

EXHIBIT 4

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
DAVID FLOYD, *et al.*,
Plaintiffs,

-against-

CITY OF NEW YORK, *et al.*,
Defendants.
----- X

No. 08 Civ. 1034 (AT)

DECLARATION OF MALIK HARRIS

I, Malik Harris, pursuant to 28 U.S.C § 1746 and subject to the penalties of perjury, state the following is true and correct:

1. I am a 22-year-old Black man who lives in Queensbridge North NYCHA Housing Complex, in Long Island City, Queens. This is a neighborhood in the City of New York.
2. On May 2, 2020, I was walking with a friend within the confines of the Queensbridge North Housing complex at approximately 4:45 pm when I approached by plainclothes officers. Upon approach in the courtyard, they asked us where our face masks were. I pulled my disposable face mask up over my mouth and nose. I was then further asked to provide my name and identification. I informed the officers that I did not have a form of identification on me when they abruptly turned me around placed my hands in cuffs behind my back. When I asked officers why I was being arrested, they did not respond.
3. As these officers dragged me by my arm towards the police transport van, people in the vicinity began to gather. One of the officers, who was a rather large man, kned me in my side and threw me onto a parked vehicle. As I was held down forcibly against the top of


this parked car, one of the officers started yelling at the crowd “[d]o you want it? Back up, back up,” while brandishing his taser at myself and at bystanders that began to gather. One bystander was filming this encounter. Additional officers responded, and at least one of the officers that interacted with me was not wearing a mask. Several officers that showed up were either not wearing a mask or wearing a mask incorrectly. At no point did any of these officers allow me to put my own mask on.

4. During this entire time, I was holding my disposable face mask in my hand.
5. I am diagnosed with asthma and require the use of an inhaler. I am considered high risk for potential coronavirus transmission. Because of my medical condition, I take precautions to protect myself against potential exposure to COVID-19 by following CDC guidelines as best as I can.
6. When I arrived at the precinct, the officers took my mask away from me, along with my other personal property, and vouchered it. I was searched illegally and marijuana was recovered from my pocket. One of the officers involved in my arrest taunted me that he was going to allege I assaulted him and told me he hoped I would be remanded. I was placed into a holding cell for over eight hours with handcuffs and leg shackles on until I was transported to central booking. The handcuffs left marks on my wrists. I was not provided a new mask nor soap or hand sanitizer. No soap was available in the bathroom at the precinct either.
7. When I arrived at central booking, I was put into a cell with over 20 over individuals. It was impossible to socially distance from one another. None of us had masks and no masks were provided for us. No soap or hand sanitizer was available either.

8. At my arraignment, almost 24 hours later, I learned that I was being charged with resisting arrest and unlawful possession of a marijuana in the second degree. I pled not guilty on all counts. I was subsequently sent to Rikers Island to await my next court date.
9. Upon admission to Rikers Island, I was placed in general population and shared a dorm with over 50 other men. I was provided one mask for the entire three weeks I was held in detention and I did not have access to soap or hand sanitizer.
10. As of May 22, 2020, the Queens District Attorney's Office dismissed the charges against me.
11. I am afraid to return to my home after this incident. I am currently seeking mental health counseling to address the trauma I've sustained from this police encounter.

Pursuant to 28 U.S.C § 1746, I declare under penalty of perjury that the forgoing is true and correct.

Dated: New York, New York
May 25, 2020


Malik Harris