

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

UNITED STATES DISTRICT COURT for the EASTERN DISTRICT OF NEW YORK

If you are a Latino/a and use the roads of Suffolk County as a motorist or pedestrian, you may be part of a Class Action Settlement:

***Plaintiffs #1-21, et al v. County of Suffolk, et al,*
United States District Court for the Eastern District of New York
Case Number 15-cv-02431-WFK-LB**

MORE INFORMATION: <https://www.milbank.com/en/plaintiffs1-21.html>

IMPORTANT

PLEASE READ THIS NOTICE CAREFULLY
THIS NOTICE RELATES TO THE PENDENCY OF A CLASS ACTION LAWSUIT AND, IF YOU ARE A CLASS MEMBER, CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHTS TO OBJECT TO THE CLASS ACTION SETTLEMENT

A federal court has authorized this notice. This is not an advertisement. You are not being sued or restrained.

This notice is to inform you of a proposed settlement of a class action lawsuit (the “Class Action Settlement”) in the United States District Court for the Eastern District of New York, against the County of Suffolk (the “County”); Suffolk County Police Department (“SCPD”); Edward Webber; Milagros Soto (collectively, the “County Defendants”).

YOUR LEGAL RIGHTS* AND OPTIONS IN THIS CLASS ACTION SETTLEMENT**

DO NOTHING	By doing nothing, you remain in the Class and benefit from the terms of the Class Action Settlement Agreement (the “ <u>Class Action Settlement Agreement</u> ”). There are no rights to “opt out” or exclude yourself from the Class Action Settlement Agreement. The proposed Class Action Settlement Agreement will bind Class Members.
COMMENT OR OBJECT BY MAY 4, 2023.	Write to the Court about why you do, or do not, like the proposed Class Action Settlement.
ATTEND A HEARING ON JULY 14, 2023 AT 12:00 P.M.	Ask to speak to the Court about the fairness of the Class Action Settlement Agreement if you filed a request to do so by May 4, 2023 . <i>(The date and time of the Final Approval Hearing is subject to change by Court Order and without further notice to the Class. This hearing may proceed by video conference if so indicated on ECF.)</i>

** These rights, options, and the deadlines to exercise them are explained in this notice.*

*** The Court overseeing this case still has to decide whether to approve the Class Action Settlement.*

1. What is this notice and why should I read it?

This notice is to inform you of a proposed Class Action Settlement of a class action lawsuit entitled *Plaintiffs #1-21, et al v. County of Suffolk, et al.*, Case No. 15-cv-02431-WFK-LB, brought on behalf of the Class, and pending in the United States District Court for the Eastern District of New York. The Court has granted preliminary approval of the Class Action Settlement and has set a Final Approval Hearing to take place on July 14, 2023 at 12:00 p.m. at 225 Cadman Plaza East, Brooklyn, NY 11201, to determine if the Class Action Settlement is fair, reasonable, and adequate. **Note:** This date and time are subject to change by Court Order and may change without further notice to the Class.

This notice describes the proposed Class Action Settlement. Your rights and options – **and the deadlines to exercise them** – are explained in this notice. If you are a Class Member your legal rights are affected regardless of whether you act.

2. What is a class action lawsuit and what is this lawsuit about?

In a class action, one or more people, called Class Representatives, sue for themselves and for people who have similar claims. The people who brought the case – and all the Class Members like them – are called Plaintiffs. The people or entities they have sued are called Defendants, or the “County Defendants” here. The case name is *Plaintiffs #1-21, et al v. County of Suffolk, et al.*, and the case number is 15-cv-02431-WFK-LB. The court in charge of this case is the United States District Court for the Eastern District of New York, the Honorable William F. Kuntz, II presiding.

This class action lawsuit involves claims by the Plaintiffs as representatives of the Class of all similarly situated Latinos in Suffolk County who are, or will be at risk of being subject to discriminatory and unconstitutional policing policies, patterns, and practices by County Defendants in violation of the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States, 42 U.S.C. § 1983, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the common law of the state of New York. Before the Court made a final determination in this lawsuit regarding whether the County Defendants’ conduct is lawful or unlawful, Plaintiffs and the County Defendants reached this Class Action Settlement. This Class Action Settlement does not seek any money from the County Defendants on behalf of the Class, except to reimburse Plaintiffs’ attorneys for their fees and costs spent in bringing this lawsuit.

