

**TESTIMONY**

The New York City Council  
Committee on Public Safety

Re: Eliminating funding for the Strategic Response Group  
and Investing Funds in Local Communities.

Legal Defense Fund  
40 Rector Street, 5th Floor  
New York, NY 10006

March 23, 2023

Dear Chairperson Hanks and Councilmembers of the Public Safety Committee:

On behalf of the Legal Defense Fund (LDF),<sup>1</sup> we thank the committee for this opportunity to provide testimony regarding New York City's public safety budget. We submit this testimony to urge the City Council to eliminate funding for the Strategic Response Group (SRG) and invest increased funding into the communities that have been most negatively impacted by police practices in New York.

## I. Introduction

LDF is deeply concerned by the Strategic Response Group's presence in New York City as a specialized unit that notoriously uses force, arrests, and dangerous tactical strategies such as kettling against demonstrators as they exercise their First Amendment rights. In New York and elsewhere, specialized units such as SRG have a history of discrimination, abuse of power, and a lack of accountability. As shown by the investigative work of the New York Civil Liberties Union (NYCLU), Human Rights Watch, and local and national journalists, SRG has followed the same pattern by inflicting its aggression predominantly on Black and Brown New Yorkers.<sup>2</sup> While such conduct is unacceptable in all contexts, it is particularly alarming when it targets peaceful demonstrators engaging in their constitutional right to protest.

The human toll of this unit, measured by the trauma and physical injury inflicted on demonstrators, has been astronomical. As for the financial cost, it is unacceptable that New Yorkers pay hundreds of millions of dollars, through the budget as well as lawsuits, to fund policing practices that curtail and suppress their constitutional rights.<sup>3</sup> The NYPD estimates that it allocates \$68 million of its budget towards SRG groups.<sup>4</sup> This number is strongly disputed by community advocates, who assert that SRG consumes an additional \$65 million of centrally

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<sup>1</sup> LDF is the nation's first and foremost civil rights and human rights law organization. Since its founding over eighty years ago, LDF has worked at the national, state, and local levels to pursue racial justice and eliminate structural barriers for the Black community in the areas of criminal justice, economic justice, education, and political participation. As part of that work, LDF has also forged longstanding partnerships with local advocates, activists, and attorneys to challenge and reform unlawful and discriminatory policing in New York City. In 2010, LDF, with co-counsel the Legal Aid Society and the law firm Paul, Weiss, Rifkind, Wharton & Garrison, LLP, filed *Davis, et al. v. City of New York, et al.*, on behalf of plaintiffs challenging the New York City Police Department's (NYPD) policy and practice of unlawfully stopping and arresting New York City Housing Authority (NYCHA) residents and their visitors for trespass without the requisite level of suspicion. In 2015, the *Davis* plaintiffs reached a settlement with the City that included full participation in the federal court monitoring of the NYPD that the court ordered in *Floyd, et al. v. City of New York*, the historic lawsuit that successfully challenged the NYPD's unconstitutional stop-and-frisk policies and practices.

<sup>2</sup> New York Civil Liberties Union, *Why We Must Disband the NYPD's Strategic Response Group*, [https://www.nyclu.org/sites/default/files/field\\_documents/202109\\_nyclu\\_srg\\_2pager.pdf](https://www.nyclu.org/sites/default/files/field_documents/202109_nyclu_srg_2pager.pdf) (last accessed Mar. 20, 2023) [hereinafter "NYCLU"]; Human Rights Watch, "*Kettling*" *Protesters in the Bronx* (Sep. 30, 2020), <https://www.hrw.org/report/2020/09/30/kettling-protesters-bronx/systemic-police-brutality-and-its-costs-united-states>; Roger Bolger & Alice Speri, *NYPD "Goon Squad" Manual Teaches Officers to Violate Protesters' Rights*, THE INTERCEPT (Apr. 7, 2021), <https://theintercept.com/2021/04/07/nypd-strategic-response-unit-george-floyd-protests/>.

<sup>3</sup> *Edwards v. South Carolina*, 372 U.S. 229, 235 (1963) ("[I]t is clear to us that in arresting, convicting, and punishing the [protesters] under the circumstances disclosed by this record, South Carolina infringed the petitioners' constitutionally protected rights of free speech, free assembly, and freedom to petition for redress of their grievances.")

