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# LAWSUITS SHOW THE HIGH COST OF NYPD ABUSE IN THE BRONX

New York City routinely settles cases involving police brutality, and the same officers' names appear again and again.



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New York City police officers detain and question a man on July 11, 2017, in the Bronx. Photo: Mark Lennihan/AP





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**SHAKEIMA GONZALEZ** was tired. Tired of being a victim, tired of being harassed, tired of fearing for her life. She'd had enough. And so, in the fall of 2019, the 33-year-old Bronx resident sued her neighborhood bullies – who happened to be New York City police officers.

A year and a half earlier, on a spring afternoon, she was walking along Morris Avenue in the Fordham area on her way to pick up her son from school. Two narcotics officers suddenly approached, demanding to see her hands. When Gonzalez complied, they cuffed her, frisked her, and put her into a waiting police van. She remembers panicking to the point of hyperventilating because no one would tell her what was happening. Several months pregnant, she was dizzy and dehydrated by the time they unloaded her at the 46th Precinct, but officers ignored her when she pleaded for medical attention. Instead, she was subjected to a full-body cavity search. “I didn’t even know what that was and had to have an officer explain it to me,” she said in an interview this spring.



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Hours passed before Gonzalez learned the charges were for possession and sale of a controlled substance – a “handshake” transaction that an undercover officer alleged to have spotted minutes before the arrest occurred. Given that she neither did drugs nor sold them, she was shocked when police sent her to Central Booking, where she would remain for two more days “caged like an animal,” she said. Four months and numerous court appearances later, the criminal case against her was dismissed. “It was terrifying,” she recalled. “I wouldn’t wish that on my worst enemy.”

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While killings by police attract significant public attention, a steady tide of nonfatal but abusive police encounters, often involving the same officers year after year, pile up in state and federal court dockets. They reveal disdain for fundamental civil liberties and cost millions of public dollars. The Bronx is full of people with no charges against them who the city has paid because they've been abused by police. The anger spilling into the streets in protests against police brutality this summer is grounded in a history of poisoned encounters and deep impunity.

An examination of settlements against the NYPD in the Bronx reveals a pattern of routine violence and harassment: false arrests, warrantless searches, frequent use of strip searches, denial of medical attention, physical abuse, lewd conduct, and arrests without probable cause. In almost all cases, the criminal charges precipitating the arrests were dropped.



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The detectives named in Gonzalez's still-pending lawsuit against the city, Jodi Brown and Irie Humphrey, have racked up a taxpayer tab of at least \$1.3 million in city payouts. The lawsuit was Brown's fourth in 2019, and Humphrey's third between May and November 2019. In fact, Brown is one of New York's [most frequently sued](#) cops, the subject of at least 30 lawsuits.

He's hardly alone. Month in, month out, year after year, the city settles cases involving routine police brutality and misconduct over incidents that never become major news. The same officers' names appear again and again. In the Bronx, city data shows that nearly 190 cops were named in at least five lawsuits between 2015 and 2019, and 11 others have been the subject of over 10 civil claims each. The settlement amounts aren't headline-grabbing – \$9,000 here, \$40,000 there – but they add up.



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Public records show that New York City paid out more than \$30 million in 2019 to plaintiffs in the Bronx who filed their cases alleging police misconduct between 2015 and 2019. That's 45 percent of the approximately \$67 million city taxpayers shelled out to cover such complaints against cops citywide that year. Overall, for lawsuits filed between the latter half of 2015 and first half of 2020, taxpayers paid out nearly nearly \$250 million to people in all five boroughs.

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These figures don't even account for the full magnitude of the cost of allegations of mistreatment by the NYPD, thanks to the opaque way the city reports these numbers. New York City's Law Department releases the data in increments that show settlements for claims filed in a given five-year period. Earlier claims may also have settled during that time, but they don't show up in the data. The data also does not include settlements reached without going to court. According to the Comptroller's Office, the city paid \$21.8 million in prelitigation settlements on police misconduct claims in fiscal year 2019 alone.

These are the findings of an investigation by Lehman College journalism students, including the authors of this piece, who spent the spring digging through public records of the New York state court system, data released under a Freedom of Information Act request, [a database of federal lawsuits](#) constructed by the Legal Aid Society, and calling plaintiffs and attorneys. The investigation focused on the Bronx, but similar cases play out in each of the boroughs.



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“The NYPD has a robust civil lawsuit monitoring program that includes a serious legal review of an officers’ litigation history,” Sgt. Jessica McRorie, an NYPD spokesperson, wrote in an email. “Not all lawsuits filed for money have legal merit. The ones that do can be valuable tools we use to improve officer performance and enhance training or policy where necessary.”