3. How do I know if I am part of the Class?

The Court has certified the following class (the “Class”): All Latino or Latina persons who, at any time after January 2012, have been or in the future will be subject to a vehicular or

pedestrian stop or detention by an agent of the Suffolk County Police Department in the county of Suffolk. If you are one of these persons, you are participating in the lawsuit.

The Court has approved the distribution of this notice so that members of the Class can voice their support or opposition to final approval of the Class Action Settlement, and to explain how those in the Class may obtain the non-monetary relief offered by the Class Action Settlement. If the Class Action Settlement does not receive final approval by the Court, or the Parties terminate it, the Class Action Settlement will be void, and the lawsuit will continue as if there had been no Class Action Settlement.

4. Why is there a settlement?

The Court has not decided in favor of either side in this case. The County Defendants deny all allegations of wrongdoing. The County Defendants are settling in order to avoid the risks and substantial expense of further protracted litigation, including trial and appeal. Plaintiffs and their attorneys maintain that their claims are meritorious, but believe that the Class Action Settlement is in the best interests of the Class because it provides an appropriate recovery now while avoiding the risks, expense and delay of pursuing the case through trial and any appeals.

5. What does the settlement provide?

This notice summarizes the proposed Class Action Settlement. For the complete terms and conditions of the Class Action Settlement, please see the Class Action Settlement Agreement available at <https://www.milbank.com/en/plaintiffs1-21.html> , by contacting Class Counsel (*see* Question No. 7 for contact information), by accessing the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.nyed.uscourts.gov>, or by visiting the office of the Clerk of Court for the United States District Court for the Eastern District of New York, between 8:30 am and 5:00 pm, Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS CLASS ACTION SETTLEMENT PROCESS.

Pursuant to the Class Action Settlement Agreement, the Plaintiffs and County Defendants have agreed to substantive terms modifying and supplementing SCPD policies, procedures and practices. The County Defendants have agreed to the following in the Class Action Settlement Agreement:

Precinct Level Advisory Boards: Through this Class Action Settlement Agreement, SCPD will establish a Precinct Level Advisory Board (“PLAB”) for each SCPD precinct. The PLABs will focus on addressing community concerns, fostering new relationships between the SCPD and community leaders, expanding the community engagement reach within each precinct, and providing a clear line of communication between the SCPD and the community. Annually, at a regularly scheduled quarterly meeting the Commanding Officer will be available to present up-to-date data on the precinct’s traffic and pedestrian stop activity. These meetings will be in addition to the public community meetings that already occur.

Implicit Bias Training: SCPD will work with a qualified third-party provider to establish an Implicit Bias 2.0 Training, which will be an updated version of the SCPD's current implicit bias training program. The training will incorporate an analysis of the SCPD's traffic stop data which will be completed by an independent third party. It is the intention of the County Defendants that all sworn officers will complete the Implicit Bias 2.0 Training.

Traffic Stop Data and Analysis: County Defendants will maintain their Public Traffic and Pedestrian Stop Data Dashboard with quarterly publication of its raw data. The raw data sets will include, amongst other data, information related to: (i) where a stop occurred, (ii) the police action taken, and (iii) anonymized license plate data.

SCPD will continue to engage an independent third party to review the SCPD's traffic and pedestrian stop data and publish a report on an annual basis. Additionally, the SCPD's precinct commanding officers, or their designees, will review traffic stop data quarterly to identify and address atypical patterns of traffic stops and/or enforcement activity.

The SCPD will issue an annual public report that includes information related to Internal Affairs Bureau ("IAB") complaints, including: (i) the number of complaints by type of allegation; (ii) case disposition per investigation; (iii) bias policing allegations; (iv) bias policing dispositions; (v) bias policing allegations by race or ethnicity; (vi) bias policing allegations by race or ethnicity per year; (vii) bias policing allegations by precinct/race or ethnicity; and (viii) the time it takes to complete investigations.

