandemic*, NYT Opinion (April 7, 2020) <https://www.nytimes.com/2020/04/27/opinion/coronavirus-police.html>

²⁵ Medical Workers Letter re: Public Health Concerns on NYPD Spread of COVID19 Virus, April 23, 2020, available at https://www.changethenypd.org/sites/default/files/covid_policing_medical_letter_to_mayor_nypd_4-23-2020.pdf

²⁶ Tina Moore, *NYPD Union wants cops out of social distancing enforcement*, NY POST (May 4, 2020) <https://nypost.com/2020/05/04/nypd-union-wants-cops-out-of-social-distancing-enforcement/>

²⁷ Erik Larson, *Police Group Urged to Focus on Helping Needy not Parking Tickets*, Bloomberg News (April 7, 2020) <https://www.bloomberg.com/news/articles/2020-04-07/police-group-urged-to-focus-on-helping-needy-not-parking-tickets>

before the first confirmed case of COVID-19 surfaced.²⁸ This is not the first time New York City has faced a public health crisis with an uncertain end. During the early days of the HIV/AIDS epidemic, states enacted laws criminalizing particular activities under the guise of public safety measures but, in the end the solutions came not from law enforcement but from scientific research and community-based solutions.²⁹ New York City officials were able to successfully mitigate the HIV/AIDS epidemic based on strong community partnerships, access to preventive medications, and investments in testing and treatment programs³⁰ – not policing and criminalization.³¹

We recommend enforcement of public health measures be led by community leaders and community-based organizations that are appropriately trained and committed to a public health model. The Crisis Management System (CMS) of New York City is equipped and trained to do gun violence eradication under a public health framework called Cure Violence (CV). Dr. Gary Slutkin, an epidemiologist, founded CV using a three-pronged approach to violence prevention that works with credible messengers from the community and does not rely on punishment and incarceration. The CV model trains and deploys outreach workers and violence interrupters to mitigate conflict on the street before it turns violent and their work has brought New York City to the lowest incidences of gun violence of any major U.S. city.³² These interrupters are credible messengers, trusted members of the communities served, who use their trust and respect in the community to change mindsets and norms around violence teaching community members better ways of communicating with each other and how to resolve conflicts peacefully. The public health model at the core of CV has successfully and significantly reduced shootings in New York

²⁸ New York City Health Care System Preparedness Annual Report, NYC DEPT OF HEALTH AND MENTAL HYGIENE OFFICE OF EMERGENCY PREPAREDNESS AND RESPONSE (July 2015 to July 2016) available at

<https://www1.nyc.gov/assets/doh/downloads/pdf/em/nyc-healthcare-system-preparedness-report.pdf>
Katie Pearce, *Pandemic simulation exercise spotlights massive preparedness gap*, HUB (Nov 6, 2019)
<https://hub.jhu.edu/2019/11/06/event-201-health-security/>

²⁹ Jesse McKinley, *New York Says End of AIDS Epidemic is Near*, NYT (Oct. 2, 2019)
<https://www.nytimes.com/2019/10/02/nyregion/aids-hiv-epidemic-ny.html>

³⁰ Michael Nedelman, *New York City hits HIV/AIDS target two years ahead of schedule*, CNN (Dec 2, 2019)
<https://www.cnn.com/2019/12/02/health/new-york-city-hiv-aids/index.html>

³¹ See Kora DeBeck, PhD, Tessa Cheng, MPP, Julio S. Montaner, MD, Chris Beyrer, MD, Richard Elliot, LL.M., Susan Sherman, PdH, Evan Wood, MD, and Stefan Beral, MD, *HIV and the Criminalization of Drug Use Among People who Inject Drugs: A Systematic Review*, THE LANCET (May 14, 2017)
[https://www.thelancet.com/journals/lanhiv/article/PIIS2352-3018\(17\)30073-5/fulltext](https://www.thelancet.com/journals/lanhiv/article/PIIS2352-3018(17)30073-5/fulltext)

³² NYC, *Mayor de Blasio, City Council Launch Mayor's Office to Prevent Gun Violence*, available at
<http://www1.nyc.gov/office-of-the-mayor/news/064-17/mayor-de-blasio-city-council-launch-mayor-s-office-prevent-gun-violence#/0>

City.³³ The CV groups are already proactively responding to the pandemic by helping implement social distancing guidelines in their neighborhoods and distributing personal protective equipment to residents. Using the CV model to engage in social distancing enforcement promotes public health and fosters a non-threatening and inclusive environment that are fundamental for sustainable and healthy communities.

To the extent that the NYPD continues to enforce social distancing rules, we demand a drastically decreased presence of officers in carrying out public health policies. Voluntary compliance with social distancing measures are vastly preferred to law enforcement involvement.

RECOMMENDATIONS:

Prioritize Public Health Funding Over Law Enforcement Funding

As the Council considers the current budget bill, we request the Council to re-evaluate resources allocated to NYPD's budget as social services and youth programs are subject to budgetary cuts and as the need for more robust public health solutions to the COVID-19 crisis becomes clearer. While we contemplate a path towards equitable recovery for New York City, it is imperative that the needs of all New Yorkers — especially those most impacted by COVID-19 — are met. We urge the Council to consider cuts to the NYPD's almost \$6 billion budget and reallocate resources to critical community-based infrastructure and services. Throughout this crisis, stark inequities in housing, public health, education, and more are highlighted as the data continues to show that communities of color are disproportionately suffering losses as a result of COVID-19. Reducing the NYPD's overall budget would save the city significant resources and free up city budget dollars to be reallocated to agencies that have been starved of resources in recent years.

Support a Public Health Model Approach to Replace Police Enforcement of Social Distancing Measures

Aggressive police enforcement of social distancing measures exacerbates the harms caused by COVID-19 in communities of color. Tensions between the police and members of the public will not encourage compliance — especially when officers are observed flouting the very same public health measures they are tasked with enforcing. By employing a law enforcement

³³ Sheyla A. Delgado, Laila Alsbahi, Kevin Wolff, Nicole Alexander, Patricia Cobar, and Jeffrey A. Butts, The Effects of Cure Violence in the South Bronx and East New York, Brooklyn, John Jay Research and Evaluation Center (October 2017) available at <https://johnjayrec.nyc/2017/10/02/cvinsobronxeastny/>

centered response, we will be reinforcing uneven punitive responses to fighting this pandemic. We will risk exacerbating the stark inequities in our city even more. A public health approach is paramount to mitigating the risks of community spread. NYPD should be removed entirely from the enforcement of social distancing measures.