<sup>4</sup> N.Y.C. Council Comm. on Pub. Safety, Hearing on March 20, 2023, at 00:52:25, [https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1081360&GUID=9BCBD908-D217-4E65-9032-0AA79767D289&Options=info|&Search=\[hereinafter "Public Safety Hearing"\]](https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1081360&GUID=9BCBD908-D217-4E65-9032-0AA79767D289&Options=info|&Search=[hereinafter%20Public%20Safety%20Hearing]).

allocated expenses, for a total cost of over \$133 million.<sup>5</sup> In the interest of justice and equity, SRG should be disbanded, and this funding should be directed towards community-driven initiatives that actually promote the safety, health, and well-being of our people.

## **II. Specialized units, including the SRG, have a history of racially discriminatory and other unconstitutional conduct in New York and around the country.**

Time and again, specialized policing units use counterproductive and aggressive tactics predominantly in Black and Brown communities. In New York, the Street Crimes Unit disproportionately targeted Black and Brown people for low-level enforcement for decades until the group was disbanded after the police killing of Amadou Diallo in 1999.<sup>6</sup> Baltimore’s Gun Trace Task Force, created in 2007 to address homicides, targeted Black residents with aggressive and often unlawful policing until it was eventually disbanded and eight of its officers were criminally convicted.<sup>7</sup> Earlier this year, specialized units made headlines because of the brutal death of Tyre Nichols at the hands of the Memphis Police Department’s SCORPION Unit, which has been described as hiring “young and inexperienced officers with a propensity for aggression,” and whose presence “spread fear in the predominantly low-income neighborhoods they patrolled,” with Black men “overwhelmingly their targets.”<sup>8</sup>

A fact that unites these notorious examples of specialized units is that Black people are often the ones victimized. This is true of the Strategic Response Group as well. NYCLU’s investigation into this unit has found that, among all complaints filed against SRG officers from 2015 to 2021 with the Civilian Complaint Review Board, 66 percent of impacted individuals were Black, 21 percent were Latinx, and only 9 percent were white.<sup>9</sup>

Moreover, it is well documented that the Strategic Response Group has used violent and aggressive tactics—including arrests, kettling and use of force—against demonstrators who peaceably assemble to exercise their constitutional rights.<sup>10</sup> These tactics are reflected in SRG’s

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<sup>5</sup> Communities United for Police Reform, *Creating Safe and Vibrant Communities for All New Yorkers* (June 2022), at 26, [https://www.changethenypd.org/sites/default/files/2022-06\\_creating\\_safe\\_and\\_vibrant\\_communities\\_for\\_all\\_new\\_yorkers\\_optimized.pdf](https://www.changethenypd.org/sites/default/files/2022-06_creating_safe_and_vibrant_communities_for_all_new_yorkers_optimized.pdf) [hereinafter “CPR”].

<sup>6</sup> William Rashbaum & Al Baker, *Police Commissioner Closing Controversial Street Crime Unit*, N.Y. TIMES (Apr. 10, 2002), <https://www.nytimes.com/2002/04/10/nyregion/police-commissioner-closing-controversial-street-crime-unit.html>.

<sup>7</sup> Roxy Simons, *‘We Own This City’: Who Were the Gun Trace Task Force and What Did They Do?*, NEWSWEEK (Apr. 25, 2022), <https://www.newsweek.com/we-own-this-city-gun-trace-task-force-baltimore-hbo-1698924>; Lynh Bui & Peter Hermann, *Federal officials indict seven Baltimore police officers on racketeering*, WASHINGTON POST, (Mar. 3, 2017), [https://www.washingtonpost.com/local/public-safety/federal-officials-to-announce-indictments-against-seven-baltimore-police-officers/2017/03/01/0380ab96-fe8f-11e6-8f41-ea6ed597e4ca\\_story.html](https://www.washingtonpost.com/local/public-safety/federal-officials-to-announce-indictments-against-seven-baltimore-police-officers/2017/03/01/0380ab96-fe8f-11e6-8f41-ea6ed597e4ca_story.html); Justin Fenton, *Corrupt squad scoured Baltimore streets in pursuit of black men to search, arrest—and steal from*, BALTIMORE SUN (June 12, 2023), <https://news.baltimoresun.com/cops-and-robbers/part-two/>.

<sup>8</sup> Radley Balko, *Tyre Nichols’s Death Proves Yet Again That ‘Elite’ Police Units Are a Disaster*, N.Y. TIMES (Jan. 29, 2023), <https://www.nytimes.com/2023/01/29/opinion/tyre-nichols-police-scorpion.html>; Steve Eder et. al., *Muscle Cars, Balaclavas and Fists: How the Scorpions Rolled Through Memphis*, N.Y. TIMES (Feb. 4, 2023), <https://www.nytimes.com/2023/02/04/us/memphis-police-scorpion.html>.

