

City of New York agrees to \$13.7 million settlement for police brutality in George Floyd protests

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The record \$13.7 million payout agreed to by the City of New York, settling a class-action lawsuit over police brutality and unlawful arrests in the mass protests over the killing of George Floyd in Minneapolis three years ago, is an indirect admission of official abuse. At the same time, it is a relatively small price for the ruling class to pay, and a warning of what the working class can expect in the near future.

According to the settlement agreed to and filed in federal court on July 19, each of the 1,380 plaintiffs in a class-action suit brought by lawyers from the National Lawyers Guild will receive \$9,950 to settle claims against the police, without the suit going to trial or the city or the New York Police Department (NYPD) admitting any wrongdoing.

The plaintiffs were beaten, pepper-sprayed or arrested at 18 separate locations in New York City during the last days of May and the first days of June 2020, after George Floyd had been brutally suffocated to death in Minneapolis by police officer Derek Chauvin on May 26.

Caught on video camera and soon watched by hundreds of millions around the world, this police murder sparked spontaneous mass multiracial protests under the Black Lives Matter slogan, in Minneapolis, New York and hundreds of cities around the US, and throughout the world.

The \$13.7 million settlement compares to \$10.3 million in a similar case, stemming from protests at the 2004 Republican National Convention, held in New York City that year.

In the settlements of both the 2004 and 2020 cases of mass brutality and false arrest, the city and its police department were not required to make any apology or

admission of guilt. While professing their innocence of the misconduct claims, they make the disingenuous argument that forgoing a long and costly trial is in the “best interests” of both sides.

“The City and NYPD remain committed to ensuring the public is safe and people’s right to peaceful expression is protected,” said the city’s Law Department in a statement this past week. “The NYPD has improved numerous practices to address the challenges it faced at protests during the pandemic.” A memo from a city attorney made the preposterous claim that “There is no history—or past or future—of unconstitutional policing” in New York.

The 2004 protests were some of the first to involve claims of “kettling.” The NYPD, under the administration of billionaire mayor Michael Bloomberg and his long-serving police chief Raymond Kelly, made extensive use of this tactic, using police horses to erect barricades around protesters, essentially keeping them imprisoned for daring to express their First Amendment right of free assembly. They were corralled into locations from which there was no escape, then beaten, gassed or arrested, or all three.

“Kettling” was prominently used by the police at the time of the protests against the impending invasion of Iraq in 2003, demonstrations huge even in comparison to earlier mass actions in the largest city of the US. The 2004 claims were not settled until 2013.

Last week’s \$13.7 million settlement for the 2020 police violence is not the only one stemming from the George Floyd protests. In March of this year, another class-action claim was resolved, this involving a smaller number of protesters, but a larger individual payout. Each of 320 individuals who were attacked at a

protest in early June 2020 in the Mott Haven section of the Bronx, first “kettled” and then hit with batons and pepper spray, with no way to escape the rampaging cops, will receive at least \$21,500.

In addition, according to the city’s Comptroller, nearly 600 individuals have filed separate claims against the city and its police force for this period. About half of these have so far been settled, at a cost of nearly \$12 million, for an average of nearly \$40,000 apiece.

The city’s attorneys, faced with the lawsuits over police tactics, pointed to evidence that some of the spontaneous protests that followed the murder of George Floyd had involved vandalism and other acts of violence. The plaintiffs’ lawyers had little difficulty in answering this, showing visual evidence of thousands of peaceful protesters being manhandled, attacked and abused by police. Videos clearly showed the police attacking protesters without provocation. The demonstrations that involved vandalism, primarily attacks on police vehicles, were very few in number compared to the total, may well have involved the actions of police provocateurs, and in no way justified the flagrant illegality of the cops.

Another aspect of the police misconduct at that time is that the arrests, the kettling, and the disregard for basic democratic rights took place at the height of the COVID-19 pandemic in New York City. From mid-April to mid-June, COVID cases, hospitalizations and deaths were skyrocketing in New York, and the protesters were exposed to additional risk of deadly disease simply because they exercised their right to assemble and peacefully protest. Many reported that after they were detained, they were held in stifling hot Correction Department buses for up to three hours, as punishment for their legal protest. Their hands were placed in zip ties so that in some cases they became purple from lack of circulation.

Some of the lawyers for the plaintiffs pointed to the class-action lawsuit as highlighting the fact that New York police have not been properly trained in observing First Amendment rights. In reality, such “training” as the police receive means nothing giving the gross hostility to all constitutional rights that pervades the NYPD and every other police department.

More fundamentally, however, the appeal for better training ignores the function of the police as an arm of

the capitalist state, whose role is to defend the status quo of capitalist exploitation against the working class. This entails waging war on the democratic rights of working people, and in time of crisis and mass protest, this becomes the exclusive focus of police activity.

These class-action settlements are only among the largest and most prominent in the virtually endless series of payouts to the victims of police brutality. Hundreds of millions of dollars have been spent over the last few decades. The payments have become a ritual for the police and the ruling class they serve. The NYPD professes its innocence, agrees to the city’s payments to their victims for their pains, and continues as before. The actual cost is passed on to the working people and youth who are the targets of the police abuse, as funds are cut from city services like education, housing and mass transit to pay for the cops.

This is a completely bipartisan affair, in New York and everywhere else, whether under a “liberal” Democrat or a right-wing Republican. Previous Mayor Bill de Blasio instituted a curfew in May 2020, for the first time in 75 years. It was under de Blasio and his Police Commissioner Dermot Shea that the 2020 outrages took place. It is the current administration of Eric Adams, a “law-and-order” Democrat, that the latest settlement was announced.

New York City is the “home base” of a number of prominent Democratic “progressives,” many of them members of the Democratic Socialists of America, including Representatives Alexandria Ocasio-Cortez and Jamaal Bowman, leading figures in a capitalist party that carries out these and other attacks on democratic rights every single day.

The refusal of the authorities to admit wrongdoing is a clear signal that the attacks on peaceful protesters are only a foretaste of what striking workers and mass working class protests can expect in the future.



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