



## **Background on Civil Rights Groups Response to the JRP Report**

### **The JRP Process:**

As part of the remedial order in *Floyd v. City of New York* as well as the settlements in *Davis v. City of New York* and *Ligon v. City of New York*, the New York Police Department was required to participate in a two-part process for reforming stop and frisk as well as trespass stops and arrests in public housing and private apartment buildings. The first is an Immediate Reform Process (IRP), which develops a set of certain reforms to NYPD policies, procedures, and training through negotiations between the federal monitor and attorneys for the NYPD and the plaintiffs. The second is a Joint Remedial Process (JRP), which would develop an additional set of more thorough reforms based on input from other stakeholders, especially the communities which have historically been most heavily impacted by the NYPD's unconstitutional stop-and-frisk and trespass enforcement practices.

In the opinion ordering the parties to engage in the JRP, the court noted that, “[t]he communities most affected by the NYPD’s use of stop and frisk have a distinct perspective highly relevant to crafting effective reforms.” The court also added that, “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.”

Since the views of lawyers or federal court appointees cannot serve as a substitute for the voices of New Yorkers who have been victimized by the NYPD’s unconstitutional practices, the parties and community stakeholders have spent the last three years working to get input from communities across the city and to develop reforms based on their contributions. That effort has included thousands of New Yorkers participating in 64 focus groups and 28 community forums throughout the city.

### **The Reforms Developed in the JRP:**

All of the reforms that the NYPD has implemented so far have come through the IRP. While that process has resulted in important changes, there are still critical constitutional violations that have not been addressed, and the JRP reforms are designed to fill that void.

In the [facilitator’s report](#) on the JRP, he recommends that the court order the city to implement 14 remedial measures. Each of these reforms is designed to be within the scope of the *Floyd* order as well as the settlements in *Davis* and *Ligon*.

The parties behind the *Floyd*, *Davis*, and *Ligon* cases support the following recommendations and believe they represent the minimum changes necessary to bring the NYPD’s practices into compliance with the Constitution:

- The NYPD must develop and publish progressive disciplinary standards.
- The NYPD must publish a monthly report on disciplinary action taken for officer misconduct.
- The NYPD must record all Level 1 and 2 investigative encounters on body worn cameras.

- The NYPD must collect and publicly report data on all Level 1 and 2 investigative encounters.
- The NYPD must create a community board to provide feedback and advise on the implementation of reforms, and to regularly meet with those most impacted by unlawful stop and trespass enforcement practices to obtain feedback.
- The NYPD must proactively inform people of their right to walk away during Level 1 and Level 2 investigative encounters.
- The NYPD must conduct an annual survey to assess, from the community's perspective, the implementation of reforms.
- The NYPD must improve monitoring and intervention when judicial and prosecutorial decisions suggest potential officer misconduct.
- The NYPD must develop trainings on engaging people with disabilities, including, but not limited to, people with mental, physical, and/or developmental disabilities.

While the plaintiffs behind the *Floyd*, *Davis*, and *Ligon* cases support the other recommendations in the facilitator's report – most of which are related to training – they note these other reforms should not supplant changes to discipline and monitoring, which the *Floyd* court flagged as a focus of the JRP. The court found that unlawful stops persisted despite trainings because the NYPD failed to monitor and discipline officer misconduct once officers left the academy and went out on patrol.

### **Why a Court Order is Necessary:**

The facilitator's report was only issued because the parties did not reach an agreement on implementing any of the JRP reforms, and we expect the City to oppose implementation. For decades, the City resisted reforming its unconstitutional practices, which have persisted in the face of sustained community outcry. In fact, the JRP was created as a response to the City's demonstrated indifference to community complaints about the NYPD's illegal and discriminatory use of stop and frisk.

As such, a court order is necessary to ensure that reforms to the systemic constitutional violations that were proven at trial – and that continue to this day – are not vulnerable to the whims of changing NYPD personnel or policy positions.

### **The Court's Legal Authority to Order the JRP Reforms:**

Precedent makes clear that the court has broad authority to design and order reforms in cases like this where the plaintiff has proven widespread and long term constitutional violations. The reforms are appropriate and can be ordered if they are aimed at addressing the constitutional violations that have been established (see: *Milliken v. Bradley* and *Melendres v. Arpaio*), which is the case with the JRP reforms.

The amount of time that has passed since the *Floyd* trial does not diminish the need for the court to order remedies to the constitutional violations proven. Also, a defendant can't avoid complying with court-ordered changes by attempting to re-litigate its liability after trial.

Finally, if voluntary changes could override the need for a court order, then nothing would prevent a defendant from just returning to their old unconstitutional ways. The plaintiffs are entitled to comprehensive changes that will cure all the proven constitutional violations and prevent them from recurring.