UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): ________________ Caption [use short title] ________________

Motion for: ________________

Set forth below precise, complete statement of relief sought:

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____

MOVING PARTY: ________________ **OPPOSING PARTY:** ________________

☐ Plaintiff ☐ Defendant
☐ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: ________________ **OPPOSING ATTORNEY**: ________________

[name of attorney, with firm, address, phone number and e-mail]

________________ ________________

________________ ________________

________________ ________________

________________ ________________

Court-Judge/Agency appealed from: ________________

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
☐ Yes ☐ No (explain): ________________

____

Opposing counsel's position on motion:
☐ Unopposed ☐ Opposed ☐ Don't Know

Does opposing counsel intend to file a response:
☐ Yes ☐ No ☐ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? ☐ Yes ☐ No
Has this relief been previously sought in this Court? ☐ Yes ☐ No
Requested return date and explanation of emergency: ________________

____

____

Is oral argument on motion requested? ☐ Yes ☐ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☐ No If yes, enter date: ________________

Signature of Moving Attorney:

________________ **Date:** ________________ Service by: ☐ CM/ECF ☐ Other [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is **GRANTED DENIED**.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: ________________ By: ________________

Form T-1080 (rev. 7-12)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DAVID FLOYD, *et al.*,

Plaintiffs-Appellees,

-against-

CITY OF NEW YORK, *et al.*,

Defendants-Appellants.

Docket No. 13-3088

UNOPPOSED MOTION OF BILL LANN LEE FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS-APPELLEES AND IN OPPOSITION TO DEFENDANTS-APPELLANTS' MOTION FOR A STAY PENDING APPEAL

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Attorneys for Amicus Curiae Bill Lann Lee

Pursuant to Federal Rule of Appellate Procedure 29(b) counsel for prospective *amicus curiae* respectfully moves for leave to file the attached Brief of Bill Lann Lee as *Amicus Curiae* ("amicus") in Support of Plaintiffs-Appellees and in Opposition to Defendants-Appellants' Motion for a Stay Pending Appeal. Amicus has sought and obtained consent from all parties.

Amicus served as head of the Civil Rights Division of the U.S. Department of Justice ("DOJ") from December 1997 until January 2001. In that capacity, he oversaw investigations conducted by the DOJ and the filing of judicial enforcement actions on behalf of the United States into constitutional violations committed by police departments across the country. In particular, amicus oversaw the development, implementation and/or enforcement of institutional reform orders designed to remedy these violations in enforcement actions or administrative proceedings, such as in the State of New Jersey; Los Angeles, California; Pittsburgh, Pennsylvania; and Montgomery County, Maryland. In light of this extensive personal experience in police reform efforts, amicus submits this brief in response to the brief of *amici curae* Michael B. Mukasey and Rudolph W. Giuliani ("the City's amici" or "amici") to refute the assertion that court-ordered reform efforts, and in particular the district court's Remedies Order of Aug. 12, 2013, are likely to interfere with effective policing.

Based on the interest of *amicus*, and the importance and relevance of the matters asserted to the disposition of this case, *amicus* respectfully requests that the Court grant its motion.

CONCLUSION

For the reasons set forth above, *amicus* respectfully requests that this Court grant its motion for leave to file an *amicus* brief.

Dated: October 15, 2013
New York, New York

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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DAVID FLOYD, *et al.*,

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-against-

CITY OF NEW YORK, *et al.*,

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Docket No. 13-3088

BRIEF *AMICUS CURIAE* OF BILL LANN LEE IN OPPOSITION TO DEFENDANTS-APPELLANTS' MOTION FOR A STAY PENDING APPEAL

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Local Rule 29.1(b) 1

Pursuant to Fed. R. App. P. 29, Bill Lann Lee ("Amicus") submits this brief as *amicus curiae*, in opposition to the motion for a stay pending appeal filed by Defendant-Appellant City of New York ("the City").[1]

INTEREST OF AMICUS

Amicus served as Assistant Attorney General for Civil Rights at the U.S. Department of Justice ("DOJ") from December 1997 until January 2001. In that capacity, he oversaw investigations conducted by the DOJ and the filing of judicial enforcement actions on behalf of the United States into patterns and practices of constitutional violations committed by police departments across the country. In particular, amicus oversaw the development, implementation and/or enforcement of institutional reform orders designed to remedy such violations in enforcement actions or administrative proceedings, such as in the State of New Jersey; Los Angeles, California; Pittsburgh, Pennsylvania; and Montgomery County, Maryland. In light of this extensive personal experience in police reform efforts, Amicus submits this brief in response to the brief of *amici curae* Michael B. Mukasey and Rudolph W. Giuliani ("City's Amici" or "Amici").

