NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Press Release

Michael A. Cardozo, Corporation Counsel

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For Immediate Release

NYPD ANNOUNCES SETTLEMENT IN
DANIELS CLASS-ACTION "STOP-AND-FRISK" LAWSUIT

SETTLEMENT FORMALIZES EXISTING POLICE POLICY OF NOT STOPPING SUSPECTS BASED ON RACIAL BIAS

Contact: Kate O'Brien Ahlers, Communications Director, (212) 788-0400, kahlers@law.nyc.gov

New York, Thurs., Sept. 18, 2003 – The New York City Law Department announced today that an agreement has been reached to settle *Kelvin Daniels v. City of New York*, a class-action lawsuit that alleged that the New York City Police Department (NYPD) used racial profiling in stop-and-frisk situations. The settlement announced today approves and formalizes existing police policy and practice, which provide that suspects should not be stopped solely on the basis of race. Southern District Judge Shira Scheindlin has reviewed the settlement and has scheduled a procedural settlement hearing for Tues., Nov. 25, 2003, to determine that the settlement is fair to all class members.

"This settlement reflects the continuing commitment of the NYPD to make certain there is no unlawful use of race by NYPD officers in carrying out their duties," noted Police Deputy Commissioner of Public Information Michael O'Looney. "The proper use of stop-and-frisk enforcement is an important and essential tool in preventing and investigating crime activity."

"This is a fair and equitable settlement that we think will let the Police Department focus on ongoing crime-fighting efforts, while at the same time being sure that racial profiling is not used by police officers," said Corporation Counsel Michael A. Cardozo, whose office negotiated the settlement. Senior Counsel Heidi Grossman of the Law Department's Special Federal Division led the Law Department's team in negotiation on the city's behalf.

The Daniels case was brought in 1999 by the Center for Constitutional Rights, a not-for-profit advocacy group; the law offices of Jonathan Moore & William Goodman; and Debevoise & Plimpton, which acted as pro bono counsel. The damages the City has agreed to pay total $167,500 that will be divided among 10 named plaintiffs. Under applicable law, the plaintiffs' attorneys are also entitled to reasonable legal fees.

The settlement incorporates Operations Order No. 11 that Commissioner Kelly issued on March 13, 2002, which formally sets out the NYPD policy ban on unlawful racial profiling and provides that reviews of precinct operations by ranking officers include compliance with the policy. As part of the Daniels settlement, the plaintiffs agreed to cooperate with a number of NYPD community outreach programs, which intend to educate the community about why the police make stops, how to respond to such stops and the rights people have if they believe they were illegally stopped.

The programs will involve community forums, in which the plaintiffs or their representatives will participate, and school programs operated as a partnership between the NYPD and the Department of Education. "The settlement represents a genuine effort to address issues in a constructive way and encourage ongoing cooperation between the police and the community," O'Looney noted.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 100,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at www.nyc.gov or via direct link at www.nyc.gov/html/law/home.html.

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