Support State Legislative Agenda Aimed at Increasing Transparency & Accountability in Policing

The pandemic saw New York repeat an unfortunate pattern of over relying on policing as a response to social problems, contrary to the advice of public health experts, exacerbating the effects of over-policing in communities of color and diverting resources away from public health and social welfare in favor of less effective, often counterproductive law enforcement responses. More than ever, New Yorkers need greater transparency and accountability for police departments. It is critical for City Council to support the Police Statistics & Transparency (STAT) Act, the Repeal 50-a Act, and the Reduce Unnecessary Arrests for Non-criminal Offenses Act, which all represent significant steps forward and will allow for better-informed decisions about allocating resources among public health, social welfare and law enforcement goals.

The Police Statistics & Transparency (STAT) Act

Efforts to fully assess the impact of social distancing enforcement are hampered by limited data availability

New Yorkers cannot fully assess the impact of police enforcement of social distancing measures without adequate and full disclosure of summons data. The Police-STAT Act would ensure that law enforcement officials, policy makers, and the public have reliable access to critical police data. In the absence of the removal of NYPD from social distancing enforcement entirely, we request the Council to join us in demanding increased transparency from the department.

We also invite the Council to join us in demanding the NYPD to disclose all enforcement data and guidelines related to Executive Orders 202.10 and 202.17, including demographic and geographic information, FINEST messages, memos, reports, training, and enforcement guidelines. To ensure greater transparency and accountability in policing, the City should direct NYPD to publish demographic and precinct-level information on every summons and arrest related to COVID-19 on a weekly basis.

Repeal of Civil Rights Law §50-a

The lack of accountability and transparency for police disciplinary records enables abuse of authority in social distancing enforcement

These harmful patterns of racially disparate enforcement and dangerous escalations of encounters with the public existed prior to this pandemic and have merely been highlighted as a result of it. The Council should consider the urgent need to redress these wrongs by supporting the repeal of Civil Rights Law § 50-a in furtherance of increased transparency and accountability. The repeal of Civil Rights Law § 50-a is necessary for the Council and other policymakers to make better informed choices about whether to put law enforcement solutions at the center of our response to this public health crisis.

The public should be reassured that officers engaging in misconduct during this pandemic will be subject to a swift and fair review process, and if substantiated and warranted, officers will be swiftly disciplined with measures including termination.

Reduce Unnecessary Arrests for Non-Criminal Offenses Act

Aggressive enforcement of low-level offenses compounds the harm of COVID-19

A public health response also requires a de-emphasis on low-level policing in order to further reduce unnecessary contact. We are, without a doubt, in a unique situation in addressing this pandemic. However, we are not completely without any guidance. Agencies including the CDC, Police Executive Research Forum, and the International Association of Chiefs of Police have published reports outlining guidelines for policing during a flu-like pandemic.³⁴ The police department should be adjusting priorities and practices to minimize non-essential activities that increase the risk of exposure to officers and the public. Crime rates have significantly decreased,

³⁴ The Social Distancing Law Assessment Template, The Association of State and Territorial Health Officials and The Public Health Law Program, U.S. Centers for Disease Control and Prevention (July 2010) https://www.cdc.gov/phlp/docs/Social_Distancing_Law_Template_072010.pdf;
Andrea M. Luna and Corina Sole Brito, Elizabeth A. Sanberg, Critical Issues in Policing Series: Police Planning for an Influenza Pandemic: Case Studies and Recommendations from the Field, POLICE EXECUTIVE RESEARCH FORUM (October 2007) https://www.policeforum.org/assets/docs/Free_Online_Documents/Public_Health/police%20planning%20for%20an%20influenza%20pandemic%20-%20case%20studies%20and%20recommendations%20from%20the%20field%202007.pdf;
Pandemic Flu Planning and Response, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (August 2018) <https://www.theiacp.org/sites/default/files/2018-08/PandemicFluPolicy.pdf>

and NYPD leadership should be instructing officers not to place themselves or others at risk by making arrests for low level offenses.³⁵

Interactions for low level or quality-of-life offenses should be severely limited, yet over a third of all custodial arrests since mid-March were for petty misdemeanors and non-violent felonies. Because of the grave risks of COVID-19 exposure for people in custodial settings, the use of an arrest to enforce these restrictions and low-level offenses is not an appropriate public health measure and should almost never be the outcome of these enforcement efforts. To the extent that any enforcement action does occur, the NYPD should be directed to issue summonses and appearance tickets instead of conducting custodial arrests whenever possible, with hearing dates scheduled for after the health crisis over.

NYPD should re-evaluate policing priorities and immediately cease enforcement of quality of life offenses. NYPD has a responsibility to the public and to their officers to enact policies that reflect the advice of public health experts.

CONCLUSION

As Seattle Police Chief Carmen Best so aptly says, “[w]e can’t arrest our way out of a pandemic.”³⁶ If history is any indication, the same patterns of racial disparity in law enforcement will persist in social distancing enforcement. The communities that are already hardest hit by this virus should not also have to face aggressive policing that is counterproductive to our greater public health goals. We must address how we implement public health policies most effectively and *without* racial bias. By employing a law enforcement centered response, we will be reinforcing uneven punitive responses to fighting this pandemic. We will risk exacerbating the stark inequities in our city even more. New York City can be a national leader by encouraging New Yorkers to stay at home and socially distance responsibly without threatening the health and well-being of marginalized communities and continuing to address the inequalities of our city.

³⁵ COVID-19: Stay-at-Home and Social Distancing Enforcement, NYU Policing Project at NYU LAW (May 20,2020) <https://www.policingproject.org/news-main/2020/5/20/covid-19-stay-at-home-and-social-distancing-enforcement>

³⁶ Gee And Ursula Show, *Seattle Police Chief Best: “We Can’t Arrest Our Way Out Of a Pandemic”* MyNorthwest (May 15, 2020) <https://mynorthwest.com/1874541/seattle-police-chief-best-pandemic/>



Racial Disparities in NYPD's COVID-19 Policing: *Unequal Enforcement of 311 Social Distancing Calls*

Introduction

As New Yorkers come to terms with the new realities of the coronavirus pandemic, New Yorkers in communities of color have been grappling with an all-too-familiar form of policing under a new veil: aggressive, discriminatory, and punitive enforcement of social distancing and face coverings by the NYPD.