For advocates, however, the repeat payouts show a complete lack of consequences. “It’s no surprise that so many of them are repeatedly accused of excessive force or covering up a false arrest. The first time they do it, they’re not held accountable, so they do it again,” said Darius Charney, an attorney at the Center for Constitutional Rights.

**ON THE MORNING** of May 29, 2015, NYPD officers smashed through the front door of an apartment in the Fordham neighborhood in the West Bronx. Charging into the first bedroom, they trained guns and flashlights on its shocked occupant – a frail woman in her mid-50s – and ordered her to “get the fuck on the floor.”





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That woman, Luz Arbelaez, had lived on that floor for 23 years. It was where she'd raised four children after fleeing political violence in Colombia, and it was where she'd done her best to keep them out of trouble despite the gang activity plaguing their neighborhood. Now grown, three of her kids had recently moved back home to care for their mother after she was hit by a car earlier in the year. None of this, however, mattered to the officers growing impatient as Arbelaez struggled to get out of bed. According to a complaint the family filed in court, one of the officers grabbed her by the arm and dragged her into the living room and exclaimed, "Make way for the drug addict!"

In another bedroom, her daughter Deborah was ordered out of bed wearing nothing but a T-shirt, Deborah said in the complaint. Two officers made rude, leering comments while she scrambled to find her underwear. Then she was handcuffed next to her mother in the living room, sobbing uncontrollably.



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According to the complaint, Luz's sons Sebastian and Pablo were similarly accosted, cuffed, and shoved face-down on the floor while detectives ransacked their room, demanding to know where the drugs were hidden. After their bedroom was tossed and the curtains torn down, both young men were aggressively strip-searched in front of a bare window. While the family sat for two hours in the front room enduring ridicule and threats, Sebastian and Pablo's clothing was yanked from the closet and bureaus, dumped in a pile, and doused with bleach and cornstarch. When Luz began to show signs of medical distress, shaking and appearing faint, Sebastian pleaded with officers to get his mother's seizure medication. Luz was only allowed to take the pills after she began to shake so violently, she started falling off the couch.



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of other raids before arriving at the 48th Precinct, where Luz was searched and spent several hours in a cell; her sons were sent to Central Booking. They spent approximately 20 hours in custody.

Police said the raid was based on a tip about drug dealing in the apartment, but in the end, according to court documents, it turned up nothing. Yet Luz, Sebastian, and Pablo were all arrested and marched into a waiting police van. Unsecured and still handcuffed, the family says they were jostled and thrown about as the vehicle was driven to the location



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All of the charges were eventually dismissed. There was no evidence of illegal activity found in the family’s apartment. Four years later, this past January, the city of New York agreed to settle the Arbelaezes’ civil rights lawsuit, although the family says most of the money was eaten up by legal fees.

Attorney Marc Cannan, who represented the family through two years of litigation and delays, called their experience “horrific,” describing it as one of the most shocking cases he’s handled due to the “sheer nastiness” of the cops’ behavior. Sebastian Arbelaez, now 32, said he still startles awake around 5 a.m. every morning, instinctively listening for the sounds of cops creeping into his building. “When you live in a neighborhood like mine and hear your door being kicked down at some crazy hour, you just assume it must be criminals breaking in,” he said, “not the police, who are supposed to be protecting you from that kind of stuff.”



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But similar incidents have played out in many other settlements. In another 2015 raid, officers handcuffed Dahiana Capellan in her underwear and went through her phone, laughing and making lewd remarks. They found a gun in another bedroom in the apartment and arrested her; she spent nearly 43 hours in custody before being released on bail. After a few months, the case was dismissed, and two years later the city of New York paid her \$40,000. Ryan Coleman, who settled with the city for \$9,000 in December 2017, was denied his seizure medicine when officers arrested him after he recorded a plainclothes police officer speeding in the wrong direction on a Bronx street. He was held for approximately 32 hours before a judge released him. About an hour after his release, he had a seizure.

In many of these cases, the city admits no wrongdoing on the part of the police – a standard feature of such settlements.

**AS MUCH AS** the city is spending to pay out victims of police abuse, City Hall sees the situation as an improvement.



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“Over the last several years, we’ve seen a reduction in the number of lawsuits brought against officers,” said Law Department spokesperson Nicholas Paolucci. According to Paolucci, some of the downward trend in civil claims since 2017 is a result of the department’s partnership with the NYPD on litigation matters in recent years, which has led to “improved fact-finding, filing more motions to dismiss,” and lower settlement amounts, he added.

But police reform advocates say the city still has a significant problem. “We are hemorrhaging money from the cost of these lawsuits,” said civil rights attorney Juan Cartagena, president of [LatinoJustice PRLDEF](#). “We’re talking multiple millions spent every year on police misconduct, and a lot of it’s the same cops repeating the same offenses – and no one’s doing anything about it.”



