

LONG ISLAND NASSAU

Nassau bill would let cops seek damages from protesters



Attorney Frederick Brewington speaks during a press conference about changes to the Nassau Human Rights Law in Hempstead. July 30, 2021 Credit: Howard Simmons

By Robert Brodsky

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Nassau County minority leaders and activists are calling for the rejection of a Democratic-proposed bill that would elevate police officers to a "protected class" while allowing them to seek financial damages against protesters for "discrimination."

The legislation, which is up for a vote in the Republican-controlled county legislature on Monday, would add police officers and other "first responders" to the county's Human Rights Law, which protects individuals from discrimination based on their race, religion, gender and sexual orientation. No other profession is included in the law.

The legislation, sponsored by Legis. Josh Lafazan, a Woodbury independent who caucuses with Democrats, and Legis. Delia DeRiggi-Whitton (D-Glen Cove), would allow the county attorney to sue on behalf of officers if they are harassed, menaced or injured due to their status as a "first responder."

Civil rights attorney Frederick Brewington contends the bill will chill free speech and is "retaliation" for last summer's Black Lives Matter protests following the death of George Floyd.

"If you want to shut someone down, take away their livelihood," Brewington said at a news conference outside his Hempstead office Friday. "If you want to shut someone down take away their spirit. This is intended to evoke fear in the community ... This is payback. It's not right. It's not acceptable and it is against the law."

The activists Friday directed much of their anger at Lafazan, who had previously expressed a commitment to working with BLM protesters, calling him a "fake" and a "coward."

Tracey Edwards, Long Island regional director for the NAACP, said Lafazan has "damaged his reputation" and that Democrats who do not vocally object to the measure bear equal responsibility. She plans to bring NAACP members to Monday's meeting.

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A spokesman for legislative Democrats said Lafazan and DeRiggi-Whitton declined to comment.

The bill, which cleared the legislature's Rules and Public Safety committees, would create an "irrebuttable presumption" that any harassment or injury is motivated by their status as a uniformed police officer — prohibiting those who violate the law from being able to justify their motivation.

The penalty for discriminating against a police officer would be up to \$25,000 per violation, or up to \$50,000 if the violation occurs "in the course of participating in a riot" — five times the amount citizens can seek under the county's administrative code. The law also allows police to seek "treble damages" or triple the allowed civil penalties.

Police Commissioner Patrick Ryder said in a prepared statement: "The protections of our first responders, residents and communities must always be a priority. The Legislature will have an opportunity to discuss and evaluate this bill on its merits."

Shanequa Levin, co-founder of Long Island United, an advocacy group, said existing law already provides enhanced penalties for assaulting or menacing a police officer.

"The police have more protection than any other group," Levin said. "This bill is rooted in bias. Data shows people need more protection, not the police ... What is happening here is an example of systemic racism."

But James McDermott, president of the Nassau Police Benevolent Association, said the bill supports officers who put their lives on the line while often facing anti-police sentiment.

"Law enforcement deserves the support of our elected officials, and deserves every possible protection to keep them safe throughout the course of their duties, and any attempt to say otherwise disrespects all who wear the badge," he said.

David Kilmnick, president and chief executive of the LGBT Network, said the bill is particularly "offensive" as county lawmakers have refused for more than a decade to add transgender individuals as a protected class.

"This bill is a slap in the face," Kilmnick said. "It's obscene and it trivializes the lives of tens thousands of Nassau County residents and families."

Christine Geed, a spokeswoman for County Executive Laura Curran, said she "looks forward to hearing the public comment and discussion" about the bill and will "review any potential amendments that may be proposed by the legislature."



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