Over the past several weeks, photos and videos posted on social media have shown jarring disparities in the NYPD's response towards those who do not practice social distancing (SD) or wear face coverings in public.¹ Photos taken in the West Village depicted several gatherings of unmasked groups sitting in close proximity without incident. At the same time, people of color throughout the city have been harassed, summonsed, and arrested at significantly higher rates for the same types of COVID-19 related violations.

To better understand the disproportionate impacts of the NYPD's COVID-19 related enforcement, the Legal Aid Society analyzed social distancing complaints made through 311 between March 28 and May 12², COVID-19 related summonses reported by the NYPD between March 16 and May 5³, and internally-tracked COVID-19 related arrests that took place between March 27 and May 2.⁴

Although the official data released by the city is limited and incomplete,⁵ the data that is available demonstrates the disproportionate impacts of the NYPD's pandemic policing on Black and Latino New Yorkers. As the city continues to report on its fight against the coronavirus, the mayor should encourage greater transparency and

¹ Compare Chaya Crowder, *White privilege is on full display as people overcrowd NYC parks*, The Grio (May 4, 2020), <https://thegrio.com/2020/05/04/white-privilege-crowded-parks-nyc/> with Kim Bellware, *Violent arrest in New York raises questions about police enforcement of social distancing orders*, Wash. Post (May 5, 2020 at 5:39 PM), <https://www.washingtonpost.com/nation/2020/05/05/donni-wright-nyc-arrest/>. See also Ashley Southall, *Scrutiny of Social-Distance Policing as 35 of 40 Arrested Are Black*, N.Y. Times (May 7, 2020), <https://www.nytimes.com/2020/05/07/nyregion/nypd-social-distancing-race-coronavirus.html>.

² NYC Open Data, *311 Service Requests from 2010 to Present*, <https://data.cityofnewyork.us/Social-Services/311-Service-Requests-from-2010-to-Present/erm2-nwe9> (last visited May 18, 2020). See Appendix 1 for a full list of 311 social distancing calls and responses by precinct.

³ NYPD, *COVID-19 Summons Breakdown 03-16-2020 to 05-05-2020, Summonses by Pct*, obtained by and on file with the Legal Aid Society.

⁴ For the full data set used in this analysis, including NYC Open Data, *311 Service Requests from 2010 to Present*, NYPD, *COVID-19 Summons Breakdown 03-16-2020 to 05-05-2020, Summonses by Pct*, and internally-tracked COVID-19 related arrests, see The Legal Aid Society, *Covid-enforcement*, <https://gitlab.com/legalaidnyc/cap/covid-enforcement> (last visited May 19, 2020). See also Appendix 2 for a list of 311 social distancing calls, NYPD summonses, and internally-tracked COVID-19 arrests.

⁵ To date, the NYPD has only issued COVID-19 related enforcement data twice: patrol borough-level data on arrests, covering March 16 to May 10, and precinct-level data on summonses, covering March 16 to May 5. The data that the NYPD released includes an overly broad definition of "COVID-19 Related Arrests" while also failing to include social-distancing enforcement reported in 311 data and in videos posted to social media.

accountability in policing by directing the NYPD to publish demographic and precinct-level information on every summons and arrest related to COVID-19 on a weekly basis, along with a more transparent definition of what constitutes a COVID-19 related arrest.

The Legal Aid Society will continue to advocate for all of its clients by monitoring public and internally tracked data on this issue and demanding greater transparency and accountability from the NYPD.

Summary of Findings

- Of the 32,293 social distancing 311 complaints analyzed by the Legal Aid Society⁶, slightly less than half (46.2%) of the complaints concerned violations in majority Black and Latino precincts.
- Four of the five precincts that received the most social distancing complaints through 311 were in neighborhoods that are not majority Black or Latino.
- Four of the five precincts with the most COVID-19 related arrests and summonses for which the Legal Aid Society was able to identify a precinct were in neighborhoods that are majority Black or Latino.
- 78.9% of COVID-19 related summonses and 74.1% of COVID-19 related arrests for which the Legal Aid Society was able to identify a precinct occurred in majority Black or Latino precincts.
- 18 of the 20 precincts with the highest rates of known COVID-19 related arrests or summonses per 10,000 people occurred in majority Black or Latino precincts.
- Over the time period reviewed, NYPD responses to 311 complaints for social distancing violations were considerably more likely to result in a summons or arrest in majority Black or Latino precincts.

⁶ The universe of 311 complaints analyzed by the Legal Aid Society met the following criteria: complaint made between March 28, 2020 to May 12, 2020; complaint in regards to social distancing; complaint status marked as “closed”; and complaint included longitude and latitude data. A small number of complaints were filtered out during spatial processing. The 32,293 complaints analyzed here comprise 98.5% of all social distancing 311 complaints made during this time period.

Social Distancing Complaints Are Not Concentrated in Majority Black or Latino Neighborhoods⁷

Precincts Receiving the Most 311 SD Complaints

| Precinct | Neighborhoods | Total 311 SD Complaints |
|----------|------------------------------------|-------------------------|
| 114 | Astoria, Long Island City (north) | 1,197 |
| 66 | Borough Park, Kensington | 953 |
| 90 | Williamsburg | 886 |
| 34* | Washington Heights (north), Inwood | 790 |
| 19 | Upper East Side | 786 |

