

# **Floyd v. City of New York**

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*Floyd v. City of New York* is the landmark class action, spearheaded by [the Center for Constitutional Rights](#), that proved the NYPD's stop and frisk practice was unconstitutional and racially discriminatory. In March of 2015, Demos became co-counsel with CCR on behalf of the *Floyd* plaintiffs. In that role, Demos is working with the parties, the NYPD and the court appointed monitor to develop reforms to the NYPD's stop and frisk practice. One major component is direct community input and involvement in shaping how the practices of the NYPD will be reformed. This is called the "Joint Remedial Process."

The Joint Remedial Process is a significant process for designing reforms to the NYPD's stop and frisk practices based on direct input from the people most affected by unlawful and discriminatory stops. We are pleased that the Joint Remedial Process is now getting underway in New York City.

We provide more information about the Joint Remedial Process below. For more information on the *Floyd* case generally, including information about NYPD reforms being developed outside of the Joint Remedial Process, please visit CCR's website [here](#).

## **What is the Joint Remedial Process and why is it happening?**

The purpose of the Joint Remedial Process, as stated by the federal court in New York, is to develop a set of reforms with the direct input of the people most affected by the NYPD's stop and frisk practices. Those reforms will supplement the reforms to policies, training, supervision, discipline, and monitoring currently being developed by the plaintiffs, the NYPD, and the court-appointed monitor in the *Floyd* lawsuit.

### History

In the spring of 2013, the *Floyd* plaintiffs asked the federal court in New York to order the NYPD to engage in a community input process, called the Joint Remedial Process, with the plaintiffs (that is, the attorneys and clients who brought the landmark *Floyd* case) and other affected members of the community – particularly those people most heavily impacted by discriminatory policing – to design reforms to the NYPD's stop and frisk practices. The goal of this process would be to develop meaningful reforms together with direct input from these community stakeholders.

In August 2013, after a nine-week trial, the court found that the NYPD's practice of stop and frisk was unconstitutional and racially discriminatory and ordered the NYPD to engage in this

Joint Remedial Process. In its ruling, the court specifically wrote that meaningful and lasting reform requires the support and involvement of the people most affected. As the court emphasized:

The communities most affected by the NYPD's use of stop and frisk have a distinct perspective that is highly relevant to the crafting of reforms. 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.

...

If the reforms to stop and frisk are not perceived as legitimate by those most affected, the reforms are unlikely to be successful. Neither an independent Monitor, nor a municipal administration, nor this Court can speak for those who have been or will be most affected by the NYPD's use of stop and frisk.

### **Is the remedial process limited to stop and frisk?**

The Joint Remedial Process includes reforms within the *Floyd* case as well as two related cases known as *Davis* and *Ligon*. Both the *Davis* and *Ligon* cases challenged NYPD practices beyond stop and frisk. Check [here](#) for information about the *Davis* case and [here](#) for information about the *Ligon* case.

With respect to the *Floyd* case, the Joint Remedial Process must design reforms to the NYPD's unconstitutional stop and frisk practice. The range of potential reforms that could come out of the Joint Remedial Process is broad, and under the court's orders these reforms should supplement the reforms being designed to address failures in discipline, supervision, auditing, monitoring, and other aspects of the NYPD's operations. That means reforms coming out of the Joint Remedial Process could include changes to, among other things: how the NYPD holds officers accountable for unlawful street encounters, how the NYPD documents stop and frisk activity, what criteria the NYPD uses to evaluate officer conduct, what information the NYPD provides to people who have been stopped, and how supervisors oversee officer behavior.

### **What will the Floyd Joint Remedial Process involve?**

Retired judge and longtime mediator Ariel Belen has been appointed by the court to work with the parties to design and facilitate the Joint Remedial Process. The design of the process is a work in progress and might change over time.

As of November 2015, the joint remedial process is expected to have four main components:

- (1) focus groups of those most affected by the NYPD's unlawful stop-and-frisk practice;
- (2) an advisory committee for Judge Belen and his staff, comprised of community organizations, NYPD leadership, police union representatives, law enforcement officer of color organizations, religious leaders, and academics;

(3) conversations between Judge Belen’s team and several community leaders on police reform issues; and

(4) structured community forums.

In addition, there will ideally be a mechanism for soliciting input on stop-and-frisk reforms from line NYPD officers.

### **What will the focus groups look like?**

The focus group piece of the Joint Remedial Process began in late October 2015. We anticipate there will be at least 25 different focus groups. The goal is to draw participants across all five boroughs from 25 NYPD precincts and about 70 neighborhoods— including, to name a few, Melrose, Mott Haven, East Flatbush, Brownsville, Jamaica, Bed-Stuy, and Rockaway Park.

Focus groups will be comprised of eight to ten people who were or are affected by the NYPD’s stop and frisk practices. Participants will be selected in collaboration with community organizations. We are working to ensure that the focus group participants represent a cross-section of those most affected by the NYPD’s practices, including young Black men, LGBTQ youth of color, homeless people, immigrants, public housing residents, and people recently released from prison.

The focus groups are expected to run through early 2016.

### **What is the purpose of the focus groups?**

We are working to ensure the focus groups are designed to solicit input on a central and critical question: what do you – the people most affected by racial profiling and unlawful stop and frisk practices – want the NYPD to change?

We will review the raw data – that is, focus group transcripts and similar materials – from each focus group as they go on. That data will be used to inform the reform proposals that are ultimately included in a report that Judge Belen will submit to the court and court monitor in the spring of 2016.

### **What is the advisory committee?**

Judge Belen has asked a group of approximately 12 people to provide him with non-binding guidance and suggestions on the Joint Remedial Process. This committee, as of November 2015, is comprised of representatives from community organizations, NYPD leadership, police unions, law enforcement officer of color organizations, religious groups, the Department of Justice, and academia. More than half of the representatives are from community organizations. The first convening of the advisory committee occurred at the end of September 2015.

### **What else will the Joint Remedial Process include?**

In addition to the focus groups, the Joint Remedial Process is expected to include two other structured avenues for obtaining community input into reforms. One avenue is currently being called “leadership meetings.” In the leadership meetings, community organizations who have been leading police reform efforts in New York City will meet with Judge Belen and others to

discuss potential reforms. The second avenue will be borough-wide community forums. Those community forums are still in development – that is, Judge Belen and the parties are still working to design what those community forums will look like.

**What will be the outcome of the Joint Remedial Process?**

When the Joint Remedial Process ends, Judge Belen will draft a report to the court proposing specific reforms to the NYPD’s practices. The parties – that is, the *Floyd* plaintiffs and the NYPD – will provide comments to Judge Belen about what reforms he should or should not include in his report. Then, Judge Belen will submit to the court and court monitor his recommendations on what reforms the NYPD should be required to adopt and implement. At that point, the parties could, if they thought it necessary and appropriate, write to the court with comments or objections to what Judge Belen has recommended. The court will then issue an order directing the NYPD to make specific changes based on the Joint Remedial Process.