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LDF Files Complaint Against NYPD Officers and the City of New York for Excessive Force Used During 2020 Peaceful Protests

Today, Andrew Smith – who is represented by Massena Law, P.C., The Vessup Law Firm, the [NAACP Legal Defense and Educational Fund, Inc.](#) (LDF), and the Initiative for a Just Society – sued the City of New York for race discrimination, police brutality, and violating his right to free speech. Mr. Smith, who is Black, was attacked by a New York Police Department (NYPD) officer during one of the 2020 racial justice protests around New York City. The officer confronted Mr. Smith, forcibly removed Mr. Smith’s mask – which he was wearing to protect himself and others from COVID-19 – and sprayed him in the face with pepper spray. The officer did not confront or forcibly remove the masks of white protesters near Mr. Smith. Video of Mr. Smith’s assault went viral.

The NYPD has, for years, used unconstitutional, excessive force on peaceful protesters. The City of New York has long been aware of this pattern and practice, and despite numerous incidents and governmental reports detailing the NYPD’s illegal practices, it has failed to address them. The City’s failures to hold the NYPD accountable resulted in the NYPD assaulting protesters across the city – including Mr. Smith.

“In the words of Frederick Douglass, ‘Power concedes nothing without a demand.’ Today, in filing this lawsuit against the City, we demand justice on behalf of Andrew Smith and for all that have been victimized by the overly aggressive and oppressive tactics of the NYPD,” said Attorney Alain Massena.

“On May 30, 2020, Mr. Smith joined millions of peaceful protesters around the world to give dignity to the lost lives of Breonna Taylor, George Floyd, and so many others as a result of police abuses. Mr. Smith suffered the indignity of being attacked while peacefully protesting the very conduct he then became a victim of. That indignity was compounded by the manner of the attack, and the indifference of the officer who later bragged about it on camera to his fellow officers. The Defendants named in this lawsuit are responsible for Mr. Smith’s attack. This lawsuit seeks the recognition and dignity that Andrew Smith was denied. Ultimately, there can be no justice without accountability,” said Attorney Kareem R. Vessup.

Omavi Shukur, Practitioner-in-Residence at the Initiative for a Just Society, explained, “This case demonstrates the physical and emotional harm that resulted from the NYPD’s decision to send a phalanx of armed police officers to ‘control’ already peaceful protesters. Despite having had his hands in the air to signal that he was demonstrating peacefully, Mr. Smith was subjected to the racialized police violence he was protesting against.”

“Like thousands of others across the City, the country, and the world, Mr. Smith peacefully took to the streets to protest the deaths of Breonna Taylor and George Floyd and this country’s history of racialized police violence,” said LDF Senior Counsel Raymond Audain. “The assault on Mr. Smith was part and parcel of the violent, repressive response to the protests against police brutality.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. 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. 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 NAACP Legal Defense Fund or LDF.

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