

Thwarting Police Union Challenge, Second Circuit Upholds NYPD Protest Settlement

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NEW YORK – Today, in a sweeping order, the Second Circuit Court of Appeals upheld the Payne settlement, a landmark [agreement](#) reached with the New York Civil Liberties Union (NYCLU), The Legal Aid Society, the State Attorney General's Office and the New York City Police Department (NYPD) to reform the NYPD's policing of protests. The Payne settlement significantly overhauls the NYPD's policing of protests, preventing unnecessary and aggressive deployments of officers to protests and protecting the public from false arrests and excessive use of force. Today's decision rejects a [challenge](#) by the New York City Police Benevolent Association (PBA) to overturn the agreement.

Statement attributable to Molly Biklen, Interim Legal Director at the New York Civil Liberties Union:

"Today's ruling is a decisive rejection of the PBA's baseless objections, and a critical step towards realizing the promise of this settlement. The decision makes it abundantly clear that the NYPD must reform its response to protest in accordance with the tiered protest response framework it agreed to. It is past time for the City to fully implement this settlement and we will hold the department accountable if the NYPD fails to do so."

Statement attributable to Rigodis Appling, Staff Attorney with the Criminal Defense Practice's Special Litigation Unit at The Legal Aid Society:

"With the PBA's challenge now resolved, it is indisputable that the terms of the agreement are in effect, and the NYPD is legally bound to swiftly implement these crucial reforms. The NYPD has been formally notified, and we will diligently monitor the implementation process to ensure the Department fully complies with the spirit and intent of this historic court settlement."

In March 2024, the PBA appealed the district court's decision to approve the settlement to the Second Circuit. The PBA requested a stay at a district court and was denied. Today's ruling, which follows the NYCLU's [opposition](#) to the request, denies the PBA's desperate attempt to block the implementation of the settlement.

Case materials can be found here: <https://www.nyclu.org/court-cases/payne-et-al-v-de-blasio-et-al>

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