

JOINT REMEDIAL PROCESS IN FLOYD V. CITY OF NY: A CLOSER LOOK

In August 2013, a federal judge found that the New York Police Department (NYPD) had engaged in a widespread practice of unconstitutional and racially discriminatory stops and frisks and ordered a collaborative, joint remedial process (JRP). The JRP ensures that communities who have been directly affected by these practices shape the future of stop and frisk for New York. The judge highlighted the importance of getting this input, writing at the time, “No amount of legal or policing expertise can replace a community’s understanding of the likely practical consequences of reforms in terms of both liberty and safety.”

The JRP is designed to solicit ideas for additional reforms from communities most impacted by stops and frisks. In addition to community stakeholders, the process will involve the City, members of law enforcement, and attorneys representing the plaintiffs. This process echoes a similar process successfully implemented in Cincinnati, Ohio a decade ago. Leading this process is the court-appointed Facilitator, Hon. Ariel Belen.

Throughout the JRP, the Center for Constitutional Rights (CCR) will continue to meet regularly with and advise the Facilitator in order to ensure a meaningful, robust and impactful process.

KEY MOMENTS AND ANTICIPATED TIMELINE FOR FLOYD JOINT REMEDIAL PROCESS:

While the shape and the scope of the JRP continue to develop, we anticipate the following activities:

- September 2015: Launch of Advisory Committee

The Advisory Committee is comprised of nearly twenty stakeholders, including Floyd trial witness Nicholas Peart, representatives from affected communities, including six members of Communities United for Police Reform; one NYPD union member, two NYPD commissioners, the DOJ, a faith leader and academic representative. This Committee will play a key role in advising the Facilitator and developing focus groups.

- Fall 2015 – early 2016: Focus Group Sessions

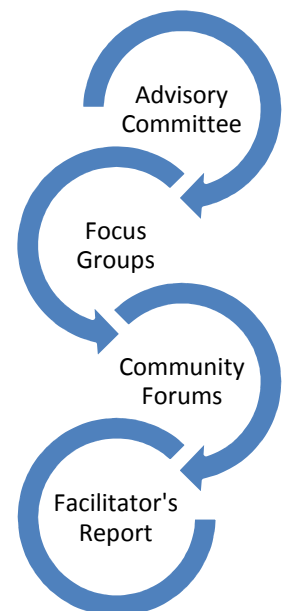
Over 25 focus groups, each comprised of 8-10 members from communities across the city, will be surveyed as to elicit their input on potential reforms. Concurrently, the facilitator will hold informal “leadership committee” meetings with representatives from stakeholder groups to advise on the process, and share themes and understandings from focus groups as they develop.

- Spring 2016: Community Forums

Community forums will be held throughout New York City and the public will be afforded the opportunity to weigh in on reforms proposed, and comment on themes and findings from the focus groups. The logistics for these forums are still coming together.

- Summer 2016: Facilitator finalizes and submits report

The facilitator will draft a final report with recommended reforms compiled from the input-gathering process.



Flip over to learn more about how we got here.

- 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 - December 2013: Appeals Court Temporarily 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 but does not overturn the August rulings on liability and remedy. There is public outcry over the judge's removal. CCR and others, including the judge, file motions for reconsideration before the entire Appeals Court.

Mayor-elect Bill de Blasio promises to drop the appeals once he enters office. 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 outgoing mayoral administration files a merits brief for the appeal.

- January 2014 - September 2015: Agreement Announced



In January 2014, Mayor de Blasio and Floyd legal team **announce agreement to drop appeal and move forward with reforms.**

The District Court denies the police unions' motions to intervene and agrees to modify the August 2013 remedial order by defining the term of the court-ordered Monitor. The City of New York formally withdraws their appeal.

In 2015, CCR begins meeting with the Monitor and facilitator to discuss immediate reforms and the collaborative, joint reform process (JRP).

Turn over to see where we are today.