ARGUMENT

Although not a single stay factor supports the City's extraordinary request, and although no stay element should be analyzed in isolation, Amicus here addresses the two stay issues presented by the City's Amici – purported irreparable harm to the City and the public's interest.

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[1] Pursuant to Fed. R. App. P. 29(c)(5) and Local Rule 29.1(b), amicus confirms that no party or its counsel, and no third party other than amicus and his counsel, authored this brief in whole or in part or contributed money that was intended to fund preparing or submitting the brief.

The remedies adopted by the district court are by no means revolutionary. In the last sixteen years, similar reforms have been implemented in nearly two dozen jurisdictions that had been found to employ – or accused of employing – unconstitutional police practices.[2] The legal principles articulated by the district court, and ordered to be imparted to officers of the New York Police Department ("NYPD"), are the same clear and well-established principles that have served as the basis for successful reform in many of these other jurisdictions. Far from the dire consequences that the City and its amici hypothesize will accompany court oversight, assessments of comparable court decrees by recognized experts firmly establish that crime rates have fallen, and both police efficacy and police-citizen relations have improved. Experience shows that police officers are capable of policing both effectively *and* legally, and the cooperation of the City with the district court and the monitor for the duration of the appeal will not inflict irreparable harm upon it.

I. The Injuries Forecasted To Befall the City Are Illusory

To warrant a stay, the City must show more than "*some possibility* of irreparable injury," *Nken v. Holder*, 556 U.S. 418, 434-35 (2009) (internal quotation marks omitted) (emphasis added); it must "demonstrate that irreparable injury is *likely*," *Winter v. Natural Res. Defense Council, Inc.*, 555 U.S. 7, 22 (2008). It has done neither.

A. Enforcement Will Not Cause Undue Confusion Among Officers

The City's Amici warn that the remedial order will cause confusion because it calls into doubt the NYPD's current policy of targeting blacks and Hispanics for stops, frisks

[2] For a list of the jurisdictions and citations to the decrees, see Appendix I. All references to decrees listed in the appendix appear here as "[X] Decree," where "X" is the relevant jurisdiction.

and searches. But the remedial order is based on straightforward, established principles of law that have guided successful police reform in jurisdictions throughout the country.

The accuracy of the legal precepts underlying the district court's Fourth Amendment analysis is undisputed.[3] The City's Amici do, however, dispute the district court's holding that "[r]acially defined groups may not be targeted for stops in general simply because they appear more frequently in local crime suspect data," Remedial Order at 17. *See* City's Amici Br. at 7. Indeed, the City's Amici go so far as to identify a "bedrock" legal tenet "that police may consider a person's race while conducting police work without offending the Constitution," even when they are not using reliable suspect-specific information to identify a particular person or group. *Id*. at 7. This is as misleading as it is wrong.

As Plaintiffs-Appellees explain, *see* Dkt 146-4 at 24-25, the City's Amici ignore the careful distinction drawn by the district court between using race to search for a particular suspect based on a victim's description on the one hand, and, on the other, stopping and searching individuals because they belong to racial or ethnic groups whose members are believed to be more likely to commit specific types of crime than members of other racial or ethnic groups. *See* Liability Op. at 186-87; *Brown v. City of Oneonta*, 221 F.3d 329, 337 (2000) (finding no equal protection violation where plaintiffs alleged that officers questioned black men on the "basis of a physical description given by the victim of a crime," and not that "the police used an established profile of violent criminals

[3] "In order to conduct a stop, an officer must have *individualized*, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime," and "[t]o proceed form a stop to a frisk, the police officer must reasonably suspect that the person stopped is *armed and dangerous*." Remedial Order at 15-16; *see also Terry v. Ohio*, 392 U.S. 1, 301 (1968)

to determine that the suspect must have been black"); Samuel R. Gross & Debra Livingston, Racial Profiling Under Attack, 102 Col. L. Rev. 1413, 1415 (2002) [hereinafter "Gross & Livingston"] ("The essence of racial profiling is a global judgment that the targeted group . . . is more prone to commit crime in general, or to commit a particular type of crime, than other racial or ethnic groups.").

