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FOR IMMEDIATE RELEASE

Plaintiffs Defeat City's Motion to Dismiss in Litigation Challenging the NYPD's Unconstitutional Gang Database

(NEW YORK, NY) — The Legal Aid Society, the Legal Defense Fund (LDF), The Bronx Defenders, LatinoJustice PRLDEF, and the law firm Ballard Spahr [defeated](#) the City's motion to dismiss litigation brought last April challenging the New York City Police Department's (NYPD) racially disparate targeting, surveillance, and criminalization of tens of thousands of Black and Latino New Yorkers through its use of the Criminal Group Database, widely known as the Gang Database.

In the court's decision, U.S. District Judge Brian M. Cogan wrote, "So long as the Database exists and so long as plaintiffs are in it, it is plausible that they will continue to be harmed by the police," in denying the City's motion to dismiss.

"The court's decision affirms what our clients have long known: the NYPD's Gang Database fuels ongoing harm rooted in racial discrimination," said **Rigodis Appling, Staff Attorney in the Special Litigation Unit & Community Justice Unit at The Legal Aid Society**. "This system operates without transparency or accountability, sweeping thousands of Black and Latino New Yorkers into a web of surveillance and criminalization with devastating consequences. We will continue to fight to dismantle this database and to ensure that the people and community we serve are no longer punished simply for who they are, what they wear, or where they live."

"The court has halted the NYPD's attempts to evade accountability and rightfully recognized the dangers the gang database poses to Black and Latino New Yorkers," said **Kevin E. Jason, LDF Deputy Director of Strategic Initiatives**. "For years, the NYPD has used the Gang Database to engage in surveillance practices rife with racial discrimination and a complete lack of transparency. Denying the city's motion to dismiss is a critical step towards finally ending a database that has fueled the systemic and unjust targeting of thousands of Black and Latino New Yorkers."

"This decision sends a clear message that the NYPD can't avoid responsibility for a database that harms our Black and Latino communities," said **Mariana Lopez, Equal Justice Works Fellow Sponsored by Akin Gump Strauss Hauer & Feld LLP at LatinoJustice PRLDEF**. "The Gang Database unfairly targets our people based on who they are, where they live, and who they know. We will keep fighting until this discriminatory database is abolished."

"The NYPD surveils and harasses thousands of Black and Latino New Yorkers based on the racist gang database, an illegal continuation of stop and frisk," said **Anne Venuizen, Senior Staff Attorney in the Impact Litigation Practice at The Bronx Defenders**. "The Court's decision is an important step forward in dismantling this unconstitutional database."

“This decision is one step closer towards eliminating an unconstitutional police practice and making New York a more equitable city for all residents,” said **Marjorie J. Peerce, Managing Attorney of Ballard Spahr’s New York Office**. “We are honored to partner with our co-counsel team to help bring an end to this discriminatory practice that affects thousands of New Yorkers.”

Background

The [complaint](#) outlines how the NYPD’s practices and policies related to the database almost exclusively target Black and Latino people, who comprise 99 percent of the database. Because of their entry in the database, these Black and Latino New Yorkers are surveilled, harassed, and targeted by police in ways that non-Black and non-Latino people do not experience even when engaging in similar conduct.

For years, the NYPD has racially profiled and harassed countless Black and Latino New Yorkers, some of them children, for everyday behavior, such as hanging out with their friends, walking home, liking a social media post, or simply living in public housing. People on the database are frequently stopped and arrested for low-level offenses, such as jaywalking, only to be detained and interrogated — sometimes for several hours — about activities and other individuals wholly unrelated to the underlying reason for their arrest.

The police scrutiny, harassment, and enforcement actions endured by the people on the Gang Database has drastically and negatively impacted their lives. The people placed on the NYPD’s database have been forced to limit their socializing with friends and families; avoid leaving their homes; stay away from public spaces; refrain from taking their children to local playgrounds; and make other changes in their everyday lives due to fear of elevated police targeting and harassment.

The database has long operated without transparency and accountability at the expense of the safety and security of Black and Latino New Yorkers. At the same time, there is no evidence that the Database improves public safety or reduces crime.

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The Legal Aid Society is a nonprofit law firm that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of the people we serve and helps improve our communities.

www.legalaidnyc.org

Founded in 1940, the Legal Defense Fund (LDF) is the nation’s first civil rights legal organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957, though it was founded under the leadership of Thurgood Marshall while he was at the NAACP. LDF’s Thurgood Marshall Institute (TMI) is a division of LDF that undertakes innovative research and houses LDF’s archive. In all media attributions, please refer to us as the Legal Defense Fund or LDF (do not include NAACP) and refer to the Institute as LDF’s Thurgood Marshall Institute or TMI.