CASE BRIEF

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**CASE BRIEF**

**Dinler v. City of New York 607 F.3d 923 (2010)**

**STATEMENT OF CASE:** This case provides the demonstration of how material eyewitnesses can be apprehended and made a part of prosecution of terrorism-related lawsuit. They can be arrested and incarcerated until they have personalized distrust and detained for securing testimony. Until evidently established during seizure of eye witness, they do not disrupt the Fourth Amendment rule.

**HISTORY:** Earlier in 2003, it was announced that the 2004 Republican National Convention would be held in New York, by the mayor Michael Bloomberg. After which, the Police department New York city started to develop security plans to ensure safety and peace through-out the convention. It is well-known fact that the New York city is main target for terrorism and holding a convention would increases the chances of violence. After Commissioner Cohen researched all the means to ensure security and safety of the event, he concluded that chaos and escalating violence can be started with even a small act of extremism. He also researched every aspects of security threats and issues. In conclusion, the commissioner and the Intelligence Division of New York Police Department realized that a comprehensive and efficient strategy must be implemented for security measures. According to the strategy Intelligence Division members went undercover and became part of different organization to see if they had planned violent act for the event. These officers also developed field Reports, to remember everything they learnt during undercover mission. Most importantly, NYPD officers were ordered not to issue subpoenas and arrest every protestor who is related to violence in convention. It was also required to take fingerprints of all arrestees to verify identities of people in custody. The fingerprint and detention practices used by New York Police Department were confronted at the United States Court Southern District by plaintiffs during Republican National Convention. Violation of first, fourth and fourteenth Amendments during these practices was the basis of argument. District court ruled that bystanders were not cleared from streets before police made arrests and denied Cohen’s testimony. State laws and constitutional rights were being violated by fingerprinting rules. United States Court of Appeal was petitioned by NYPD for second Circuit which challenged the order of District court about undercover police reports (“Dinler et al v. City of New York et al, No. 1,” n.d.).

**STATEMENT OF THE FACTS:** At Republican National Convention, in 2004, due to the demonstrations, plaintiffs pressed charges for state and federal rights violation against the individuals and the New York city. False claims, numerous state law provisions and 42 U.S.C formed the basis of the lawsuit. Another reason of the lawsuit was fingerprinting and arrests due to minor breaches in the course of RNC. Based on inadequate expert proofs, testaments on accusations by deputy commissioner New York Police, David Cohen was also aimed to be eliminated in the case.

**LEGAL ISSUES:** New York Police offered the issue of obtaining the writ of mandamus for obscuring their policies and investigation during the detention of respondents.

**HOLDING:** Police departments were permitted to keep their surveillance and tactical strategy undisclosed under 28 U.S.C.A after the writ of mandamus was granted by United States Court of Appeals which upturned the district court’s ruling.

**REASONING:** Plaintiffs remained uncompelled by the necessity of undercover reports resulting in the overshadowing of public concern in disclosure, which was the main reason behind the Court of Appeal’s ruling. The privilege of law enforcement could issue a permit of writ of mandamus relief as its unguarded police reports.

**DISSENT:** Argument made by New York Police Department was based on the destabilization of security of police officers and deteriorate the investigating competencies of law enforcement agencies due to the enforcement of district court’s ruling.

**CRITICAL SUMMARY:** Unless sufficient reasons to warrant are provided, law enforcing bodies cannot be obliged to deliver undercover reports regarding the scrutiny and pre-emptive strategy while facing terrorism happenings. (“Dinler et al v. City of New York et al,” n.d.)

References

Dinler et al v. City of New York et al. (n.d.). Retrieved November 23, 2019, from Justia Dockets & Filings website: https://dockets.justia.com/docket/new-york/nysdce/1:2004cv07921/256113

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