Police may not target individuals for extra scrutiny because of their membership in a particular racial group. *See Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 227 (1995) (holding that group classifications must "be subjected to detailed juridical inquiry to ensure that the *personal* right to equal protection of the laws has not been infringed"). The fact that blacks and Hispanics as a group commit more crime than whites does not contribute to reasonable suspicion that any particular individual has committed or is about to commit a crime. *See Maryland v. Pringle*, 540 U.S. 366, 371 (2003) (to justify a seizure, "the belief of guilt must be particularized with the person to be searched or seized"); *City of Oneonta*, 221 F.3d at 340 (noting that defendants "would have difficulty demonstrating reasonable suspicion" for seizure of black men based on crime report that merely described suspect as young black man). Those unoriginal principles, which animate the district court's remedial order, have also been the basis for court-supervised reform in such jurisdictions as the New Jersey, Los Angeles, New Orleans and Seattle.[4]

Instead of explaining how enforcement of the order will necessarily inflict injury, the City's Amici merely iterate the truism that enforcement will affect "planning and training within the NYPD, and on individual day-to-day policing decisions," City's Amici

[4] *See* N.J. Decree at 7 ¶ 26; L.A. Decree at 40 ¶ 103; New Orleans Decree at 38 ¶ 125; Seattle Decree at 44 ¶ 146(a).

Br. 6. To effect change is the purpose of any remedial order; that change will occur does not alone provide grounds for the extraordinary relief of a stay. In this case, the change called for is conveyance to police officers of basic and unassailable principles of constitutional law.

B. Enforcement Will Improve Police Effectiveness and Police-Community Relations

The City's Amici assert that, if NYPD officers are instructed to stop individuals on the basis of individualized suspicion rather than race, they will be chilled from stopping individuals at all. This "de-policing" argument is classic – and classically flawed. "[O]ne way that police officers resist reforms required by a consent decree is by telling themselves and others that the reforms prevent them from dealing effectively with crime."[5] The City's Amici's rote, unsupported invocation of a rejected excuse for avoiding necessary reform is insufficient to establish the need for a stay. *See* L.A. Report at 19 ("every instance where the U.S. Department of Justice has entered into a consent decree with a state or local government to address an alleged pattern and practice of police misconduct, concerns have been raised that the consent decree would lead to de-policing").

Appointing an independent monitor and directing a municipality to cooperate with the monitor, citizens, and a federal court to revise police policies and training is a

[5] Christopher Stone et al., Program in Crim. Justice Pol. & Mgmt., Harvard Kennedy School, Policing Los Angeles Under a Consent Decree: The Dynamics of Change at the LAPD 6 (2009) (hereinafter "L.A. Report"), *available at* http://www.hks.harvard.edu/var/ezp_site/storage/fckeditor /file/pdfs/centers-programs/programs/criminal-justice/Harvard_LAPD_Report.pdf; *see also* Robert C. Davis et al., Vera Institute of Justice, Turning Necessity into Virtue: Pittsburgh's Experience with a Federal Consent Decree 42 (2002) (hereinafter, "Pittsburgh Report"), *available at* http://www. vera.org/ sites/default/files/resources/downloads/Pittsburgh_consent_decree.pdf (noting that "claims of 'depolicing'" accompany "enhanced accountability ushered in by [a] consent decree").

common response to findings of illegal police practices. Indeed, since 1997, similar reforms have been implemented following citizen lawsuits or investigations and/or enforcement actions by the U.S. Department of Justice or state attorneys general in at least 21 jurisdictions, including the state of New Jersey and some of the country's largest municipalities. *See* Appendix I.[6] The experience in these jurisdictions shows that police performance can be enhanced when officers are instructed to investigate individuals only with sufficient individualized suspicion and not on the basis of race.

For example, in Los Angeles, after the 2001 court appointment of a monitor and imposition of a far-reaching consent decree that prohibited the use of race as a factor in conducting stops, "[p]ublic satisfaction [was] up"; there was "no objective sign of so-called 'de-policing' since 2002; . . . [and] both the quantity and quality of enforcement activity [had] risen substantially." L.A. Report at i. The increased quality of stops were reflected in a higher proportion of stops resulting in arrest, and a higher proportion of arrests leading to charges filed by the district attorney's office. *Id.*; *see also id.* at 25, 30, 32 ("[F]rom 2002 onwards . . . [o]fficers of the LAPD stopped more people on foot and in vehicles, and more of those stops resulted in arrests. Officers of the LAPD arrested more people as well, and more of their arrests were filed as felonies."). Serious crime substantially declined "in every police division in the city." *Id.* at ii.

