



Ahead of Weekend Demonstrations, NYCLU and Legal Aid Call on NYPD to Adhere to Agreed-Upon Terms of Landmark Protest Settlement

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NEW YORK – Associate Legal Director at the New York Civil Liberties Union Molly Biklen and Staff Attorney with The Legal Aid Society’s Special Litigation Unit Jennvine Wong, ahead of weekend demonstrations, released the following statement calling on the New York City Police Department (NYPD) to adhere to the agreed-upon terms settled in [Payne v. de Blasio](#), landmark litigation which reformed the NYPD’s policing of protests:

“With the PBA’s challenge now resolved, it is abundantly clear that the terms of this agreement are in effect and the NYPD is legally obligated to immediately see those reforms into practice.

“Since this Settlement Agreement was approved last month, the NYPD has sought to delay compliance with Phase I of the Agreement, which includes trainings and policies to comply with the terms of the agreement, including the four-tiered response system, arrest policies, use of force at public demonstrations, and treatment of members of the press.

“The NYPD is on notice that we will closely monitor this weekend’s demonstrations to ensure the Department’s compliance with the Agreement.”

Background

In September 2023, New York Attorney General Letitia James (OAG), The Legal Aid Society (LAS), and the NYCLU announced a landmark agreement with the NYPD, the nation’s largest and most influential police force, that holds the Department to its oath to protect New Yorkers’ right to protest. This [agreement](#) resolved lawsuits for injunctive relief filed by Attorney General James, LAS, NYCLU, and other private lawsuits over NYPD’s wrongful arrests and excessive use of force against protesters during the summer of 2020. As a result of the agreement, the NYPD will be required to change how it deploys officers to public demonstrations and document those deployments more fully.

An oversight committee comprised of OAG, the Commissioner of the New York City Department of Investigation (DOI), New York City Office of Corporation Counsel, the new First Amendment Activity (FAA) Senior Executive, and two representatives from LAS, NYCLU, and the private cases will oversee and monitor NYPD’s implementation and compliance with the new reforms over a multi-year period.

- In Phase I, NYPD must begin changing its trainings and policies to comply with the terms of the agreement, including the four-tiered response system, arrest policies, use of force at public demonstrations, and treatment of members of the press.
- Starting in Phase II of the oversight period, the committee will meet regularly to review and evaluate NYPD’s response to protests. Every six months, DOI will be conducting an in-depth review of two protests and make recommendations to the NYPD.

- In Phase III of the oversight period, the court will retain jurisdiction over the agreement for an additional 12 months and if at any time during phase three the NYPD violates the terms of the agreement, OAG or the other plaintiffs may take action to bring the matter back to court.

On February 7th, the Court [approved the settlement](#), thwarting the Police Benevolent Association's motion to stop the agreement from going into effect. Despite this, the City sought to stay the agreement because of the possibility that the PBA appeals the decision, which the NYCLU, LAS, and OAG [opposed](#), and which the Court denied on February 29th.

Read the settlement here: <https://www.nyclu.org/en/cases/payne-et-al-v-de-blasio-et-al>

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