Traffic and Pedestrian Stop Training: The SCPD will ensure that its officers receive the appropriate training related to the SCPD policies regarding: (i) searches based solely on consent, (ii) permissible questions during traffic stops, (iii) search and seizure law and the four levels of suspicion; and (iv) adequate recording of necessary stop data, such as the primary reason for a stop. Moreover, officers will be instructed to provide only a warning when encountering a minor vehicle equipment violation, unless there are additional facts or circumstances justifying a ticket for the equipment violation offense. Furthermore, where no additional action is taken during a stop, officers will be instructed to provide a business card in both English and Spanish that includes their information, and both the IAB and the Human Rights Commission "HRC" contact information. The contact information for both the IAB and HRC will also be prominently displayed on the SCPD website.

Language Access: The SCPD will implement additional procedures to improve language accessibility and ensure alignment with the goals and spirit of SCPD Policy 333. Specifically, the SCPD will include links on its website to tools that translate webpages into Spanish. The Spanish version of the website will include links to Spanish versions of documents and forms. Moreover, the SCPD will provide language assistance services in accordance with the procedures contained in SCPD Policy 333 and will make residents aware that such services are available to them free of charge. The SCPD will post Language Access statistics on its website on a quarterly basis.

County Defendants will also hire certified Spanish Speaking Police Operations Aides to provide language assistance at the front desk of the Third Precinct, other than for the overnight shift. Furthermore, County Defendants agree to use best efforts to recruit and hire certified Spanish Speaking Police Operations Aides for open positions, other than the overnight shift, for the front desks of the First, Second, and Fifth Precincts.

Civilian Oversight Review Process: A civilian oversight review process will be managed by the HRC as follows: (i) providing an additional mechanism for in-person and online means by which the public may file complaints of officer misconduct; (ii) reviewing in tandem IAB investigations of police misconduct complaints being investigated by the IAB and over which the HRC has jurisdiction pursuant to its powers and duties under Suffolk County Code Section 119-3; (iii) accessing the Department's shared data portal to monitor the status of open complaints; and (iv) offering recommendations on additional steps to be taken by the IAB as part of a particular police misconduct investigation. The HRC will issue an annual report summarizing its review activities, observations, and recommendations.

Body-Worn Camera Policy: SCPD will comply with its Body-Worn Camera Policy 422 and Body-Worn Camera Procedure 422 and will deploy the use of body-worn cameras as standard police worn equipment for all authorized officers who regularly engage with the public in the course of their professional duties.

U-Visa Matters: The Commanding Officer of the SCPD's Hate Crimes Bureau (or his/her designee) will be designated as the contact person for all U-Visa matters, using appropriate language access resources, conducting outreach to crime victims, providing information regarding U-Visas, and responding to inquiries.

6. What are my rights as a member of the Class?

If you **are** satisfied with the proposed Class Action Settlement, you do not have to do anything.

Even if you **are not** satisfied with the proposed Class Action Settlement, you do not have the right to opt out of the Class Action Settlement.

If you **are not** satisfied with the proposed Class Action Settlement, you **may object** to the Class Action Settlement or Class Counsels' request for fees by submitting your objection in writing to the Court. Specifically, you can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a different settlement; the Court can only approve or reject the proposed Class Action Settlement. If the Court denies approval, this lawsuit will continue. If that is what you want to happen, you must object.

Any **objection** to the proposed Class Action Settlement must be in writing. All written objections and supporting papers must (a) clearly identify the case name and number (*Plaintiffs #1-21, et al v. County of Suffolk, et al.*, Case No. 15-cv-02431-WFK-LB), (b) include the Class Member's Name, (c) include the Class Member's current address and telephone number, or current address and telephone number of the Class Member's legal representative, and (d)

include an explanation of why the Class Member objects to the Class Action Settlement, including any supporting documentation and the reasons, if any, for requesting the opportunity to appear and be heard at the Final Approval Hearing. All written objections and supporting papers must then be submitted to the Court either by mailing them to the Court Clerk, United States District Court for the Eastern District of New York, or by filing them in person at any location of the United States District Court for the Eastern District of New York. All written objections must be filed or postmarked on or before May 4, 2023. **Note:** Failure to comply with all requirements of this section shall constitute grounds for striking an objection or denying a request to be heard, if applicable.

