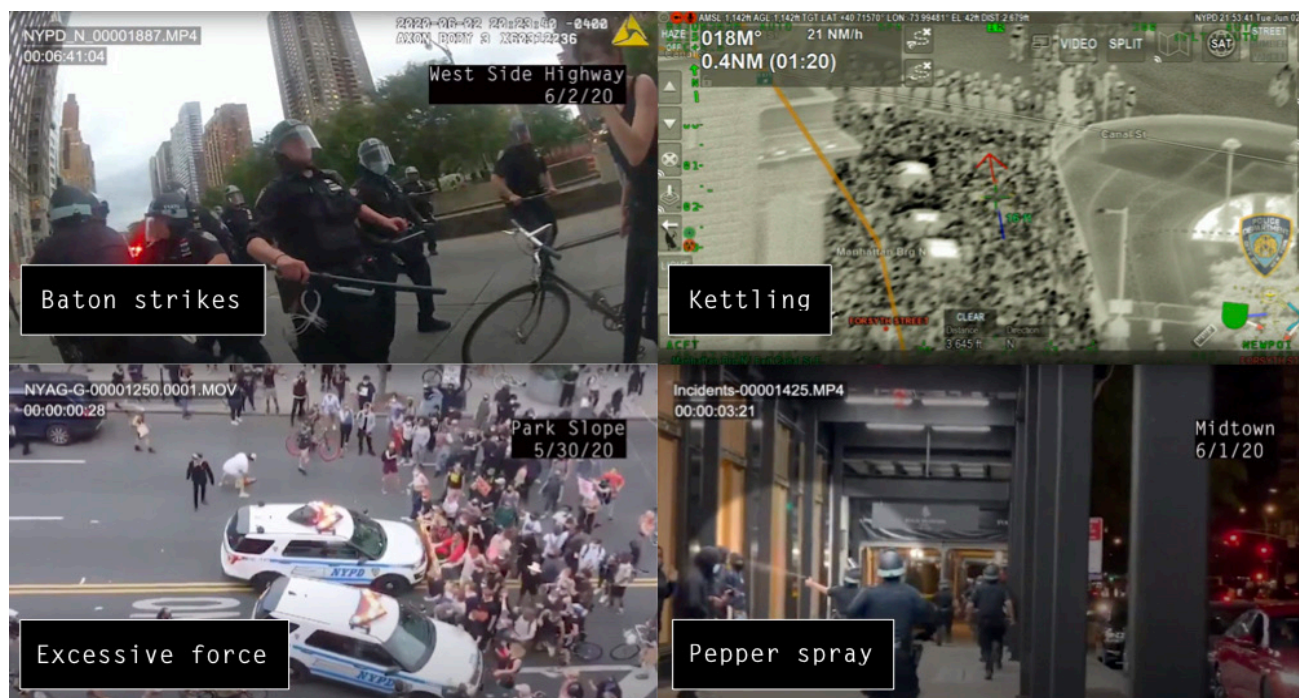


Protesters win record \$13 million-plus settlement reached over New York City Police Department's misconduct during summer 2020 Black Lives Matter demonstrations



Stills from video compilation. Credit: SITU Research, 2023

FOR IMMEDIATE RELEASE—New York City, Thursday, July 20, 2023: Protesters and their lawyers announce a historic agreement today in the class action lawsuit, *Sow, et al. v. City of New York, et al.*, pending in the United States District Court for the Southern District of New York. Lawyers associated with the National Lawyers Guild – New York City filed the federal case in early 2021 on behalf of the thousands of people who participated in racial justice protests across New York City in the summer of 2020, following the police murder of George Floyd. Focused on a wide range of police behavior that violated the protesters' civil and constitutional rights, the lawsuit and discovery in *Sow* documented and exposed many forms of NYPD misconduct that were on display in the summer of 2020, from mass arrests undertaken without probable cause, to crowd control tactics such as “kettling,” to improper use of chemical agents such as pepper spray, to other forms of excessive use of force, and more. Yesterday, lawyers for the protesters submitted the settlement papers to United States District Court Judge Colleen M. McMahon for approval. According to the terms of the settlement, the City of New York will pay \$9,950 to each of up to approximately 1,380 protesters arrested by NYPD members in certain Manhattan and Brooklyn protests between May 28 and June 4, 2020 – a total of over \$13 million dollars – plus what is likely to be millions more in attorneys' fees. This will be the largest amount paid to protesters in a class action in this nation's history.

The Sow lawsuit focuses on interactions between protesters and NYPD between May 28th and June 4th, 2020 – the primary period during which protests in support of police accountability and the Black Lives Matter movement took place in the summer of 2020. During this time, thousands exercised their constitutional rights to protest and were met with violence and indiscriminate arrests by the NYPD. The protests occurred across all five boroughs of NYC. The legal team tracked and studied scores of locations as part of litigation. The analysis revealed clear patterns of systemic police misconduct. Far from being a case of a few bad apples, the widespread nature of the misconduct, coupled with the lack of meaningful investigation or discipline, paints the picture of a police department in need of deep operational and cultural reform.

[This chart](#) and [these maps](#) show the eighteen protests on various dates and locations at which the NYPD made arrests that will be covered by the settlement. The settlement will not cover summer 2020 protest arrestees – at any date or location – who have filed and already resolved claims, or who were charged with certain offenses, such as assaulting police. In the coming weeks, after the Court approves the settlement, arrestees who are potential class members will get notice where possible. Class counsel will also post information on their websites. Anyone seeking legal advice about the settlement should consult with an attorney.

