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For Immediate Release

Brooklyn Defenders Files Class Action Lawsuit Against NYPD Over Unlawful Property Seizure Policies and Procedures

Lawsuit Seeks New Lawful Procedures for the Return of Property

(New York, NY) – When Andrea Smith-Taylor was arrested on Christmas Eve, NYPD officers assured her that the Christmas gifts she had just bought for her children would be delivered to them. [But they never were.](#)

Ms. Smith-Taylor is one of six named plaintiffs in a [class action lawsuit](#) filed Wednesday by Brooklyn Defenders and White & Case LLP against the City of New York in the Southern District of New York, on behalf of people whose property was improperly seized, retained, sold, destroyed, or otherwise never returned by the New York Police Department (NYPD). The lawsuit seeks to end the NYPD's unlawful property seizure policies and procedures.

Each year, hundreds of thousands of New Yorkers have their property seized by the NYPD in connection with an arrest or as a witness or victim of an alleged crime. Those who try to get their belongings back face a labyrinthian system of contradictory instructions, arbitrary requirements, and dead ends across precincts, property clerk offices, and auto pounds—often only to learn their property has already been lost, sold, or destroyed.

“When I was arrested, the NYPD assured me that they would give my children the gifts I had just purchased for them for Christmas,” **said Andrea Smith-Taylor.** “That didn’t happen. Even after my case was dismissed, when I tried to get them back, the NYPD told me they had no knowledge of their whereabouts. One officer said they donated my children’s gifts to ACS [Administration for Children’s Services], but ACS had no record of that. After months of searching, I had to tell my children their Christmas presents were gone. They were devastated.” To this day, Ms. Smith-Taylor has yet to receive any of her children’s gifts or other personal property back.

Plaintiff Nygee Rogers-Green had a similar experience. He returned to the precinct the day after his arrest to retrieve his vehicle, only to find that everything inside had been removed. “The precinct staff told me they knew nothing about the items taken from my car,” he said. “I found three plastic bags full of my belongings next to a dumpster outside of the precinct. I was only able to get them back because I got to the precinct before they were thrown away.” Body-worn camera footage shows officers removing all of the items from his car—none of it invoiced by the NYPD. Many of his personal belongings, including backpacks, clothing, and sneakers, remain missing.

People lose immigration documents that can put them at risk of deportation or cost hundreds of dollars to replace. They get evicted from their homes while waiting months for the return of money

they had counted on to pay rent. They lose sentimental or heirloom jewelry, or cars they spent their life savings to purchase in the hope of expanding their job opportunities.

These are not isolated incidents. For decades, courts have repeatedly recognized that New York City's property return rules are unconstitutional, yet little has changed. In a 1972 ruling in *McClendon v. Rosetti*, the United States Court of Appeals for the Second Circuit held that the administrative code governing NYPD property seizure was unconstitutional and violated the right to due process. In the years since, New York City has repeatedly failed to bring its property seizure policies and procedures in line with judicial mandates for improved due process. New York City's property return rules continue to place the burden of retrieving property on the person seeking its return, fail to require clear notice of retrieval procedures, and lack an enforcement mechanism to ensure compliance.

Property that is not returned is typically destroyed or auctioned online to the public on PropertyRoom.com, with no notice to the rightful owner that their belongings are being liquidated. Proceeds from these sales are directed, in whole or in part, to NYPD accounts, programs, or initiatives, which creates a financial incentive for the NYPD to withhold personal property.

The scale of unreturned property is significant. Over \$9 million of currency seized by the NYPD in 2025 was never returned, and over \$12 million in 2024 was never returned—despite a lack of legal authority to retain it. Of the vehicles seized by the NYPD in 2025, 6,338 have not been returned; and 6,389 vehicles seized from 2024 have not been returned, likely auctioned off or destroyed. The majority of non-safekeeping property seized by the NYPD is never returned to its rightful owner.

“As public defenders, we see every day how NYPD deprives New Yorkers of their property—cell phones, cars, money, and irreplaceable belongings—because the process for reclaiming it is broken, and New Yorkers pay the price,” **said Anca Grigore, Director of Brooklyn Defenders' Seizure and Surveillance Defense Project.** “New York City must abide by a federal court ruling from more than 50 years ago and end this unlawful practice. That requires dismantling and fundamentally redesigning the legal framework governing property seizure and retention.”

“The class has suffered significant damages as a result of the City's unlawful and improper practices,” **adds Angela Daker, Partner at White & Case.** “The City's practices have left class members paying twice—once when their property is taken, and again when they try to get it back. Not only have they lost their belongings, but they have also lost the time and money spent navigating a process that too often leads nowhere. Our clients are simply asking the City to follow the law and make them whole.”

The lawsuit asks the court to:

- declare that the NYPD's policies and practices of seizing, retaining, destroying, or failing to return personal property are unconstitutional;
- declare that the NYPD's policy and practice of seizing property under the pretext of “investigatory” purposes without a warrant, and retaining such property indefinitely without judicial oversight or process, is unconstitutional;

- declare the rules and regulations that allow these practices to be unconstitutional;
- enjoin the City and NYPD from continuing these practices and require them to establish lawful procedures for the return of property; and
- award compensatory damages to class members whose property was seized, retained, destroyed, or sold without adequate process or just compensation.

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