

Settlement Is Approved in Central Park Jogger Case, but New York Deflects Blame

By Benjamin Weiser

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A \$41 million settlement for five men whose convictions in the 1989 beating and rape of a female jogger in Central Park were later overturned was made final on Friday, with the deal including unusual language that sought to absolve New York City from blame.

The agreement, which awards the five black and Hispanic plaintiffs about \$1 million for each year of their imprisonment, includes no admission of wrongdoing from the city; in fact, the city explicitly asserts that prosecutors and police detectives did nothing wrong at the time.

“The City of New York has denied and continues to deny that it and the individually named defendants have committed any violations of law or engaged in any wrongful acts concerning or related to any allegations that were or could have been alleged,” the settlement states.

The city’s corporation counsel, Zachary W. Carter, later amplified the city’s stance, saying that the agreement “should not be construed as an acknowledgment that the convictions of these five plaintiffs were the result of law enforcement misconduct.”

“On the contrary,” he continued, “our review of the record suggests that both the investigating detectives and the assistant district attorneys involved in the case acted reasonably, given the circumstances with which they were confronted.”





Raymond Santana, left, Yusef Salaam, center, and Kevin Richardson, second from right, in June. Chang W. Lee/The New York Times

The agreement nonetheless brings to a conclusion a long and bitterly contested legal battle that stemmed from the men's arrests and imprisonment in the sensational crime..

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The settlement, Mayor Bill de Blasio said in a statement, arose from “a moral obligation to right this injustice.”

“This settlement is an act of justice for those five men that is long overdue,” he added.

Four of the men — Antron McCray, Kevin Richardson, Yusef Salaam and Raymond Santana Jr. — spent about seven years in prison; each will receive \$7.125 million under terms of the deal. The fifth man, Kharey Wise, who served about 13 years, will receive \$12.25 million.

One of the plaintiff's lawyers, Jonathan C. Moore, said it was “wonderful this case is finally over for these young men, who maintained their innocence all along.” He said the settlement was “some measure of justice, and nobody would deny that, but no amount of money could really compensate them for what they and their families suffered.”

Magistrate Judge Ronald L. Ellis approved the settlement on Friday. The city typically denies liability in settling lawsuits but the language in the Central Park settlement goes further than the statements that are often used.

The attack on the jogger, a 28-year-old investment banker, led to sensational news reports and statements by politicians, and served to inflame racial tensions in the city, which was portrayed as a place of lawlessness.

The men, ages 14 to 16 at the time of their arrests, had claimed that incriminating statements they made to the authorities had been coerced. But a judge ruled that the statements were admissible, and the men were convicted in two trials in 1990.

In 2002, the convictions were vacated after the office of the Manhattan district attorney, Robert M. Morgenthau, found DNA and other evidence that the woman had been raped and beaten by another person, Matias Reyes.

The Bloomberg administration had fought the lawsuit, which was filed in 2003; after Mr. de Blasio took office, the city reversed its position. The defendants included former Police Commissioner Raymond W. Kelly and other current and former members of the Police Department and the district attorney's office.

Cyrus R. Vance Jr., the current district attorney, said, "After more than a decade in which numerous parties have investigated and litigated the case, there has been no finding of wrongdoing or unprofessional behavior by any of the prosecutors involved."

In his statement, Mr. Carter seemed to offer a rationale for the settlement while acknowledging that some issues would remain unresolved. "To the extent that the evidence suggests that these five young men were wrongfully convicted and sentenced to substantial prison terms for a crime they did not commit," he said, "that in and of itself constitutes an injustice in need of redress."

He noted that his office's review of the case suggested detectives and prosecutors had acted reasonably. "In the end, however, that is an issue that would ultimately be determined by a jury at trial, absent a settlement of this litigation," he added. "We have determined that a resolution of this matter is in the best interests of the city."

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