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FOR IMMEDIATE RELEASE

## City of Rochester to Pay \$12 Million For Death of Daniel Prude

*Record-setting settlement reached in  
federal civil rights lawsuit brought by Estate of Daniel Prude*

Rochester, New York (**October 6, 2022**) – The City of Rochester has agreed to pay \$12 million to settle federal civil rights claims brought by the Estate of Daniel Prude in connection with Mr. Prude’s fatal March 23, 2020 with Rochester Police Officers. It is believed to be the largest civil rights settlement in Rochester history.

In the early morning hours of March 23, 2020, Daniel Prude was suffering from an acute mental health crisis, for which he had been briefly hospitalized the day before. He was visiting his brother in Rochester. His brother called 911 out of concern for Mr. Prude’s safety after Mr. Prude abruptly ran out of his brother’s house without shoes and without a coat in freezing cold temperatures. Rochester Police Officers were then dispatched to find Daniel and get him safely back to the hospital, employing what is called a “mental hygiene detention.” When the officers who responded to the 911 call located Mr. Prude about half an hour later, he was completely naked in the middle of the street and clearly both disoriented and agitated. He was also quite clearly unarmed. Even in his confused and scared state, Daniel immediately complied when officers ordered him to lay down onto the freezing cold pavement to be cuffed behind his back. But once they had Daniel in custody – literally in a matter of seconds, what happened next was unconscionable. The officers made no effort to calm Daniel, or to reassure him in any way. Not once did they tell him that they were taking him to get medical help. Instead, the officers proceeded to engage in escalating use of force on the helpless Daniel until they killed him. Shortly after they cuffed him and left him on the street, the officers snuck up behind him and slipped a spit hood over his head with no warning, causing his fear and agitation to increase. Then, they stood around telling jokes and mocking him while he remained naked on the freezing pavement crying out for help. When he sat up and made efforts to get up from the freezing street, three officers forced Mr. Prude to the ground and pinned his head and chest down into the street for several minutes, thereby suffocating him as he begged for his life and struggled to breathe. Mr. Prude lost and never regained consciousness. He was pronounced dead seven days later, on March 30, 2020.

Then, rather than perform a proper investigation of this fatal police encounter with Daniel, the City of Rochester condoned the misconduct by engaging in efforts to conceal this extreme incident of police misconduct by falsifying police reports, lying to the public, and refusing to

release the body worn camera videotapes of the incident (which they did not release to the public, but did provide to the Locust Club, the union of Rochester police officers). Both the City of Rochester's Mayor and the Chief of Police who was implicated in the cover up have since been replaced.

"This settlement is a very large monetary recovery for a very serious fatal civil rights violation. A damages recovery is all the Estate of Daniel Prude is entitled to as a matter of law. No purely monetary settlement can truly address the fundamental problem of police violence that underlies this tragic case. Policing in this country must be reformed to be more humane. This is true especially, but not only, in communities of color that are so frequently harmed by systems that purport to serve and protect them," said Plaintiff's counsel, Matthew Piers.

The New York Legislature is considering legislation in response to what was done to Daniel, a bill called "Daniel's Law" which would provide for trained mental health professionals, rather than police officers, to respond to situations calling for mental health interventions. Plaintiff's counsel, Adam Ingber, said: "Passing Daniel's Law is an essential reform of a broken system."

"The current Rochester city administration is to be commended for seeing the need to resolve this case in order to move forward from this painful tragedy," said Plaintiff's counsel Steve Schwarz.

It is the profound hope of Nathaniel McFarland, Daniel's son and the administrator of his estate, and the team of lawyers who represented him, that the fact and size of this settlement will serve as a reminder to cities and local governments all over the nation that the duty to serve and protect must be carried out with the utmost respect and care, especially towards those experiencing mental health crises.

Nathaniel McFarland, Mr. Prude's eldest son, who like three of his four siblings was raised and now resides in Chicago said: "Nothing can ever truly compensate me and my siblings for the killing of our father by the Rochester police. Resolving this case is a step in the right direction. My family needs to heal, and communities need to know that there will be at least some accountability when police kill people like my dad, whose only crime was needing help."

Mark Dym, counsel for Plaintiff, added, "It was an honor to represent and fight for the Estate of Daniel Prude in this tragic case."

A copy Nathaniel McFarland's lawsuit is available at: [Filed Amended Complaint](#)

For additional information, contact Matthew J. Piers, 312.604.2606, [mpiers@hsplegal.com](mailto:mpiers@hsplegal.com)

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