Source: NYC OpenData Portal, March 28 – May 12; NYCLU

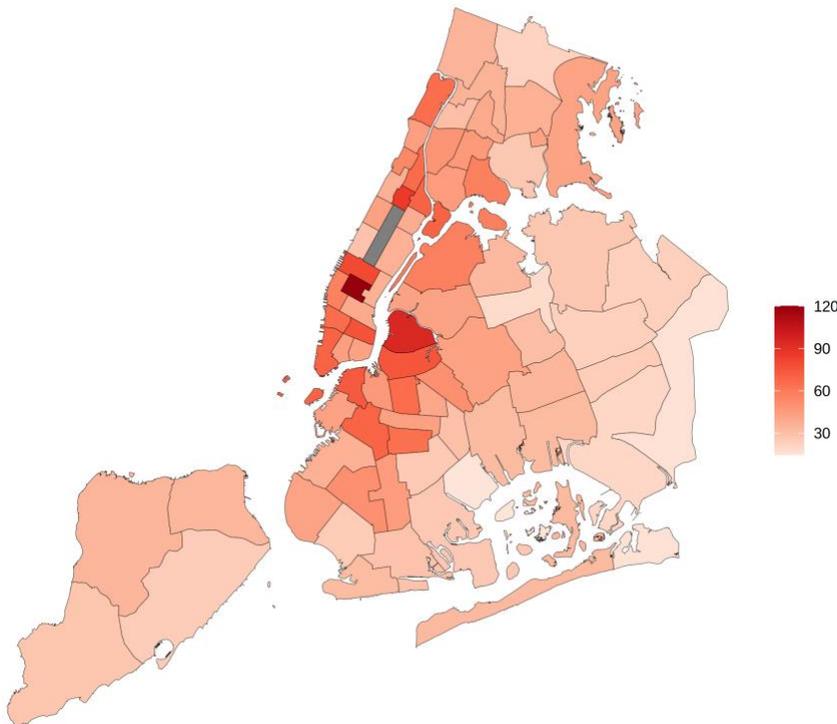
Distribution of 311 SD Complaints

| Complaint Location | Total 311 SD Complaints |
|--|-------------------------|
| Not Majority Black or Latino precincts | 17,376 (53.8%) |
| Majority Black or Latino precincts | 14,917 (46.2%) |
| Total | 32,293 (100%) |

Source: NYC OpenData Portal, March 28 – May 12; NYCLU

* indicates majority Black or Latino precinct

311: Social distancing complaints, per 10,000 residents
March 28 - May 12, 2020



Sources: NYC Open Data, NYCLU

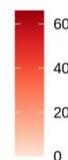
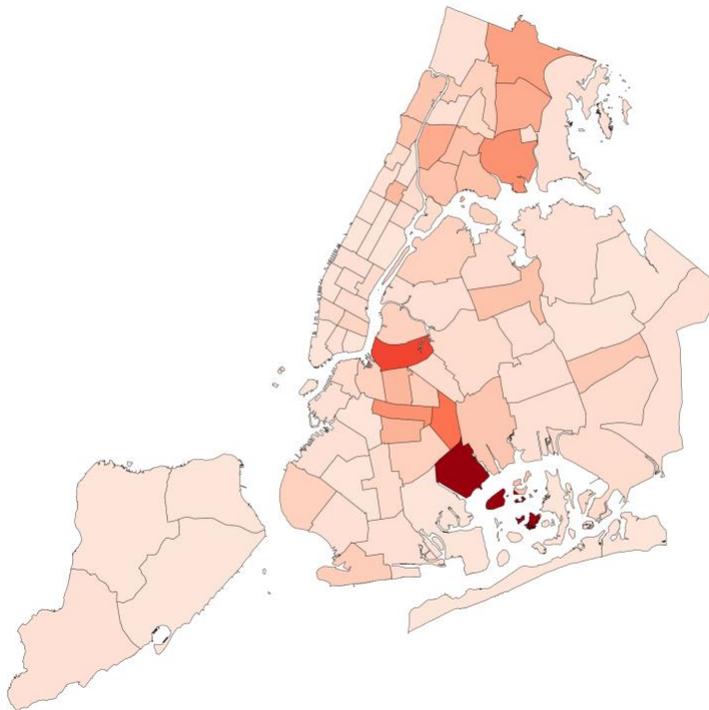
The number of 311 complaints reported in each NYPD precinct vary widely, but are roughly equally distributed between majority Black and Latino precincts and not majority Black and Latino precincts.

Among the five precincts with the most 311 social distancing complaints, only the 34th precinct, encompassing Inwood and parts of Washington Heights, is inhabited by predominantly Black and Latino residents.

⁷ Precinct designations as “majority Black or Latino” or “not majority Black or Latino” are based on the New York Civil Liberties Union’s (NYCLU) mapping of census blocks to precincts. New York Civil Liberties Union, *Stop-and-Frisk in the de Blasio Era*, (March 2019), https://www.nyclu.org/sites/default/files/field_documents/20190314_nyclu_stopfrisk_singles.pdf

NYPD’s COVID-19 Related Summonses and Arrests Disproportionately Occur In Neighborhoods of Color

Social distancing: Summonses + Arrests
March 28 - May 12, 2020



The precincts receiving the highest number of social distancing 311 complaints are, for the most part, not the same precincts where adverse enforcement action is taking place. Of the 426 summonses and arrests that the Legal Aid Society was able to assign to a precinct, 78.6% were in majority Black or Latino precincts.

Additionally, four of the five NYPD precincts that have received the most COVID-19 related summonses are predominantly inhabited by Black and Latino New Yorkers. Our analysis found that 18 of the 20 precincts with the highest levels of COVID-19 summonses and arrests per 10,000 people are majority Black and Latino.

Sources: NYC Open Data, NYPD, Legal Aid Society

Distribution of COVID-19 Related Arrests and Summonses

| Complaint Location | Total Known COVID-19 Related Summonses ⁸ | Total Known COVID-19 Related Arrests ⁹ | Total Known COVID-19 Related Summonses + Arrests |
|--|---|---|--|
| Not Majority Black or Latino precincts | 84 (21.1%) | 7 (25.9%) | 91 (21.4%) |
| Majority Black or Latino precincts | 315 (78.9%) | 20 (74.1%) | 335 (78.6%) |
| Total | 399 (100%) | 27 (100%) | 426 (100%) |

Source: NYC OpenData Portal, March 28 – May 12; NYCLU; NYPD; Legal Aid Society

⁸ Figures reporting “Total Known COVID-19 Related Summonses” include those reported at the precinct-level by NYPD, *see supra* note 3, plus any summonses reported in the 311 data *see supra* note 2, for precincts where NYPD did not report a summons in its data release.

