

NEW YORK, NY, September 18, 2013 **/24-7PressRelease/** -- On August 12, 2013, Judge Shira Scheindlin of the Southern District of New York found in *Floyd v. The City of New York* that the City of New York and the NYPD's stop and frisk program violates the 4th and 14th amendments of the U.S. Constitution because it racially targets blacks and Hispanics. Because the NYPD is a City of New York agency, Judge Scheindlin found that the City deliberately failed to make sure that its NYPD was not racially profiling city residents. These failures by the City resulted in disproportionate and discriminatory stops of blacks and Hispanics, in violation of the Equal Protection guarantees of the U.S. Constitution.

In reaching her conclusions, Judge Scheindlin relied on alarming evidence about the NYPD's widespread use of its unconstitutional [stop and frisk program](#). From 2004-2012, NYPD officers made 4.4 million stops. Of those 4.4 million stops, 2.3 million resulted in frisks. Only 12% of the 4.4 million stops resulted in an arrest or summons being issued. So 88% of the stops - almost 4 million stops - resulted in no further police action. In other words, almost 4 million stops were of people who had done nothing wrong. Further, out of those 4.4 million stops, almost 3.5 million were of blacks and Hispanics. As Judge Scheindlin held, the reason for these unconstitutional stops was because the NYPD maintained a policy that instructed its officers to stop "the right people" at "the right time" at "the right location," regardless of whether those people had done anything suspicious. Because the U.S. Supreme Court had already ruled in its famous decision *Terry v. Ohio* (1968) that all stops must be based on reasonable suspicion and that stops must be conducted in a racially neutral way, the [NYPD's policy of targeting minorities](#) in its stop and frisk program violated long-held constitutional standards.

The plaintiffs in this case were not seeking money, but rather relief that would change how the NYPD conducts its stop and frisk program. The NYPD's stop and frisk program will remain, but how it is used will drastically change. Judge Scheindlin ordered that the NYPD can no longer racially profile minorities. Therefore, Judge Scheindlin appointed a special monitor to oversee reforms of the NYPD's stop and frisk program. Judge Scheindlin also wrote specific language that must be implemented into the NYPD's training manuals, so that officers understand the circumstances in which a constitutional stop can be made. Police officers in various precincts will also be required to wear cameras, so that video proof of stop and frisks can be recorded. Further, local communities, with the help of a court-appointed monitor, will conduct a remedial process to ensure positive relationships between the police and communities. All of these measures are to ensure that the NYPD conducts constitutional stops of suspected criminals only, regardless of race.

In the wake of the Trayvon Martin verdict, Judge Scheindlin ended her decision with an important quote: "The idea of universal suspicion without individual evidence is what Americans find abhorrent and what black men in America must constantly fight. It is pervasive in policing policies - like stop-and-frisk, and . . . neighborhood watch - regardless of the collateral damage done to the majority of innocents. It's like burning down a house to rid it of mice." Charles Blow,

Floyd v. The City of New York

Written by Australian Business

The Whole System Failed Trayvon Martin, N.Y. Times, July 15, 2013.

The New York City law firm of Sullivan Brill is a team of skilled and knowledgeable associate attorneys and support staff, led by partners Steven Brill and Joseph F. Sullivan. In the areas of personal injury, civil rights and criminal defense, the lawyers at the firm have brought hundreds of cases to a successful conclusion in New York and beyond.