Similar effects were seen in Pittsburgh following implementation of a 1997 consent decree, which was adopted in light of charges by the United States of, among other things, a pattern of improper searches and seizures: "Rates of reported crime did not increase

[6] Of the 21 agreements in 20 jurisdictions listed in Appendix I, at least 12 were court-ordered.

following the decree. Traffic summonses, a barometer one would expect to be affected if police were less active, did not decline as a result of the decree (although the clearance rate for misdemeanors did decline temporarily) . . . [and] officer morale . . . did not show negative trends following the decree." Pittsburgh Report at 63.

The examples of Los Angeles and Pittsburgh severely undermine arguments advanced by the City and their amici that crime rates have declined in New York *only* because race-based and suspicionless stops, frisks and searches have been conducted. *See* Gross & Livingston at 1432 ("[J]udging from patterns in other cities, it is fairly clear that crime would have dropped to some extent regardless of police practices; and we have no idea what less troubling methods would have succeeded as well or better."). They also establish that clearly informing police officers about the legal framework governing their conduct is not likely to cause confusion or hesitation. The predictions of doom by the City's Amici collapse in the face of experience and reality. Teaching police officers to respect constitutional rights does not inescapably constrain them from doing their jobs effectively.

C. The Remedial Order Is Well Within the District Court's Authority

Faced with an abundant factual record of the City's wholesale and engrained practice of violating the constitutional rights of its citizens of color, the district court was "entirely warranted in ordering significant affirmative relief . . . , including appointing a Monitor to oversee the [City's] long-awaited progress toward ending discrimination, ordering development of policies to assure compliance with [federal law]," and "requiring comprehensive review" of the City's practices. *United States v. City of New York*, 717

F.3d 72, 97 (2d Cir. 2013). The City's Amici nonetheless argue that the remedial order is so extreme in its scope as to be unenforceable whatever the merits of plaintiffs' constitutional claims and whatever the City's history of rights violations. The only support offered for this breathtaking assertion is twofold: The remedial order affects local government control over police policy, and it requires the City to expend time and money in aid of enforcement.

The remedies outlined in the district court's order track the standard DOJ approach for addressing allegations of police misconduct in jurisdictions throughout the country. Provisions appointing monitors, requiring officers to make stops only upon reasonable suspicion and not on the basis of race, mandating that officers describe in detail the basis for their suspicions, and imposing systems to monitor police performance – including by video and audio recording, *see* N.J. Decree at 15 ¶ 34 – are standard. Indeed, the City itself acknowledged federal courts' enforcement authority over municipal police departments when it agreed in 2004 to court oversight of obligations to adopt a written policy prohibiting the use of profiling and to supervise, monitor and train officers with respect to the policy. *See* N.Y. Decree at 5 ¶¶ 1, 4, 5.[7]

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[7] The City's amici dismiss these many examples of court-supervised police reform with the conclusory, unsupported statement that, "while institutional reform consent decrees . . . may be wide-ranging, the same is not true for a court-ordered injunction in the circumstances of this case." City's Amici Br. 12 n.4. A consent decree, like the remedial order here, "is a federal-court order that springs from a federal dispute and furthers the objectives of federal law," *Frew ex rel. Frew v. Hawkins*, 540 U.S. 431, 438 (2004), and federal courts have an equal obligation when enforcing both agreed-upon and compulsory orders to ensure that the remedy is in proportion to the federal interest. That interest is, if anything, greater where a municipality is found after full trial to have violated federal law than where a city simply expresses an "interest in promoting effective and respectful policing," in the absence of any admission or judicial finding of misconduct. L.A. decree at 1 ¶ 1; *see also id.* 1 ¶3 ("Nothing in this Agreement . . . shall be construed as an admission or evidence of liability under any federal, state or local law."). (For other orders imposed notwithstanding denial of

The simple fact that a remedy vindicating a federal interest affects local autonomy and necessitates the expenditure of local funds does not render it inevitably overbroad or irreparably harmful. "Courts may not allow constitutional violations to continue simply because a remedy would involve intrusion into the realm" of a traditionally core local function. *Plata*, 131 S. Ct. at 1937. And "[f]inancial constraints may not be used to justify the creation or perpetuation of constitutional violations." *Rufo v. Inmates of Suffolk County Jail*, 502 U.S. 367, 392 (1992).[8]