⁹ Figures reporting “Total Known COVID-10 Related Arrests” include those reported in the 311 data, *see supra* note 2, and arrests tracked internally by the Legal Aid Society. The Legal Aid Society was unable to map all 125 COVID-19 related arrests reported by the NYPD because they were not provided at the precinct level.

NYPD's COVID-19 Related Enforcement Disproportionately Takes Place in Communities of Color (continued)

Precincts with Highest Levels of COVID-19 Related Arrests and Summonses

| Precinct | Neighborhoods | Total Known COVID-19 Related Summonses | Total Known COVID-19 Related Arrests | Total Known COVID-19 Related Summonses + Arrests |
|----------|---|--|--------------------------------------|--|
| 69* | Canarsie | 66 | 0 | 66 |
| 90 | Williamsburg | 39 | 3 | 42 |
| 73* | Brownsville, Ocean Hill | 28 | 3 | 31 |
| 43* | Soundview, Parkchester | 21 | 1 | 22 |
| 77* | Crown Heights (north), Prospect Heights | 22 | 0 | 22 |

Source: NYC OpenData Portal, March 28 – May 12; NYCLU; NYPD; Legal Aid Society

* indicates majority Black or Latino precinct

NYPD Response to 311 Calls Disproportionately Results in Summons and Arrest in Majority Black and Latino Precincts¹⁰

311 social distancing complaints responded¹¹ to by the NYPD have resulted in a summons or arrest at disproportionate rates in majority Black or Latino precincts compared to other precincts. This is the case despite the fact that these majority Black and Latino precincts had, overall, lower numbers of overall 311 social distancing complaints and 311 social distancing complaints to which the NYPD responded.

Precincts with Highest Rates of Arrests and Summonses per NYPD Action on 311 SD Calls

| Precinct | Neighborhoods | 311 SD Complaints | 311 SD Complaints Responded to by NYPD | 311 SD Responses Resulting in Summons or Arrest | % of NYPD Responses Resulting in Arrest |
|----------|--|-------------------|--|---|---|
| 71* | Crown Heights (south), Lefferts Garden | 641 | 394 | 13 | 3.3% |
| 69* | Canarsie | 125 | 64 | 2 | 3.12% |
| 43* | Soundview, Parkchester | 475 | 217 | 6 | 2.76% |
| 67* | East Flatbush | 411 | 218 | 5 | 2.29% |
| 52* | Bedford Park, Fordham (north), Norwood | 493 | 243 | 5 | 2.06% |

Source: NYC OpenData Portal, March 28 – May 12; NYCLU

* indicates majority Black or Latino precinct

¹⁰ The calculations in this section are based solely on 311 data, *see supra* note 2, and do not include arrests and summonses data provided by the NYPD or independently tracked by the Legal Aid Society.

¹¹ When 311 complaints are resolved, the City updates the complaint with a resolution description such as “The Police Department responded to the complaint and took action to fix the condition.” For purposes of this report, we refer to resolutions indicating that the NYPD went to the scene and took action as “responded”. This includes “The Police Department responded to the complaint and took action to fix the condition”; “The Police Department made an arrest in response to the complaint”; and “The Police Department issued a summons in response to the complaint.” See Appendix 3 for a full list of 311 complaint resolutions.

NYPD Response to 311 Calls Disproportionately Results in Summons and Arrest in Majority Black and Latino Precincts (continued)

In contrast, the five precincts in which NYPD responded to the most 311 complaints have issued social-distancing related summonses and made arrests arising from social distancing enforcement¹² at significantly lower rates. Four out of these five precincts with the highest number of 311 responses are not majority Black or Latino.

Precincts with Highest Number of NYPD Actions in Response to 311 SD Calls

| Precinct | Neighborhoods | 311 SD Complaints | 311 SD Complaints Responded to by NYPD | 311 SD Responses Resulting in Summons or Arrest | % of NYPD Responses Resulting in Arrest |
|----------|-------------------------------------|-------------------|--|---|---|
| 114 | Astoria, Long Island City (north) | 1197 | 461 | 1 | .22% |
| 66 | Borough Park, Kensington | 953 | 449 | 0 | 0% |
| 90 | Williamsburg | 886 | 434 | 6 | 1.38% |
| 109 | Flushing, Bay Terrace | 674 | 418 | 0 | 0% |
| 45* | Throgs Neck, Co-op City, Pelham Bay | 530 | 400 | 0 | 0% |

Source: NYC OpenData Portal, March 28 – May 12; NYCLU

Conclusion

While the publicly available data on NYPD’s COVID-19 related enforcement is limited, the data that is available makes it clear: Black and Latino New Yorkers are experiencing more aggressive enforcement of social distancing rules despite the roughly equal distribution of 311 social distancing complaints.

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¹² While failure to maintain a 6-foot distance from others in public is not an arrestable offense, police encounters that started as social distancing enforcement have led to arrests for criminal charges including disorderly conduct and obstructing governmental administration.

