



/ NYCLU SETTLEMENT ENDS STOP-AND-FRISK OF ...

NYCLU Settlement Ends Stop-and-Frisk of Livery Cab Passengers

May 15, 2012 — In settling a federal lawsuit filed by the New York Civil Liberties Union, the Bloomberg administration has agreed to train NYPD officers to stop the unlawful practice of detaining, questioning and searching innocent New Yorkers — particularly people of color — who are passengers in livery cabs.

The NYCLU filed the lawsuit in May 2011, charging that the NYPD had used its Taxi/Livery Inspection Program (TRIP) to expand the reach of its unconstitutional stop-and-frisk practices. Plaintiffs Terrence Battle and Munir Pujara, both men of color, were riding in livery cabs and were detained, questioned and searched even though the livery drivers told officers there was no problem and even though the officers did not suspect the plaintiffs of any wrongdoing.

“Being pulled out of a livery car late at night when I had done nothing wrong was outrageous and frightening,” Battle said. “I can only hope this settlement saves others from a similar experience.”

Under the settlement, the NYPD last week instructed all officers about the lawful treatment of passengers, directing them that they are not to question, frisk, search or demand identification from passengers simply because they are riding in cars participating in the TRIP program. Instead, officers are to take no action against passengers unless the officers have independent suspicion that the passenger has committed a crime. The NYPD will repeat these instructions in six months and again in a year.

“Under this settlement, the NYPD will undertake sweeping training of officers and commanders to halt the unlawful treatment of law-abiding passengers in livery cabs,” said NYCLU Associate Legal Director Christopher Dunn, lead counsel in the case. “This should put an end to the unjustified stopping and frisking of people whose only crime was to be riding in a livery car.”

In addition, the NYPD has issued an operations order to commanding officers throughout the Department directing them to assure that passengers are not mistreated under the TRIP

program. Finally, the NYPD will add a training memorandum on TRIP to the NYPD Police Student's Guide, which is used in the training of cadets at the NYPD Police Academy.

“This is a victory for the right of all New Yorkers to go about their business without being unlawfully detained, questioned and searched by police,” NYCLU Executive Director Donna Lieberman said. “While the NYPD has agreed to take steps to end this discriminatory practice, its officers continue to subject record numbers of black and Latino new Yorkers to unlawful and suspicionless street stops. It’s time for the Bloomberg administration and the NYPD to put a stop to all discriminatory policing.”

Livery cab drivers enroll in TRIP voluntarily. The program authorizes police officers to stop participating cabs, identifiable by a special decal, and to perform driver safety checks.

Under the settlement, the city will pay both plaintiffs \$10,000 in damages, as well as attorneys’ fees.

NYU Law School Civil Rights Clinic students Lisa Braff and Evan Parzych assisted Dunn on the lawsuit.