

CITY OF NEW YORK
COMMISSION ON HUMAN RIGHTS

In the Matter of the Complaint of:

PICTURE THE HOMELESS, INC.,

Complainant,

- against -

NEW YORK CITY POLICE DEPARTMENT,

Respondent.

Complaint No.: M-I-J-16-1034067

VERIFIED COMPLAINT

Alexis Karteron
Jordan Wells
New York Civil Liberties Union Foundation
125 Broad Street, 19th Floor
New York, New York 10004
(212) 607-3300
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Attorneys for Complainant

Complainant Picture the Homeless, Inc., complaining of Respondent, alleges as follows:

1. Complainant Picture the Homeless, Inc. (“PTH”) is a not-for-profit, grassroots organization whose members are homeless individuals. Its business address is 104 E. 26th Street, New York, NY 10035.
2. Headquartered in East Harlem, PTH organizes homeless people to address social justice issues that affect its members, such as the availability of affordable housing and enforcement of civil rights laws. A significant number of PTH’s members live on New York City’s streets and many avoid the shelter system because of its unsafe conditions. Some PTH members have been homeless for decades, with deep roots in the interdependent street homeless community.
3. Respondent New York City Police Department (“NYPD”) is a governmental body that employs law enforcement officers, as defined by Section 14-151 of the Administrative Code of the City of New York (the “Code”). Respondent NYPD’s address for service of process is c/o Legal Bureau, One Police Plaza, Room 1406, New York, NY 10038.
4. Beginning in June 2015, the NYPD commenced a concerted effort to disrupt East Harlem’s community of street homeless people by ordering them to “move along” when they violated no laws and were merely present on streets, sidewalks, and in other public spaces. Typically, one or more NYPD officers approach homeless people and instruct them to move, saying, in sum and substance, “You have to move,” and “You can’t be here.” If the person subjected to the order refuses to comply or expresses disagreement with the order, officers often threaten or carry out arrests, ticketing, removals to psychiatric hospitals, or destruction of their property. The *New York Times* and *New York Post* have reported on the prevalence of NYPD officers issuing “move along” orders.¹
5. Dozens of PTH’s members have been subjected to the NYPD’s practice of ordering homeless people to “move along” when they are merely present on East Harlem’s streets.
6. Homeless people who gather together in public space are the most likely targets of “move along” orders, although NYPD officers sometimes approach homeless individuals who stand alone on public sidewalks or in other public spaces. Many homeless people targeted by this

¹ Nicholas Casey & Al Baker, *Homeless on East Harlem Street Feel Unwanted Pressure After Drug Raids*, N.Y. Times, (Sept. 23, 2015), available at <http://www.nytimes.com/2015/09/24/nyregion/homeless-on-east-harlem-street-feel-unwanted-pressure-after-raids.html>; Georgett Roberts, Jamie Schram & Bob Fredericks, *Cops Part Sea of Bums in Harlem Ahead of Papal Visit*, N.Y. Post, (Sept. 23, 2015), available at <http://nypost.com/2015/09/23/cops-part-the-sea-of-bums-in-harlem-ahead-of-papal-visit/>.

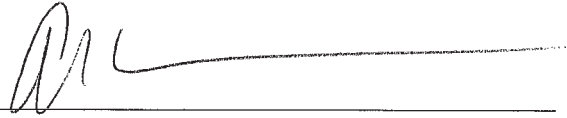
practice—with officers often calling them by name—receive numerous “move along” orders in the course of a single day and are herded from block to block without reason.