In addition to the size of the total payout to protesters, this lawsuit also presented firsts in the area of using video evidence. Faced with an overwhelming deluge of video documentation, the legal team turned to the visual investigations practice SITU Research to collaborate on sorting, analyzing and presenting thousands of videos received during the discovery process. This footage included both videos taken by citizens as well as never-before-seen body cam footage and helicopter surveillance footage. With access to this remarkable trove of assets, the team was able to assemble a more comprehensive picture of these highly contested events. As part of the preparation for class certification, the team paid special attention to specific types of misconduct including improper baton strikes, improper use of pepper spray, improper use of force, improper arrests and the use of a tactic called kettling whereby protesters are corralled into tight spaces before being arrested. This case marks the first time this much NYPD body cam and surveillance footage has been used in a class action lawsuit involving protesters.

This case is one of many lawsuits filed against law enforcement agencies across the United States for misconduct during the 2020 protests for Black lives. Like the protests themselves, the resulting litigation, and this settlement and others like it, all send a clear message that police abuse of power and suppression of dissent will not be tolerated, and that fundamental changes to policing altogether are essential.

A video summary produced by SITU and the legal team consolidating this evidence and explaining how it was used can be found [here](#). Additional video compilations can be found in the links below.

The Sow plaintiffs are represented by: Cohen&Green PLLC; Wylie Stecklow PLLC; Gideon Orion Oliver; and Beldock, Levine & Hoffman LLP.

Plaintiffs comments:

Plaintiff Adama Sow (Mr. Sow, he/him), said:

Although the city does not admit liability in this settlement, the size of this monetary settlement, coupled with the earlier settlement about Mott Haven, strongly suggests otherwise. It is also a testament to the importance of collective action to redress violations of important constitutional rights.

Plaintiff Dara Pluchino (Ms. Pluchino, she/her), said:

This monetary settlement reflects the reality that the misconduct by the NYPD alleged in this case, which is tolerated and condoned at the highest levels of the city government, harms people and communities who are simply engaging in their constitutional rights of free expression. The brutal response to these protests further risks deterring people from engaging in protected speech, and participating in creating safe and loving communities.

Plaintiff Savitri Durkee (Ms. Durkee, she/her), said:

The harmful realities we were protesting in 2020 persist. Black and brown people are disproportionately harassed, prosecuted, jailed and killed by police. This settlement doesn't address that injustice, what it does do is affirm our constitutional right to protest that injustice, and protest we must. I'm going to spend the next few months making sure this settlement reaches every single activist in the class and I'm going right back in the street - and the First Amendment is my permit.

Attorneys comments:

Attorney Elena Cohen (Ms. Cohen; she/her), a partner at Cohen&Green and past president of the National Lawyers Guild, said:

This historic settlement shows that people demanding racial justice in New York City cannot, and will not, be silenced. The fight for true equality is strengthened, and continues.

Attorney Remy Green (Mx. Green; they/them), a partner at Cohen&Green, said:

While making a massive number of protesters financially whole is an immense victory to be celebrated, the city's taxpayers will need to keep shelling out millions until City Hall stops bowing to the worst violent whims of the NYPD.

Attorney Wylie Stecklow (Mr. Stecklow; he/him), said:

Any reasonable municipal actor paying over \$13M dollars of tax payer funds to more than 1,300 people whose rights were violated while participating in expressive speech activity, would recognize the payment as a red flag and a need to correct NYPD's decades old problem with constitutional compliant protest policing, said Wylie Stecklow, a civil rights lawyer that also represented Occupy Wall Street in 2011 and numerous other protesters and journalists in NYC. From the million march in the late 90's, to RNC in 2004, Occupy Wall Street in 2011-12 and into the summer 2020 George Floyd BLM protests, NYPD's suppression of dissent has continued through numerous mayoral administrations. While the arc of the moral universe is indeed long, sometimes it needs reform to bend towards justice.

Attorney Gideon Orion Oliver, past president of the National Lawyers Guild - NYC chapter (Mr. Oliver; he/him), said:

This massive settlement is more proof of what protesters and other New Yorkers already know: that the NYPD has been, and is, wildly out of control. Requiring taxpayers to foot bills like this for governmental misconduct is meant to motivate them, and their elected officials, to make big changes in police policies, training, and oversight. But none of that happens here in New York City, where the Mayor's support of police is as unequivocal as the city's resistance to transparency and discipline around police misconduct. Since New Yorkers can't trust our city government to guarantee those things, in addition to monetary compensation for those injured by police, we must demand real, public transparency, investigations, discipline, and radical change.

Attorney David Rankin, a partner at Beldock, Levine & Hoffman (Mr. Rankin; he/him), says:

This historic settlement shows the scope of the NYPD's misconduct. Hopefully this lesson will resonate with the leadership of the city to ensure New Yorkers are safe to express their views, even views the NYPD doesn't like.

Attorney Jonathan Moore, a partner at Beldock, Levine & Hoffman (Mr. Moore; he/him), said:

This settlement is proof positive that the NYPD, particularly when it comes to demonstrations challenging the power of the police, still continue to violate the Constitution and their own regulations and training. Until the culture of policing in this city changes, we will continue to see these outcomes. The people of this city deserve better.

SITU Research comments:

Director Brad Samuels (Mr. Samuels; he/him), said:

The discovery process yielded a tremendous amount of video evidence, more than we've ever had the opportunity to work with in a case like this. The process of sorting through this data and finding the relevant footage was a lot of work but critical to getting a solid handle on the scale and scope of the misconduct.

Additional Links

To access the following documentation, visit these Google Drive links:

[First Amended Complaint](#)

[Settlement Filings](#)

[Video Summary](#)

[Video Compilations](#)

[Protest Locations Chart](#)

[Protest Boundary Maps](#)

To access the individual video compilations via Vimeo, [see here](#).

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