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Lawsuits Over Protest Brutality Pile Up, Adding to Cities' Police Costs.

An ACLU case against New York City is the latest to allege that cities responded to demonstrations with brutality.

U.S. cities are facing a growing number of lawsuits alleging excessive force against protesters this year.

The New York branch of the American Civil Liberties Union and the Legal Aid Society on Monday sued New York City, Mayor Bill de Blasio and police leadership and officers over their response to summer protests sparked by the police killing of George Floyd. The suit claims the New York City Police Department violated protesters' First Amendment rights with brutal force.

This marks the latest such allegation against a city government, joining cases in Omaha, Nebraska; Los Angeles; New York; and Minneapolis, the focal point of the protests. The growing list shows that departments are not fixing the issues that land them in court, said Joanna Schwartz, a professor at the UCLA School of Law who specializes in police accountability. The costs of such claims add up, forcing cities to spend more on police.

This week's lawsuit alleges the NYPD unnecessarily used tools like batons and pepper spray on demonstrators and deployed tactics like kettling, in which police surround and trap a group in a location. These tactics resulted in injuries, including a broken arm for one of the 11 plaintiffs, according to the suit, which also alleges false imprisonment.

"What everybody saw in the aftermath of George Floyd's murder was egregious police misconduct and violations of protesters' rights across the country but particularly in New York City," said Daniel Lambright, an ACLU attorney working on the case. "We don't think there was a 'bad apple' problem. We think these were part of policies and practices endorsed by the mayor and the commissioner."

The mayor's office declined to comment further on the lawsuit, but de Blasio addressed it in part during a Monday news conference. "From what I've heard of the lawsuit's allegation, it doesn't sound right at all to me," he said. "You know, there's been a conscious effort for seven years now to change the relationship between the NYPD and communities."

Schwartz, the law professor, said it would be in cities' economic interest to address the underlying problems that lead to conflict with protesters and allegations of brutality, rather than spending resources on settlements and court battles.

The coronavirus pandemic has left state and local governments facing a projected \$467 billion decline in revenue between 2020 and 2022, according to the Brookings Institution. At the same time, governments across the U.S. are facing questions about public safety spending; one rallying cry among protesters this year was to "defund police."

In some localities, public safety already exceeds a third of general fund spending. Louisville,

Kentucky, where Breonna Taylor was killed by police in March, spends 29% of its general fund budget on police. In Minnesota and Omaha, it's 35% and 36%, respectively. New York City spends nearly 6% of its vast general fund on police, which comes out to more than \$5 billion. Misconduct payouts are a further way departments pull on city purse strings.

Moody's Investors Service, the credit ratings agency, said reform efforts that lead to fewer legal settlements are good for local governments' financial standing. These costs aren't always crippling for municipalities, but they can crowd out other vital spending. Chicago paid \$757 million in settlements between 2014 and 2018, New York City paid \$220 million in fiscal 2019, and Louisville recently paid \$12 million to Taylor's family.

"There are simple economic reasons to try to learn from these suits," Schwartz said. "It is a really distressing sign of our times that police departments are sometimes responding to what has been an unprecedented outcry against police misconduct with more misconduct, and sometimes even more blatant misconduct and excessive force than we've seen in the past."

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