

**N Y L P I**

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BELDOCK LEVINE & HOFFMAN LLP

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**On the One-Year Anniversary of NYPD Officers Shooting and Nearly Killing Him While He was in the Midst of a Mental Health Crisis, Bronx Man Sues NYPD**

*NYPD violated Raul de la Cruz's Constitutional and Civil Rights, discriminating against him based on his mental disability, national origin discrimination, and using excessive force – clearly demonstrating that NYC needs to implement an alternative mental health crisis intervention model*

*NEW YORK, March 26, 2024* – One year ago, New York City police officers opened fire on Raul de la Cruz in front of his family's Bronx apartment building while Mr. de la Cruz was in the midst of a mental health crisis. Within moments of arriving at the building, NYPD officers shot Mr. de la Cruz multiple times in his chest, abdomen, and leg, and very nearly killed him. Mr. de la Cruz's father had called NYC311 in Spanish, seeking help – not the police – for his Spanish-speaking son who has schizophrenia and was in crisis.

The NYPD officers sent to respond to Mr. de la Cruz's mental health crisis at his family's home did not speak Spanish. Worse still, the NYPD officers exacerbated the situation, doing nothing to alleviate the mental health crisis for which they were called, and causing a horrific outcome.

Following the shooting, Mr. de la Cruz was in critical condition. Doctors told his family that he had a slim chance of survival. The fact that Mr. de la Cruz is alive today is nothing short of miraculous. The injuries he sustained from multiple gunshot wounds were so extensive that he nearly died.

Mr. de la Cruz defied the odds but has permanent physical and psychological injuries from the shooting. Bullets destroyed his internal organs, perforated his intestines, broke bones, and ripped an artery in his leg. Doctors removed organs, which resulted in additional, long-term chronic health complications. Mr. de la Cruz is additionally left with a permanent mobility impairment and must use a cane to walk, among multiple other complications.

Sadly, what happened to Mr. de la Cruz is yet another in a long series of dire incidents caused by New York City's policy and practice of sending NYPD officers to address mental health crises. This approach is ineffective and can be – and has in fact been – deadly. National and local experts as well as the United States Department of Justice have concluded that relying on the police to address mental health crises is more likely to exacerbate than alleviate the mental health issues and to result in harm to people who are in need. Mr. de la Cruz's experience demonstrates these same long-standing failures by New York City and the NYPD.

On the one-year anniversary of his shooting, Raul de la Cruz filed a lawsuit in the United States District Court for the Southern District of New York against the City of New York, Mayor Eric Adams, current Police Commissioner Edward A. Caban, former Police Commissioner Keechant L. Sewell, and the NYPD officers who shot and nearly killed Mr. de la Cruz. Not one more death or near death of a New Yorker with a mental disability at the hands of the NYPD can be tolerated.

“Mental health crises are healthcare issues. New York City's practice of sending police officers as first responders is outdated, discriminatory, and too often deadly, especially for people of color. Our City must join communities across the country and around the world that have replaced police with trained health professionals and individuals with lived mental health experience when people experience a mental health crisis,” said **Marinda van Dalen, Litigation Director at New York Lawyers for the Public Interest (NYLPI)**.

In October 2021, NYLPI produced a [report](#) based on a survey of 154 New Yorkers who experienced mental health crises, which confirmed the disturbing trend that NYPD responses routinely result in violence, trauma, and undermine health care.

“Mr. de la Cruz's family sought help for his mental disability. The help the City provided was in the form of armed police officers. He deserved to be treated with dignity—the fact that he has a mental disability does not justify shooting him to the brink of death,” said **Luna Droubi, Partner at Beldock Levine & Hoffman LLP**.

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### **About New York Lawyers for the Public Interest (NYLPI)**

Founded nearly 50 years ago by leaders of the bar, New York Lawyers for the Public Interest pursues equality and justice for all New Yorkers. NYLPI works toward a New York where all people can safely thrive in their communities, with quality healthcare and housing, good schools, and environmentally sound neighborhoods. In NYLPI's vision, all New Yorkers live with dignity and independence, with the resources they need to succeed. NYLPI's community-driven approach powers its commitments to civil rights and to disability, health, immigrant, and environmental justice. NYLPI seeks lasting change through litigation, community organizing, policy advocacy, pro bono service, and education. Through its Disability Justice Program, NYLPI prioritizes advocacy on behalf of people with mental disabilities, including the reform of New York City's response to individuals experiencing mental health crises. We have successfully litigated to obtain the body-worn camera footage from the NYPD officers who shot and killed

individuals experiencing mental health crises. In late 2021, NYLPI and co-counsel filed a class action lawsuit to halt New York's practice of dispatching police to respond to mental health crises.

**About Beldock Levine & Hoffman LLP**

Beldock Levine & Hoffman LLP has been at the forefront of significant constitutional cases involving police misconduct, the First Amendment, and employment discrimination. The firm was responsible for the ground-breaking class action, *Floyd v. City of New York*, which successfully overturned the NYPD's decade-long unconstitutional stop-and-frisk policy. Other notable representations include the family of Eric Garner, members of the Exonerated Five, George Whitmore, and Rubin "Hurricane" Carter.