TIMELINE: FLOYD V. CITY OF NEW YORK

- 1999: Killing of Diallo and Filing of Daniels

After the killing of Amadou Diallo by the NYPD Street Crimes Unit, CCR and others file Daniels v. City of New York, challenging the constitutionality of the stop and frisk practices of the NYPD Street Crimes Unit along with the National Congress for Puerto Rican Rights and MXGM members as Plaintiffs.

- 2003: Daniels Settlement

We settle with NYPD who agrees to disband the Unit, and adopt and a written policy against racial profiling and stop and frisk paperwork audit system. In the years since, **the number of stops and frisks skyrockets,** with the vast majority of stops in communities of color.

- 2008: Floyd v. the City of NY

CCR and co-counsel file *Floyd v. the City of New York,* a federal class action lawsuit against the City of New York that challenges the NYPD's practices of racial profiling and unconstitutional stops and frisks. We receive and make public detailed data from the NYPD about its use of stops.

- March - May 2013: Trial in Floyd

Impacted community members pack the court for 9 weeks of trial. Over 100 witnesses testify.

August 12, 2013: LANDMARK VICTORY!

A federal judge finds NYPD liable for a widespread practice of unconstitutional and racially discriminatory stops and frisks. She appoints an independent monitor to oversee a process for developing reforms that must include the input of communities most heavily impacted by stop and frisk.

- August - October 2013: City Appeals

The City appeals to the U.S. Court of Appeals for the Second Circuit and asks to halt the reform process. The Police unions file motions to intervene in the case. In response, **a broad base of New Yorkers files declarations about the importance of the reform process.**

- October – November 2013: Appeals Court Halts Reform Process

A three-judge panel for the Second Circuit Court of Appeals halts the reform process and removes the district court judge from the case. There is public outcry over the judge's removal. CCR and others, including the judge, file motions for reconsideration before the entire Appeals Court. Importantly, the panel's decision does NOT overturn the district court's August rulings.

- November – December 2013:

Mayor-elect Bill de Blasio promises to drop the appeals in 2014. The Court puts on hold the police unions' motions to intervene in order to give de Blasio and the Floyd plaintiffs the chance to try to resolve the case in early 2014. The City files a merits brief for the appeal—trying to get in the last word.

- January – March 2014: Agreement Announced

Mayor de Blasio and Floyd legal team **announce agreement to drop appeal and move forward with reforms.** In March, Floyd plaintiffs and the City filed a joint motion to slightly modify the remedial order and define the term of the court-ordered Monitor.

- July 2014: One Step Closer

District Court denies police unions' motions to intervene and agrees to modify the August 2013 remedial order. City of New York still needs to formally withdraw their appeal before reform process can begin.

Updated 7/30/2014

AUGUST 2013 ORDERS IN FLOYD

In August 2013, a federal judge found that the NYPD had engaged in a widespread practice of unconstitutional and racially discriminatory stops and frisks. The Court ordered the appointment of an independent monitor to oversee a collaborative reform process which would develop a series of reforms to those practices.

Notably, the orders do not mean the NYPD has to stop engaging in stops and frisks – only those that are unlawful.

THE REFORM PROCESS IS A KEY BLUEPRINT FOR CHANGE

This collaborative reform process is designed to bring together affected communities, elected officials, the police, and attorneys representing the plaintiffs in the case to develop reforms that will ensure the NYPD complies with the Constitution. Such processes in the past have worked to reduce crime and shooting deaths, vastly improve relationships between police departments and the communities they police in other cities across the country and bring abusive police departments into compliance with the law.

Most importantly, the reform process has key support from a broad base of New Yorkers. Community groups, labor organizations, elected officials and other allies previously declared their support for the reform process, and urged moving it forward because the communities they represent will continued to be harmed by ongoing delays.

Leading this process would be the court-appointed monitor who will make sure that reforms are developed in a timely fashion and then fully implemented by the Department. And 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. We need effective stop-and-frisk reforms to be developed and implemented as soon as possible.

NEW YORK NEEDS BOTH A COURT-APPOINTED MONITOR *AND* A NYPD INSPECTOR GENERAL

New York City needs both a temporary Court-appointed Monitor *and* the permanent NYPD Inspector General, whose office was created by the passage of the Community Safety Act, because the two serve as complementary and necessary accountability mechanisms. Indeed across the country, Inspector Generals and court monitors have worked together to bring police departments with similar patterns of unconstitutional behavior into compliance with the law.

The Monitor will be focused only on stop and frisk, and have a temporary appointment; he will only work as long as it takes to bring the NYPD's stop-and-frisk policies and practices into compliance the Constitution. The Monitor also reports to the Court. The Inspector General serves as a permanent research and review body for a wide array of police practices (in addition to stop and frisk) long after the monitor's appointment ends. The Inspector General reports to the Mayor.

However, neither the Inspector General, nor the court-appointed Monitor will interfere with the NYPD officials' decisions about how and where to deploy officers and resources, and will not be involved in disciplining officers.

BREAKDOWN OF APPEALS PROCESSES

The City's appeals of our landmark August win was filed in the fall of 2013 at behest of the outgoing New York City mayor and police commissioner, and at the expense of people whose rights have been violated for more than a decade and who have demonstrated that they are urgently waiting for this reform process to move forward. Additionally out of touch were the premature motions to intervene of the police unions – despite the fact that none of their members were named as defendants in the lawsuit, found liable for constitutional violations or required by the district court's orders to do anything. These motions were filed with the attempt to keep the appeals process alive and delay the reform process for even longer even after Mayor de Blasio dropped the appeal.

On October 31, 2013, a three-judge panel of the Court of Appeals for the Second Circuit granted the City's request to stay the remedial process ordered in August 2013 and reassigned the Floyd case to a different district court judge. Public outcry ensued, and CCR, along with others including the removed judge, asked for reconsideration by all the judges sitting on the Second Circuit.

In late November, the Court of Appeals clarified in a subsequent order that they were holding the motions for reconsideration and the police unions' motions to intervene in the appeal in abeyance to give the incoming mayoral administration and Floyd plaintiffs an opportunity to attempt to resolve the case and to begin the long overdue reform process, before the merits of the appeal were scheduled to be heard in March 2014. Despite the higher court's clear preference that the City work with and not against the Floyd plaintiffs on the issue of stop and frisk, in mid-December the City went ahead and filed its merits brief for the appeal. This filing was another indication of an out-of-touch lame-duck administration trying to get in the last word.

AGREEMENT REACHED

On January 30, 2014, CCR announced 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. In March, Floyd plaintiffs and the City filed a joint motion to slightly modify the remedial order and define the term of the court-ordered Monitor.

WHERE ARE WE NOW?

On July 30, 2014, District Court Judge Torres rejected the police unions' motions to intervene, and ordered the modification to the August 2013 remedial order requested jointly by the Plaintiffs and the City. The police unions should not appeal – allowing for the stay to be lifted and most importantly, for the reform process New Yorkers have been asking for to finally begin.

SIGN UP FOR OUR EMAILS AT HTTP://BIT.LY/1GQS3YX AND LEARN MORE ABOUT THE JOINT REFORM PROCESS.

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