If you file a timely written objection that complies with the above-mentioned requirements, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. The Final Approval Hearing is scheduled for July 14, 2023 at 225 Cadman Plaza East, Brooklyn, NY 11201 to determine if the Class Action Settlement is fair, reasonable, and adequate. **Note:** this date and time are subject to change by Court Order and may change without further notice to the Class. If you appear through your own attorney at the Final Approval Hearing, you are responsible for hiring and paying that attorney.

If, after the hearing, the Court rejects the Class Action Settlement Agreement, the Parties will continue to litigate this dispute in front of the Court. If that happens, there is no guarantee that: (1) the Court will rule in favor of the Class Members; (2) a favorable Court decision, if any, would be as favorable to the Class Members as this Class Action Settlement; or (3) any favorable Court decision would be upheld if the Government filed an appeal.

7. Who represents the Class?

Class Representatives: For purposes of the Class Action Settlement, the Court has appointed Plaintiffs #1-20 to serve as the class representatives.

Class Counsel: The Court has decided that the law firm of Milbank LLP and LatinoJustice PRLDEF are qualified to represent you and all Class Members in this case. These lawyers are called Class Counsel. They are experienced in handling similar cases. If you have any questions about this case, you may call 212-219-3360 to speak with one of the lawyers handling the case or email info@latinojustice.org. More information about Class Counsel, their practice, and their lawyers' experience is available at www.milbank.com and www.latinojustice.org.

From the beginning of the case in April 2015 to the present, Class Counsel has not received any payment for their services in prosecuting the case or obtaining the Class Action Settlement, nor have they been reimbursed for any out-of-pocket expenses they have incurred. The Class Action Settlement includes an amount for attorneys' fees and expenses, the appropriateness of which the Court will consider in determining whether to approve the Class Action Settlement. You may hire your own lawyer to represent you in this case if you wish, but it will be at your own expense.

8. What is the effect of final settlement approval?

If the Court grants final approval of the Class Action Settlement, Plaintiffs agree that they will dismiss with prejudice their claims in the Action against the County Defendants.

The Court will retain exclusive jurisdiction over the Class Action Settlement Agreement for the purpose of enforcing any of its provisions and terms, and the Court's retention of jurisdiction shall be noted in the dismissal of this action. The Court shall retain exclusive jurisdiction to enforce the Class Action Agreement until it issues a decision to terminate the Class Action Settlement Agreement.

9. When and where will the Court hold a hearing on the fairness of the Class Action Settlement?

The Final Approval Hearing is scheduled for July 14, 2023 at 12:00 p.m. at 225 Cadman Plaza East, Brooklyn, NY 11201 to determine if the Class Action Settlement is fair, reasonable, and adequate, and to consider the request by Class Counsel for attorneys' fees. **Note:** this date and time are subject to change by Court Order and may change without further notice to the Class.

At the hearing, the Court will hear any comments, objections, and arguments concerning the fairness of the proposed Class Action Settlement. If you have filed an objection to the Class Action Settlement, the Court has the right to require your attendance at the Final Approval Hearing. You will be contacted by the Court or by Class Counsel if the Court requires your appearance. If you intend to appear at the Final Approval Hearing through your own attorney, your attorney will need to file a notice of intent to appear with the Court. If you appear through your own attorney at the Final Approval Hearing, you are responsible for hiring and paying that attorney.

10. Where do I get additional information?

This notice provides only a summary of the matters relating to the proposed Class Action Settlement. For the precise terms and conditions of the Class Action Settlement, please see the Class Action Settlement Agreement available at <https://www.milbank.com/en/plaintiffs1-21.html>, by contacting Class Counsel (see Question No. 7 for contact information), by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.nyed.uscourts.gov>, or by visiting the office of the Clerk of Court for the United States District Court for the Eastern District of New York, between 8:30 am and 5:00 pm, Monday through Friday, excluding Court holidays.

If you would like additional information, you can contact Class Counsel (see Question No. 7 above).

PLEASE DO NOT CONTACT THE COURT OR THE JUDGE WITH QUESTIONS ABOUT THE CLASS ACTION SETTLEMENT