II. Public Interest Counsels Against the Imposition of a Stay

The public interest will be undermined if the City's obligation to cooperate with the monitor is set aside while it pursues its appeal. In arguing otherwise, the City's Amici once again assume – contrary to the district court's factual findings, the record below and the historical evidence – that instructing officers to conduct investigations only upon individualized suspicion and without consideration of race borne from crime statics will wreak havoc on neighborhoods with high crime rates. *See* City's Amici Br. at 18. To the contrary, history suggests that the greatest factor contributing to decreased effectiveness and poor relations between a police department under court supervision and its

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rights violations, see: N.J. Decree at 1 ¶ 4; Seattle Decree at 5 ¶¶ 17, 18; New Orleans Decree at 2 ¶ 3; Pittsburgh Decree at 1 ¶ 4, 2 ¶ 7; Steubenville Decree at ¶ 3; Philadelphia Decree at 2; Oakland Decree at 1; Mt. Prospect Decree at ¶ 1; New York Decree at 3.) Courts' obligation "to fashion practical remedies" is strongest when they are "confronted with complex and intractable constitutional violations." *Brown v. Plata*, 131 S. Ct. 1910, 1937 (2011); *see also Miliken v. Bradley*, 433 U.S. 267, 282 (1977) ("[W]here, as here, a constitutional violation has been found, the remedy does not 'exceed' the violation if the remedy is tailored to cure the condition that offends the Constitution.").

[8] *Accord Miliken*, 433 U.S. at 289 (federal courts may "enjoin state officials to conform their conduct to requirements of federal law, notwithstanding a direct and substantial impact on the state treasury"); *Edelman v. Jordan*, 415 U.S. 651, 668 (1974) (a federal remedy is proper to the extent it requires "payment of state funds as a necessary consequence for compliance in the future with a substantive federal-question determination").

community is not court oversight or excess training on constitutional requirements, but official recalcitrance. *See e.g.* L.A. Report at 6 ("The pattern [in Los Angeles] is unmistakable: recorded crime fell after 2002 during the period in which the decree was embraced by the leadership of the LAPD, after rising during the period in which implementation was stalled."); Pittsburgh Report at 65 (noting that failure "to educate officers about the decree and to defuse the notion that it would necessarily be detrimental to officers" hampered reform in Pittsburgh). Allowing the NYPD to drag its feet poses the greatest risk to public safety.

Immediate and robust participation by the City in considering and developing reforms is likely to improve community relations with no deleterious effect on crime rates. *See*, *e.g.*, L.A. Report at 44 ("[S]ubstantially greater proportions of residents rate[d] the [LAPD] as 'good' or 'excellent'" while it was under reform, and "the high ratings . . . [were] remarkably consistent across ethnic and racial groups."). The social costs of the NYPD's current policy are "very high – dozens of thousands of unarmed young men stopped and searched in public, an ugly crisis in relations between the Police Department and minority communities – and the benefits speculative." Gross & Livingston at 1432. The adjudication that these practices violate the Constitution further renders undeniable the profound public interest in seeing the order enforced pending appeal. "Faced with . . . a conflict between the state's financial and administrative concerns on the one hand, and the risk of substantial constitutional harm to plaintiffs on the other," this court has had "little difficulty concluding that . . . the balance of hardships tips decidedly in plaintiffs' favor." *Mitchell v. Cuomo*, 748 F.2d 804, 808 (2d Cir. 1982).

CONCLUSION

For the reasons set forth above, *amicus* respectfully requests that this Court deny the City's motion for a stay pending appeal.

Dated: October 15, 2013
New York, New York

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APPENDIX I

RECENT HISTORY OF POLICE PRACTICE REFORMS

1. **Seattle, WA:** *United States v. Seattle,* No. 12-cv-1282 (Sept. 21, 2012 W.D. Wa.) Available at: http://www.wawd.uscourts.gov/special-case-notices.

2. **New Orleans, LA:** *United States v. New Orleans City*, 12-cv-1924, ECF No. 2-1 (E.D. La. Jul. 24, 2012) (consent decree); ECF No. 122 (Sept. 20 2012) (order approving decree). Available at http://www.laed.uscourts.gov/Consent/consent.htm.

