

Update Submission: Abusive Stop and Frisk Practices and Violations of the International Covenant on Civil and Political Rights February 7, 2014

In light of the upcoming periodic review process in March 2014, this submission serves to update the Committee with relevant developments since the writing of a previously submitted shadow report on the New York Police Department's ("NYPD") stop and frisk practices.¹

Stop and frisk remains a critical human rights issue for the people of New York and across the United States in 2014.

Mayor Bill de Blasio of New York City was elected in November 2013 on a promise that he would reform the stop and frisk practices upon entering office. However, as of the writing of this update, the meaningful implementation of this promise has yet to begin. Additional delays may further impair the U.S. government's protection and upholding of its international human rights obligations.

Moreover, the abuse of stop and frisk represents a critical issue that is relevant far beyond New York City. The NYPD is the largest police force in the United States, and its policing practices are extremely influential both across the country and around the world.

- **Despite recent reductions in the absolute number of stops recorded by NYPD officers, there is no indication that the constitutional problems with and racially discriminatory nature of the stops have been alleviated. Community members continue to report violations of their rights during stop and frisk encounters with the police.**
- In November 2013, New York State Attorney General Eric Schneiderman published a report which found **over a three year period: only 3 percent of stops performed by the NYPD**

¹ Center for Constitutional Rights, *Stopped, Seized and Under Siege: U.S. Government Violations of the International Covenant on Civil and Political Rights through Abusive Stop and Frisk Practices*, September 2013, available: <http://ccrjustice.org/learn-more/reports/stopped-seized-and-under-siege>

led to convictions, with only 0.1% for convictions for violent crime and also highlighted concerns about “equal justice under the law.”²

- With regards to **legal developments in the federal class action lawsuit, *Floyd v. the City of New York***:³
 - As noted in our shadow report, the outgoing mayoral administration appealed a landmark decision in *Floyd* which found the NYPD liable for a pattern and practice of racial profiling and unconstitutional stops and frisks and ordered a collaborative reform process to oversee the development of reforms. In late October, a three-judge panel of the Court of Appeals for the Second Circuit granted New York City’s request to stay the collaborative reform process ordered in August 2013.
 - On January 30, 2014, we announced along with New York City Mayor Bill de Blasio that we have reached an agreement for the City to drop the appeal and to begin the reform process that New Yorkers have been asking for. **However, as of the writing of this update submission, the City has not formally dropped the appeal, which means that the collaborative reform process cannot begin.**
- With regards to the **passage of legislation which would expand the categories of communities protected from discriminatory policing practices and create an enforceable profiling ban by the NYPD**:
 - As of the writing of this update, **there are pending legal challenges to this law filed by the outgoing mayoral administration and police unions seeking to overturn the law**.⁴
 - Moreover, the passage of the bills does not diminish the necessity for further action by the U.S. Government to prevent such violations from occurring and to proactively take steps to meet international human rights obligations.

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² Attorney General Eric T. Schneiderman, A.G. Schneiderman Releases Report On Arrests Resulting From Stop And Frisk Practices And Their Impact On The Criminal Justice System, November 14, 2013, <http://www.ag.ny.gov/press-release/ag-schneiderman-releases-report-arrests-resulting-stop-and-frisk-practices-and-their>.

³ Learn more at www.ccrjustice.org/floyd

⁴ Learn more at www.changethenypd.org