



**For Immediate Release**  
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### **LDF, Co-Counsel Reach Settlement in Case of Black Protestor Pepper Sprayed by NYPD Officers**

Today, Massena Law, P.C., the Vessup Law Firm, the [Legal Defense Fund](#) (LDF) and the Initiative for a Just Society reached a settlement of \$212,500 in *Smith v. City of New York*, on behalf of Andrew Smith, a Black man who was unjustifiably pepper-sprayed while participating in a peaceful protest. Mr. Smith's facemask was forcibly removed by a New York City Police Department (NYPD) officer during a racial justice protest in June 2020. This incident was captured on video.

For years, the NYPD and law enforcement agencies across the country have used excessive force on peaceful protestors as a tactic to quell constitutionally-protected activity. LDF's [Thurgood Marshall Institute](#) recently issued a report documenting this disturbing pattern, [finding](#) that, during the summer of 2020, police responded more aggressively and violently at protests supporting racial justice and criticizing police violence. Specifically, police were 1.4 times as likely to make arrests and 3.8 times as likely to use pepper spray, tear gas, rubber bullets, and flash bangs at racial justice protests compared to non-racial justice protests.

"This case is emblematic of the NYPD's assault on the right to protest and the very real violence the Department inflicted on peaceful protesters in 2020 and beyond. Although this settlement will not undo Mr. Smith's trauma, it is an important step on the path to accountability," said Attorney Alain Massena.

"No one should experience the violence that Andrew Smith endured at the hands of NYPD. While pursuing justice for those who endured police violence, Mr. Smith was targeted with violence in ways that white protestors near him were not. The oppressive tactics of the NYPD continue to have long lasting effects on New Yorkers, and especially on Black New Yorkers, depriving them of their dignity and posing significant risks to their wellbeing. We believe this settlement represents a recognition of this targeted violence and the need for accountability," said Attorney Kareem R. Vessup.

“Andrew Smith deserves justice and healing,” said LDF Senior Counsel Anne Oredeko. “We hope this settlement affords him a measure of solace, as well as a forceful message to the NYPD that such brutal acts against lawful protesters cannot be tolerated in a functioning democracy.”

Omavi Shukur, Practitioner-in-Residence at the Initiative for a Just Society, said, “This settlement is just one of several interventions needed to repair harm caused by the NYPD, as organizers and communities create innovative, non-punitive means to respond to harm and ensure safety in a manner that doesn’t depend on police violence.”

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*Founded in 1940, the Legal Defense Fund (LDF) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.*