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LDF Files Amicus Brief in Case Involving Police Officer Holding Black Man at Gunpoint

Today, the [Legal Defense Fund](#) (LDF) filed an [amicus brief](#) in *Cerisier v. City of New York*, in which New York City Police Department (NYPD) officer Saurabh Shah stopped and held motorist James Cerisier at gunpoint for a minor traffic infraction. Officer Shah acknowledged that Mr. Cerisier did nothing to behave more dangerously than any of the dozen other drivers that Officer Shah stopped that morning. Yet Officer Shah testified that he immediately assumed that Mr. Cerisier, the one Black motorist that he pulled over, could have been “a criminal, a murderer, a robber.”

Mr. Cerisier sued Officer Shah for using excessive force. The District Court agreed that Officer Shah was not justified in drawing his firearm, but nonetheless granted Officer Shah qualified immunity. The Court held that a reasonable officer could have believed he was entitled to draw and point a gun at a person for no reason so long as he did not shoot them. Mr. Cerisier has appealed that determination to the Second Circuit Court of Appeals.

LDF’s brief argues that the District Court erred in its reasoning by ignoring the serious psychological and emotional damage individuals who are threatened with guns experience. The brief draws on LDF’s work as class counsel in *Davis v. City of New York* to highlight just how acute that trauma is for Black and Latinx New Yorkers. The brief finally argues that Mr. Cerisier’s experience is tragically emblematic of the broader risks faced by Black communities during traffic stops, citing recent data published by the NYPD itself showing that Black motorists are nearly ten times more likely to be subjected to force after being stopped for traffic violations than white motorists who are stopped.

“Pointing a loaded gun directly at someone causes serious trauma to anyone. But it’s particularly traumatic for Black people, who are more likely to have police draw weapons in unjustified situations. Every single court to address the question has acknowledged that the Fourth Amendment prevents officers from holding fully compliant people at gunpoint, even if the officer does not shoot them,” said Assistant Counsel Ashok Chandran. “We urge the Court to reverse the decision to grant Officer Shah qualified immunity, and to allow Mr. Cerisier’s excessive force claims to proceed to trial.”

“This is a case of obvious profiling. With only the knowledge that James Cerisier was a Black man in a luxury car, Officer Shah assumed Mr. Cerisier was dangerous and held him at gunpoint,” said Policing Fellow Catherine Logue. “That assumption was rooted in a long history of racial bias which has led to shocking disparities in use of force—including deadly force—against Black people, and particularly Black men. The Court must not adopt a rule shielding this kind of needless escalation from review.”

Read LDF's amicus brief [here](#).

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.