Appendix 1: 311 Social Distancing Calls by Precinct

| Precinct | Neighborhood | Racial/Ethnic Majority | Total 311 Calls | Total 311 Calls Responded to by NYPD | Summonses (from 311 Calls) | Arrests (from 311 Calls) | Total Summonses and Arrests (from 311 Calls) | % of Calls Responded to by NYPD Resulting in Summons or Arrest |
|----------|---|------------------------|-----------------|--------------------------------------|----------------------------|--------------------------|--|--|
| 71 | Crown Heights (south), Lefferts Gardens | Black or Latino | 641 | 394 | 12 | 1 | 13 | 3.30% |
| 69 | Canarsie | Black or Latino | 125 | 64 | 2 | 0 | 2 | 3.12% |
| 43 | Soundview, Parkchester | Black or Latino | 475 | 217 | 5 | 1 | 6 | 2.76% |
| 67 | East Flatbush | Black or Latino | 411 | 218 | 5 | 0 | 5 | 2.29% |
| 52 | Bedford Park, Fordham (north), Norwood | Black or Latino | 493 | 243 | 5 | 0 | 5 | 2.06% |
| 73 | Brownsville, Ocean Hill | Black or Latino | 263 | 153 | 0 | 3 | 3 | 1.96% |
| 77 | Crown Heights (north), Prospect Heights | Black or Latino | 410 | 178 | 3 | 0 | 3 | 1.69% |
| 81 | BedStuy (east) | Black or Latino | 263 | 134 | 1 | 1 | 2 | 1.49% |
| 90 | Williamsburg | other | 886 | 434 | 3 | 3 | 6 | 1.38% |
| 41 | Hunts Point | Black or Latino | 304 | 150 | 2 | 0 | 2 | 1.33% |
| 14 | Midtown South, Times Square, Garment District | other | 246 | 80 | 0 | 1 | 1 | 1.25% |
| 123 | Tottenville, Rossville | other | 277 | 81 | 1 | 0 | 1 | 1.23% |
| 28 | Central Harlem (south) | Black or Latino | 389 | 175 | 1 | 1 | 2 | 1.14% |
| 33 | Washington Heights (south) | Black or Latino | 363 | 184 | 2 | 0 | 2 | 1.09% |
| 26 | Morningside Heights | other | 176 | 107 | 1 | 0 | 1 | 0.93% |
| 6 | Greenwich Village, SoHo | other | 369 | 129 | 0 | 1 | 1 | 0.78% |
| 50 | Riverdale, Fieldston, Kingsbridge | Black or Latino | 363 | 139 | 1 | 0 | 1 | 0.72% |
| 18 | Midtown, Theatre District | other | 410 | 150 | 1 | 0 | 1 | 0.67% |
| 105 | Queens Village, Rosedale | Black or Latino | 294 | 150 | 1 | 0 | 1 | 0.67% |
| 30 | Manhattanville, West Harlem, Hamilton Heights | Black or Latino | 312 | 153 | 1 | 0 | 1 | 0.65% |
| 47 | Eastchester, Wakefield, Williamsbridge | Black or Latino | 353 | 153 | 1 | 0 | 1 | 0.65% |
| 25 | East Harlem (north) | Black or Latino | 328 | 173 | 1 | 0 | 1 | 0.58% |
| 102 | Richmond Hill, Woodhaven, Ozone Park (north) | other | 485 | 193 | 1 | 0 | 1 | 0.52% |
| 34 | Washington Heights (north), Inwood | Black or Latino | 790 | 397 | 1 | 1 | 2 | 0.50% |
| 42 | Morrisania, Crotona Park East | Black or Latino | 378 | 203 | 1 | 0 | 1 | 0.49% |
| 72 | Sunset Park, Windsor Terrace | other | 452 | 228 | 1 | 0 | 1 | 0.44% |
| 61 | Sheepshead Bay | other | 515 | 261 | 1 | 0 | 1 | 0.38% |

| | | | | | | | | |
|-----|---|-----------------|------|-----|---|---|---|-------|
| 68 | Bay Ridge, Dyker Heights | other | 494 | 266 | 1 | 0 | 1 | 0.38% |
| 104 | Ridgewood, Middle Village, Glendale | other | 666 | 264 | 1 | 0 | 1 | 0.38% |
| 108 | Long Island City (south), Sunnyside, Woodside | other | 550 | 268 | 1 | 0 | 1 | 0.37% |
| 75 | East New York, Starret City | Black or Latino | 603 | 313 | 1 | 0 | 1 | 0.32% |
| 83 | Bushwick | Black or Latino | 583 | 315 | 1 | 0 | 1 | 0.32% |
| 70 | Flatbush, Ditmas Park | Black or Latino | 688 | 389 | 1 | 0 | 1 | 0.26% |
| 114 | Astoria, Long Island City (north), Rikers Island | other | 1197 | 461 | 0 | 1 | 1 | 0.22% |
| 1 | Financial District, TriBeCa | other | 419 | 148 | 0 | 0 | 0 | 0.00% |
| 5 | Chinatown, Little Italy | other | 225 | 79 | 0 | 0 | 0 | 0.00% |
| 7 | Lower East Side | other | 242 | 131 | 0 | 0 | 0 | 0.00% |
| 9 | East Village | other | 582 | 290 | 0 | 0 | 0 | 0.00% |
| 10 | Chelsea | other | 291 | 109 | 0 | 0 | 0 | 0.00% |
| 13 | Gramercy, Stuyvesant Town | other | 367 | 135 | 0 | 0 | 0 | 0.00% |
| 17 | Kipps Bay, Murray Hill, Turtle Bay | other | 272 | 90 | 0 | 0 | 0 | 0.00% |
| 19 | Upper East Side | other | 786 | 292 | 0 | 0 | 0 | 0.00% |
| 20 | Upper West Side (south) | other | 305 | 128 | 0 | 0 | 0 | 0.00% |
| 22 | Central Park | other | 160 | 85 | 0 | 0 | 0 | 0.00% |
| 23 | East Harlem (south) | Black or Latino | 282 | 132 | 0 | 0 | 0 | 0.00% |
| 24 | Upper West Side (north) | other | 443 | 140 | 0 | 0 | 0 | 0.00% |
| 32 | Central Harlem (north) | Black or Latino | 483 | 258 | 0 | 0 | 0 | 0.00% |
| 40 | Mott Haven, Melrose | Black or Latino | 416 | 209 | 0 | 0 | 0 | 0.00% |
| 44 | Concourse, Highbridge | Black or Latino | 714 | 353 | 0 | 0 | 0 | 0.00% |
| 45 | Throgs Neck, Co-op City, Pelham Bay | Black or Latino | 530 | 400 | 0 | 0 | 0 | 0.00% |
| 46 | University Heights, Morris Heights, Fordham (south) | Black or Latino | 408 | 207 | 0 | 0 | 0 | 0.00% |
| 48 | East Tremont, Belmont | Black or Latino | 305 | 204 | 0 | 0 | 0 | 0.00% |
| 49 | Pelham Parkway, Morris Park, Bronxdale | Black or Latino | 405 | 180 | 0 | 0 | 0 | 0.00% |
| 60 | Coney Island, Brighton Beach | other | 324 | 200 | 0 | 0 | 0 | 0.00% |
| 62 | Bensonhurst | other | 458 | 143 | 0 | 0 | 0 | 0.00% |
| 63 | Mill Basin, Flatlands | Black or Latino | 287 | 147 | 0 | 0 | 0 | 0.00% |
| 66 | Borough Park, Kensington | other | 953 | 449 | 0 | 0 | 0 | 0.00% |
| 76 | Red Hook, Carroll Gardens | other | 184 | 98 | 0 | 0 | 0 | 0.00% |

