

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DAVID FLOYD, *et al.*,
Plaintiffs,

No. 08 Civ. 1034 (AT)

-against-

CITY OF NEW YORK, *et al.*,
Defendants.
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KELTON DAVIS, *et al.*,
Plaintiffs,

No. 10 Civ. 699 (AT)

-against-

CITY OF NEW YORK, *et al.*,
Defendants.
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**REPLY DECLARATION OF DARIUS CHARNEY IN FURTHER SUPPORT OF
PLAINTIFFS' MOTION FOR EMERGENCY RELIEF**

DARIUS CHARNEY, an attorney duly authorized to practice in the courts of New York and in this Court, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a senior staff attorney at the Center for Constitutional Rights and counsel for Plaintiffs in *Floyd v. City of New York*, 08 Civ. 1034 (AT). I submit this Reply Declaration in further support of Plaintiffs' Motion, by Order to Show Cause, for emergency relief, *Floyd* Dkt## 759-761-8.

2. On May 29, 2020, I served by electronic mail a New York State Freedom of Information Law (FOIL) request upon Jonathan Darche, Executive Director of the New York City Civilian Complaint Review Board (CCRB). My FOIL request sought data on all civilian complaints of misconduct received by the CCRB since March 15, 2020 containing an allegation

for improper stop, improper search, and/or excessive force and arising out of, resulting from, or otherwise relating to social distancing enforcement action taken by New York City Police Department (NYPD) members of service. The request also specified that such data should be disaggregated by type of allegation, race of the complainant, date of the complaint, and NYPD precinct in which the incident giving rise to the complaint took place. A true and correct PDF copy of my FOIL request is attached hereto as Exhibit 1.

3. On June 1, 2020, I received via electronic mail a letter response from the CCRB to my FOIL request. Attached to the CCRB's response was a Microsoft Excel file containing the data I had requested. True and correct PDF copies of the CCRB's letter response and the accompanying Excel data file are attached hereto as Exhibit 2.

Date: New York, NY
June 15, 2020

\s\ Darius Charney
Darius Charney