3. **Philadelphia, PA:** *Bailey v. City of Philadelphia*, No. 10-5952, ECF No. 16 (June 21, 2011). *Available at* http://www.clearinghouse.net/chDocs/public/PN-PA-0013-0002.pdf.

4. **Prince George's County, MD:** Mem. of Agreement Between the U.S. Dep't of Justice and Prince George's Cnty, Md. and the Prince George's Cnty. Police Dep't (Jan. 22, 2004). *Available at* http://www.justice.gov/crt/about/spl/documents/pgpd/pg_memo_agree.pdf.

5. **New York City, NY:** *United States v. Daniels*, No. 99-cv-1695, ECF No. 152 (Jan. 13, 2004). *Available at* http://ccrjustice.org/files/Daniels_StipulationOfSettlement_12_03_0.pdf.

6. **Villa Rica, GA:** Mem. of Agreement Between the United States and the City of Villa Rica, Ga. (Dec. 23, 2003). *Available at* http://www.justice.gov/crt/about/spl/documents/villa_rica_moa.pdf.

7. **Detroit, MI:** *United States v. City of Detroit*, No. 03-cv-72258, ECF Nos. 22, 23 (E.D. Mich. July 18, 2003). Available at http://www.clearinghouse.net/detail.php?id=1028.

8. **Oakland, CA:** *Allen v. City of Oakland*, 00-cv-4599, ECF No. 169 (N.D. Cal. Jan. 22, 2003) (settlement agreement), ECF No. 187 (March 14, 2003) (approving settlement agreement). *Available at* http://web.law.columbia.edu/sites/default/files/microsites/contract-economic-organization/files/Allen%20v.%20City%20of%20Oakland.pdf.

9. **Mt. Prospect, IL:** Mem. of Agreement Between the United States & the Village of Mt. Prospect, Il. (Jan. 22, 2003). *Available at* http://www.clearinghouse.net/chDocs/public/PN-IL-0006-0001.pdf.

10. **Buffalo, NY:** Mem. of Agreement Between the U.S. Dep't of Justice & the City of Buffalo, New York, et al. (September 19, 2002). *Available at* http://www.clearinghouse.net/chDocs/public/PN-NY-0004-0001.pdf.

11. **Columbus, OH:** *United States v. City of Columbus*, CA No. C2-99-1097 Letters of Resolution (Sept. 4, 2002). *Available at* http://www.justice.gov/crt/about/spl/documents/columbus_cole_boyd_letters.php.

12. **Cincinnati, OH:** *In Re Cincinnati Policing*, No. 99-cv-317 (2002) (Collaborative Agreement). *Available at* http://www.cincinnati-oh.gov/police/linkservid/27A205F1-69E9-4446-BC18BD146CB73DF2/showMeta/0/.

13. **Cincinnati, OH:** Mem. of Agreement Between the U.S. Dep't of Justice and the City of Cincinnati, Ohio and the Cincinnati Police Department (April 12, 2002). *Available at* http://www.cincinnati-oh.gov/police/linkservid/EA1A2C00-DCB5-4212-8628197B6C923141/showMeta/0/.

14. **Washington, DC**: Mem. of Agreement Between the U.S. Dep't of Justice and the Dist. of Columbia and the D.C. Metro. Police Dep't (June 13, 2001). *Available at* http://www.justice.gov/crt/about/spl/documents/dcmoa.php.

15. **Los Angeles, CA**: *United States v. City of Los Angeles*, 00-cv-11769, ECF. No. 123 (June 15, 2001). *Available at* http://www.lapdonline.org/assets/pdf/final_consent_decree.pdf.

16. **Wallkill, NY**: United States v. Town of Wallkill, 01-cv-364, ECF No. 11 (April 5, 2001). *Available at* http://www.parc.info/client_files/Wallkill/9-12%20Consent%20Decree.pdf.

17. **Highland Park, IL**: Mem. of Agreement Between the United States and the City of Highland Park, Il. (April 1, 2001). *Available at* http://www.clearinghouse.net/chDocs/public/PN-IL-0005-0001.pdf.

18. **Montgomery County, MD:** Mem. of Agreement Between the U.S. Dep't of Justice, Montgomery Cnty, Md., et al. (Jan. 14, 2000). *Available at* http://www.adversity.net/MontgomeryCountyPolice/racial_profiling_DOJ_agreement.htm.

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