7. Although being on the receiving end of a “move along” order may sound benign, it is enormously disruptive and harmful for people who live on the street and do not have homes where they can seek respite from police attention. Moreover, there are not any drop-in centers where homeless people may use bathrooms, shower, or rest in East Harlem. Many members of East Harlem’s street homeless community provide family-like support for each other, which, for some, creates a sense of security that is not attainable in the City’s shelters, where they feel unsafe. The NYPD has systematically dismantled that community through its use of “move along” orders targeted at homeless people who do nothing more than stand, sit, rest, or gather with friends in public spaces.
8. An NYPD officer giving a “move along” order initiates a law enforcement action, as defined by Section 14-151(1) of the Code.
9. NYPD officers issuing “move along” orders and their supervisors have made statements in the presence of PTH members and staff that reveal that they are acting in a concerted effort to target homeless people, partly in response to pressure from a local merchants’ association.
10. Upon information and belief, the officers issuing “move along” orders in East Harlem are assigned to the 25th Precinct or an NYPD task force focused on policing the area around East 125th Street.
11. On or about July 10, 2015, PTH staff members approached NYPD officers who were interacting with homeless people near the Metro-North station on East 125th Street and asked whether they were removing homeless people from the plaza under the train tracks. The officers said that they were acting under orders from the Mayor’s office and that “that the Mayor wants the area cleaned up.” When PTH staff members later asked Officer Rivera, a community affairs officer from the NYPD’s 25th Precinct if there was a policy of removing homeless people from the plaza, the officer said “yes,” and that there was an “edict from the Mayor’s Office.” When pressed, he said, in sum and substance, it “wasn’t exactly an edict, but they won’t be allowed to be there, doing what they’ve been doing.”
12. On or about July 13, 2015, PTH staff member Nikita Price witnessed NYPD officers order homeless people to move along from the plaza under the Metro-North train tracks and to cross the street. When Mr. Price spoke with the officers about their actions, they told him that he would have to “speak with the person in charge” of the policy.

13. On or about July 22, 2015, officers from the NYPD's 25th Precinct approached PTH members and issued "move along" orders, telling them move from the area where they congregated near PTH's office on East 126th Street. The officers also threatened to call the Sanitation Department and have their property removed. The officers said that the Mayor's office had ordered them to take these actions.
14. On or about September 2, 2015, at the inauguration of a mural at the Metro-North train station on East 125th Street, Lynn Lewis, PTH's executive director, spoke with a community affairs officer from the NYPD's 25th Precinct. She asked whether the NYPD was telling homeless people that they had to move from the area, and the officer said "yes." The officer also said, in sum and substance, that the NYPD "had the right to tell people to move." On the same day, in another conversation between PTH members and staff and NYPD officers, an officer said that they "had orders to remove" homeless people.
15. On or about October 6, 2015, an NYPD officer approached a PTH member near PTH's office on East 126th Street and issued a "move along" order, telling him he had to move. The officer further stated, in sum and substance, "this is what they're telling us at roll call," implying that he was under direct order from his supervisor to order homeless people to move.
16. At a community meeting on November 24, 2015, Deputy Inspector Thomas Harnisch, then the commanding officer of the 25th Precinct, stated that homeless people create problems because of "people's perceptions of order or disorder."
17. Taken together, these statements make clear that the NYPD is acting with the intent of targeting homeless people when it issues "move along" orders to homeless people in East Harlem even when they are not violating any law.
18. A "FINEST message" sent to the entire NYPD on January 19, 2016 further confirms that the NYPD targets homeless people who gather together, providing instructions on how to report "hot-spots of homeless persons." It defines "hot-spots" as "outdoor locations where two or more individuals are gathered without a structure. This may include parks or other popular areas where homeless individuals convene."
19. Upon information and belief, NYPD officers in the 25th Precinct have been ordered to issue "move along" orders to homeless people in East Harlem.
20. Upon information and belief, the NYPD officers issuing the "move along" orders alleged in this complaint were motivated by the actual or perceived housing status of the people they targeted when they issued the "move along" orders.

21. Complainant charges that the NYPD engaged in bias-based profiling based on the actual or perceived housing status of Complainant's members, in violation of Section 14-151 of the Code.

Respectfully submitted,

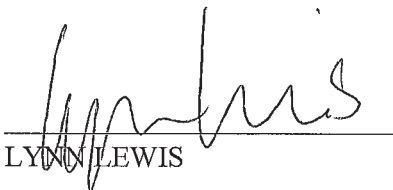


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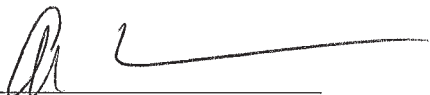
Attorneys for Complainant

VERIFICATION

Lynn Lewis, being duly sworn, deposes and says: I am the Executive Director of the Complainant herein; I have read the foregoing Complaint and know the content thereof; that the same is true of my own knowledge except as to matters therein stated on information and belief; and as to those matters, I believe the same to be true.


LYNN LEWIS

Sworn and subscribed to me
This 31st day of May 2016



Notary Public

ALEXIS B. KARTERON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02KCA6299101
Qualified in Kings County
Commission Expires 3/17/2018