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Early on in his administration, Mayor Bill de Blasio made it a mission to get a handle on the onslaught of suits against the NYPD. In 2015, he promised to allocate additional funding to the Law Department to defend police officers against “frivolous” lawsuits. The city’s budget for fiscal year 2016 included \$3.2 million in funding for this purpose, enough to hire 40 more people, tasked with fending off meritless claims and helping the unit take more cases to trial.

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Attorney Samuel DePaola, who is representing Shakeima Gonzalez and has handled dozens of other similar cases, finds the city's claim about frivolous lawsuits laughable. A former assistant district attorney in the Kings County District Attorney's Office from 2011 to 2014, DePaola said it's the city that chooses to settle with his clients before they go to trial, adding that he'd be happy to meet them in court. "I'll take my chances going up against the work of these officers any day of the week," he said.





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Attorneys who battle the Law Department say that the city’s lawyers are often in the dark about what really happened in a case. They too have to wait for discovery materials from the NYPD, which often reveal officers’ underlying conduct to be more egregious than they initially anticipated.

For DePaola, turning over those stones again and again has revealed some root causes of misbehavior within the police force’s ranks. There is an incentive to be aggressive with arrests, he said, because the most “active” officers are also the most rewarded. “They’re getting raises basically based on the amount of arrests they make, regardless of whether they are ‘good arrests,’” he said. “These officers have so little supervision, no oversight, no accountability – it’s their own heart of darkness in the NYPD. They do whatever they want.”

Jennvine Wong, a staff attorney with the Legal Aid Society’s Cop Accountability Project, said that there is a culture of covering up for bad behavior. “If it’s known that a particular officer at a precinct has five lawsuits pending, they’re not going to stage an intervention. What they’re going to do is assign his next bad arrest to a different officer,” she said.



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Transparency about police behavior is key to accountability, Wong said, and New York took a step in that direction in June when Gov. Andrew Cuomo repealed 50-a, a law that had shielded police officers' disciplinary records from examination. The NYPD police union has fought the repeal in court, and a federal judge has issued a temporary restraining order preventing the city from releasing information. ProPublica, however, recently [published a cache of city-dwellers' complaints](#) to the Civilian Complaint Review Board obtained thanks to the repeal. The accounts of abuse by officers echo many found in lawsuits against the city.

Charney, of the Center for Constitutional Rights, was lead counsel in the landmark 2013 class-action suit that [successfully challenged stop-and-frisk](#), the NYPD's policy of aggressively stopping and searching young, mostly Black and brown men. He said that it is frustrating that there hasn't been more progress under de Blasio, given that his time in office has directly coincided with [federal monitoring](#) of the NYPD's court-ordered reform process. "We're just not seeing meaningful change of policing on the street," he said.



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The idea that the city ended stop-and-frisk and turned a corner is an unfortunate misconception, according to Cartagena from LatinoJustice. He said the practice [still happens](#) in the Bronx, along with a host of other discriminatory policing practices that lead to settlements each year.

██████ **“I just feel like with what happened to me and what I still see happening around the neighborhood, someone is going to die.”**

“It’s almost as if the cost of doing business is racial profiling and that it’s a cost the city is willing to tolerate,” Cartagena said. “They seem to think that the money we pay out in damages, as taxpayers, is worth it. But what they’re not accounting for is the other cost: a loss of confidence in the police and an erosion in police-community relations.”



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That's precisely how Shakeima Gonzalez feels. In fact, her terror of local cops has steadily grown since taking them to court. Last October, just weeks after she filed her lawsuit alleging a false arrest, it happened again – different officers, same deal. While running midday errands, Gonzalez said she was stopped, frisked, assaulted, whisked into a police vehicle, and eventually shipped to Central Booking without being informed of her rights or the crime she'd allegedly committed. This time, the District Attorney's Office declined to prosecute her.

And this time, Gonzalez didn't wait a year to file suit; as of this month, she and DePaola, her attorney, have two cases against NYPD officers entering the discovery phase in the Bronx Supreme Court. Gonzalez said her weariness with the situation has hardened into anger, strengthening her will to fight back – and not only for her own sake, she added. "I just feel like with what happened to me and what I still see happening around the neighborhood, someone is going to die."

*Kayla Beltran, Marcus Diego, Ana Garcia, Fernando Murcia, Maya Persaud, Genesis Ramos, Jhonny Reyes Castro, Lester Robinson, and Ruth Sandram contributed reporting for this article. The work was conducted as part of a class project at Lehman College – CUNY under professor Eileen Markey.*