| | | | | | | | | |
|-----|---|-----------------|-----|-----|---|---|---|-------|
| 78 | Park Slope, Prospect Park | other | 425 | 196 | 0 | 0 | 0 | 0.00% |
| 79 | BedStuy (west) | Black or Latino | 593 | 243 | 0 | 0 | 0 | 0.00% |
| 84 | Brooklyn Heights, DUMBO, Boerum Hill | other | 360 | 139 | 0 | 0 | 0 | 0.00% |
| 88 | Fort Greene, Clinton Hill | Black or Latino | 233 | 97 | 0 | 0 | 0 | 0.00% |
| 94 | Greenpoint | other | 514 | 262 | 0 | 0 | 0 | 0.00% |
| 100 | Rockaway, Broad Channel | other | 161 | 76 | 0 | 0 | 0 | 0.00% |
| 101 | Far Rockaway | Black or Latino | 106 | 59 | 0 | 0 | 0 | 0.00% |
| 103 | Jamaica (south), Hollis | Black or Latino | 258 | 129 | 0 | 0 | 0 | 0.00% |
| 106 | Ozone Park (south), Howard Beach | other | 394 | 159 | 0 | 0 | 0 | 0.00% |
| 107 | Jamaica (north), Fresh Meadows, Hillcrest | other | 337 | 151 | 0 | 0 | 0 | 0.00% |
| 109 | Flushing, Bay Terrace | other | 674 | 418 | 0 | 0 | 0 | 0.00% |
| 110 | Elmhurst, South Corona | Black or Latino | 322 | 165 | 0 | 0 | 0 | 0.00% |
| 111 | Bayside, Douglaston, Little Neck | other | 265 | 117 | 0 | 0 | 0 | 0.00% |
| 112 | Forest Hills, Rego Park | other | 365 | 152 | 0 | 0 | 0 | 0.00% |
| 113 | St. Albans, Springfield Gardens | Black or Latino | 242 | 135 | 0 | 0 | 0 | 0.00% |
| 115 | Jackson Heights | Black or Latino | 504 | 212 | 0 | 0 | 0 | 0.00% |
| 120 | West Brighton, Rosebank | other | 381 | 184 | 0 | 0 | 0 | 0.00% |
| 121 | New Springville, Elm Park | other | 412 | 235 | 0 | 0 | 0 | 0.00% |
| 122 | New Dorp, Great Kills | other | 354 | 125 | 0 | 0 | 0 | 0.00% |

Appendix 2: 311 Calls, NYPD Reports, and Internally-tracked COVID-19 Enforcement Data by Precinct

| Precinct | Neighborhood | Racial/Ethnic Majority | Total 311 Calls | Total 311 Calls Responded to by NYPD | COVID-19 Related Summonses, from 311 and NYPD Data | COVID-19 Related Arrests, from 311 and Legal Aid Data | COVID-19 Related Summonses & Arrests |
|----------|--|------------------------|-----------------|--------------------------------------|--|---|--------------------------------------|
| 69 | Canarsie | Black or Latino | 125 | 64 | 66 | 0 | 66 |
| 90 | Williamsburg | other | 886 | 434 | 39 | 3 | 42 |
| 73 | Brownsville, Ocean Hill | Black or Latino | 263 | 153 | 28 | 3 | 31 |
| 43 | Soundview, Parkchester | Black or Latino | 475 | 217 | 21 | 1 | 22 |
| 77 | Crown Heights (north), Prospect Heights | Black or Latino | 410 | 178 | 22 | 0 | 22 |
| 47 | Eastchester, Wakefield, Williamsbridge | Black or Latino | 353 | 153 | 18 | 0 | 18 |
| 44 | Concourse, Highbridge | Black or Latino | 714 | 353 | 15 | 0 | 15 |
| 49 | Pelham Parkway, Morris Park, Bronxdale | Black or Latino | 405 | 180 | 15 | 0 | 15 |
| 71 | Crown Heights (south), Lefferts Gardens | Black or Latino | 641 | 394 | 12 | 1 | 13 |
| 79 | BedStuy (west) | Black or Latino | 593 | 243 | 10 | 2 | 12 |
| 28 | Central Harlem (south) | Black or Latino | 389 | 175 | 10 | 1 | 11 |
| 33 | Washington Heights (south) | Black or Latino | 363 | 184 | 9 | 0 | 9 |
| 40 | Mott Haven, Melrose | Black or Latino | 416 | 209 | 9 | 0 | 9 |
| 41 | Hunts Point | Black or Latino | 304 | 150 | 6 | 3 | 9 |
| 42 | Morrisania, Crotona Park East | Black or Latino | 378 | 203 | 7 | 2 | 9 |
| 110 | Elmhurst, South Corona | Black or Latino | 322 | 165 | 8 | 1 | 9 |
| 34 | Washington Heights (north), Inwood | Black or Latino | 790 | 397 | 7 | 1 | 8 |
| 75 | East New York, Starret City | Black or Latino | 603 | 313 | 8 | 0 | 8 |
| 103 | Jamaica (south), Hollis | Black or Latino | 258 | 129 | 7 | 0 | 7 |
| 60 | Coney Island, Brighton Beach | other | 324 | 200 | 6 | 0 | 6 |
| 81 | BedStuy (east) | Black or Latino | 263 | 134 | 2 | 4 | 6 |
| 52 | Bedford Park, Fordham (north), Norwood | Black or Latino | 493 | 243 | 5 | 0 | 5 |
| 67 | East Flatbush | Black or Latino | 411 | 218 | 5 | 0 | 5 |
| 68 | Bay Ridge, Dyker Heights | other | 494 | 266 | 5 | 0 | 5 |
| 88 | Fort Greene, Clinton Hill | Black or Latino | 233 | 97 | 5 | 0 | 5 |
| 94 | Greenpoint | other | 514 | 262 | 5 | 0 | 5 |
| 114 | Astoria, Long Island City (north), Rikers Island | other | 1197 | 461 | 3 | 2 | 5 |

