

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDDIE WISE and MICHAEL BROWN,
on Behalf of Themselves and Others Similarly Situated,

Plaintiffs,

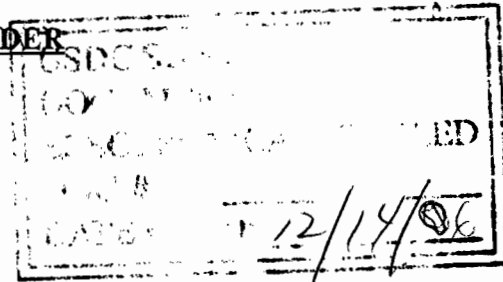
- against -

RAYMOND W. KELLY, et al.,

Defendants.
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05 Civ. 542-(SAS)

ORDER



Upon the December 6, 2006 proceedings before this Court, the transcript of the November 29, 2006, the letter submitted to the Court by defendants' counsel dated November 9, 2006, and all pleadings and proceedings relevant to this action, it is hereby ORDERED that:

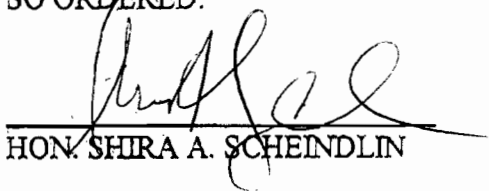
1. Within the next thirty (30) days, defendants shall send letters to all police officers in the New York City Police Department ("NYPD") who have issued summonses or made arrests under New York Penal Law § 240.35(1) ("the Statute") since June 23, 2005, informing said officers the Statute is unconstitutional and cannot be charged, and warning these officers that future enforcement of the Statute may lead to disciplinary action being taken against them by the NYPD. Defendants shall send a copy of said letter to these officers' commanding officers;
2. By January 1, 2007, defendants shall perform in-service training for Training Sergeants within the NYPD to reinforce that the Statute is unconstitutional and should not be enforced;
3. By January 1, 2007, defendants shall complete training in the 75th Precinct of the NYPD to reinforce that the Statute is unconstitutional and should not be enforced;
4. By March 1, 2007, defendants shall complete in-service training for police officers at the

precinct level throughout the NYPD to reinforce that the Statute is unconstitutional and should not be enforced;

5. Defendants shall conduct training at the promotional class for Lieutenants scheduled for December 2006 and at the next scheduled promotional class for Sergeants to reinforce that the Statute is unconstitutional and should not be enforced; and
6. Upon defendants' receipt and review of periodic updates regarding the NYPD's enforcement of the Statute from the New York State Office of Court Administration, defendants shall periodically send letters to officers in the NYPD who have made arrests or issued summonses for the Statute, reinforcing that the Statute is unconstitutional and should not be enforced, and warning these officers that future enforcement of the Statute may lead to disciplinary action being taken against them by the NYPD. In the case of officers who have received one letter and continue to enforce the Statute thereafter, defendants may initiate appropriate disciplinary action against these officers.

Dated: December 14, 2006

SO ORDERED:


HON. SHIRA A. SCHEINDLIN