| | | | | | | | |
|-----|---|-----------------|-----|-----|---|---|---|
| 9 | East Village | other | 582 | 290 | 4 | 0 | 4 |
| 48 | East Tremont, Belmont | Black or Latino | 305 | 204 | 3 | 0 | 3 |
| 6 | Greenwich Village, SoHo | other | 369 | 129 | 1 | 1 | 2 |
| 13 | Gramercy, Stuyvesant Town | other | 367 | 135 | 2 | 0 | 2 |
| 17 | Kipps Bay, Murray Hill, Turtle Bay | other | 272 | 90 | 2 | 0 | 2 |
| 23 | East Harlem (south) | Black or Latino | 282 | 132 | 2 | 0 | 2 |
| 25 | East Harlem (north) | Black or Latino | 328 | 173 | 1 | 1 | 2 |
| 30 | Manhattanville, West Harlem, Hamilton Heights | Black or Latino | 312 | 153 | 2 | 0 | 2 |
| 70 | Flatbush, Ditmas Park | Black or Latino | 688 | 389 | 2 | 0 | 2 |
| 83 | Bushwick | Black or Latino | 583 | 315 | 2 | 0 | 2 |
| 84 | Brooklyn Heights, DUMBO, Boerum Hill | other | 360 | 139 | 2 | 0 | 2 |
| 104 | Ridgewood, Middle Village, Glendale | other | 666 | 264 | 2 | 0 | 2 |
| 113 | St. Albans, Springfield Gardens | Black or Latino | 242 | 135 | 2 | 0 | 2 |
| 115 | Jackson Heights | Black or Latino | 504 | 212 | 2 | 0 | 2 |
| 5 | Chinatown, Little Italy | other | 225 | 79 | 1 | 0 | 1 |
| 14 | Midtown South, Times Square, Garment District | other | 246 | 80 | 0 | 1 | 1 |
| 18 | Midtown, Theatre District | other | 410 | 150 | 1 | 0 | 1 |
| 26 | Morningside Heights | other | 176 | 107 | 1 | 0 | 1 |
| 45 | Throgs Neck, Co-op City, Pelham Bay | Black or Latino | 530 | 400 | 1 | 0 | 1 |
| 46 | University Heights, Morris Heights, Fordham (south) | Black or Latino | 408 | 207 | 1 | 0 | 1 |
| 50 | Riverdale, Fieldston, Kingsbridge | Black or Latino | 363 | 139 | 1 | 0 | 1 |
| 61 | Sheepshead Bay | other | 515 | 261 | 1 | 0 | 1 |
| 62 | Bensonhurst | other | 458 | 143 | 1 | 0 | 1 |
| 72 | Sunset Park, Windsor Terrace | other | 452 | 228 | 1 | 0 | 1 |
| 76 | Red Hook, Carroll Gardens | other | 184 | 98 | 1 | 0 | 1 |
| 102 | Richmond Hill, Woodhaven, Ozone Park (north) | other | 485 | 193 | 1 | 0 | 1 |
| 105 | Queens Village, Rosedale | Black or Latino | 294 | 150 | 1 | 0 | 1 |
| 106 | Ozone Park (south), Howard Beach | other | 394 | 159 | 1 | 0 | 1 |
| 108 | Long Island City (south), Sunnyside, Woodside | other | 550 | 268 | 1 | 0 | 1 |
| 109 | Flushing, Bay Terrace | other | 674 | 418 | 1 | 0 | 1 |
| 112 | Forest Hills, Rego Park | other | 365 | 152 | 1 | 0 | 1 |
| 123 | Tottenville, Rossville | other | 277 | 81 | 1 | 0 | 1 |

| | | | | | | | |
|-----|---|-----------------|-----|-----|---|---|---|
| 1 | Financial District, TriBeCa | other | 419 | 148 | 0 | 0 | 0 |
| 7 | Lower East Side | other | 242 | 131 | 0 | 0 | 0 |
| 10 | Chelsea | other | 291 | 109 | 0 | 0 | 0 |
| 19 | Upper East Side | other | 786 | 292 | 0 | 0 | 0 |
| 20 | Upper West Side (south) | other | 305 | 128 | 0 | 0 | 0 |
| 22 | Central Park | other | 160 | 85 | 0 | 0 | 0 |
| 24 | Upper West Side (north) | other | 443 | 140 | 0 | 0 | 0 |
| 32 | Central Harlem (north) | Black or Latino | 483 | 258 | 0 | 0 | 0 |
| 63 | Mill Basin, Flatlands | Black or Latino | 287 | 147 | 0 | 0 | 0 |
| 66 | Borough Park, Kensington | other | 953 | 449 | 0 | 0 | 0 |
| 78 | Park Slope, Prospect Park | other | 425 | 196 | 0 | 0 | 0 |
| 100 | Rockaway, Broad Channel | other | 161 | 76 | 0 | 0 | 0 |
| 101 | Far Rockaway | Black or Latino | 106 | 59 | 0 | 0 | 0 |
| 107 | Jamaica (north), Fresh Meadows, Hillcrest | other | 337 | 151 | 0 | 0 | 0 |
| 111 | Bayside, Douglaston, Little Neck | other | 265 | 117 | 0 | 0 | 0 |
| 120 | West Brighton, Rosebank | other | 381 | 184 | 0 | 0 | 0 |
| 121 | New Springville, Elm Park | other | 412 | 235 | 0 | 0 | 0 |
| 122 | New Dorp, Great Kills | other | 354 | 125 | 0 | 0 | 0 |

Appendix 3: 311 Social Distancing Call Resolutions

- The Police Department issued a summons in response to the complaint.
- The Police Department made an arrest in response to the complaint.
- The Police Department responded and upon arrival those responsible for the condition were gone.
- The Police Department responded to the complaint and a report was prepared.
- The Police Department responded to the complaint and determined that police action was not necessary.
- The Police Department responded to the complaint and took action to fix the condition.
- The Police Department responded to the complaint and with the information available observed no evidence of the violation at that time.
- The Police Department responded to the complaint but officers were unable to gain entry into the premises.
- The Police Department reviewed your complaint and provided additional information below.
- This complaint does not fall under the Police Department's jurisdiction.
- Your request can not be processed at this time because of insufficient contact information. Please create a new Service Request on NYC.gov :

Resolutions coded as “response” for purposes of our analysis include:

The Police Department issued a summons in response to the complaint.

The Police Department made an arrest in response to the complaint.

The Police Department responded to the complaint and took action to fix the condition.