<sup>9</sup> NYCLU, *supra* note 2.

<sup>10</sup> Ali Watkins, *An Unprepared N.Y.P.D. Badly Mishandled Floyd Protests, Watchdog Says*, N.Y. TIMES (Dec. 18, 2020), <https://www.nytimes.com/2020/12/18/nyregion/nypd-george-floyd-protests.html>.

training, which sets out procedures for mass arrests and the use of sound cannons and “encirclement” while giving little attention to de-escalation strategies or First Amendment rights.<sup>11</sup>

These tactics have a chilling effect on the freedom of speech and assembly that is fundamental to a well-functioning and diverse democracy. Mass arrests at protests give observers the distinct impression that they, too, can be arrested if they dare to criticize their public institutions.<sup>12</sup> The use of force at protests has a dual chilling effect, as it dissuades current protesters from attending future demonstrations by wearing them down with physical and emotional injury, and it sends a message to potential protesters that their health and safety are at risk if they participate in public demonstrations.<sup>13</sup> When police use aggressive tactics against demonstrators, the simple act of protest is turned into a war of attrition, whereby New Yorkers may be forced to sacrifice their safety, well-being, and mental and physical health if they exercise their constitutional right to criticize the police department.

### **III. The Strategic Response Group should be disbanded, and not simply repurposed to serve other functions.**

It has been suggested that the SRG can be reformed so that it will no longer respond to protests, and instead focus its efforts on other public safety concerns such as gun violence. This is not an adequate solution. For the reasons articulated in Section II, above, specialized police units have a longstanding history of discrimination and violence. If the SRG were to adopt a different mission, it is still likely to target Black and Brown communities given the history of NYPD’s discriminatory and unconstitutional policing practices.<sup>14</sup> Not only will this inhibit community trust in public institutions, particularly among Black and Brown men, but it will expose entire communities to higher rates of incarceration and aggressive police tactics.

Unfortunately, we need not speculate about this matter, as the SRG has already proven incapable of carrying out other functions in a safe and equitable manner. In 2018, SRG officers participated in the fatal shooting of unarmed Saheed Vassell in Crown Heights<sup>15</sup>, which has been widely condemned by community members because Mr. Vassell was experiencing a mental health crisis at the time. In the past year, SRG has assisted in the “homeless sweeps” that have dismantled

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<sup>11</sup> Ari Silver & Nick Navarro, *Disband NYPD’s Strategic Response Group*, N.Y. DAILY NEWS (Nov. 5, 2021), <https://www.nydailynews.com/opinion/ny-oped-disband-the-nypds-strategic-response-group-20211105-iyioggdvd5huxirbhmxb4ukhti-story.html>.

<sup>12</sup> See Alicia D’Addario, *Policing Protest: Protecting Dissent and Preventing Violence Through First and Fourth Amendment Law*, 31 N.Y.U. Rev. L. & Soc. Change 97, 108 (2006) (“[A]rrests at demonstrations, even with probable cause, have significant First Amendment implications because of the chilling effect such arrests have on speech and the perceived connection between the message of the protesters and the arrest.”)

<sup>13</sup> *Id.* at 110.

<sup>14</sup> See, e.g., *Floyd v. City of N.Y.*, 959 F. Supp. 2d 540, 562 (S.D.N.Y. 2013) (finding Fourth and Fourteenth Amendment violations because the “[t]he City acted with deliberate indifference toward the NYPD’s practice of making unconstitutional stops and conducting unconstitutional frisks,” and “the NYPD’s unconstitutional practices were sufficiently widespread as to have the force of law.”); *Davis v. City of N.Y.*, 959 F. Supp. 2d 324, 358-59 (S.D.N.Y. 2013) (denying summary judgment because “plaintiffs have provided evidence that NYPD officers have engaged in a widespread practice of unconstitutional trespass stops and arrests in NYCHA buildings as a result of receiving inadequate training and supervision regarding constitutional standards, and inadequate discipline in response to violations of those standards.”)

<sup>15</sup> Adam Gabbatt, *Saheed Vassell killing puts policing and gentrification in the spotlight*, THE GUARDIAN (Apr. 7, 2018), <https://www.theguardian.com/us-news/2018/apr/07/saheed-vassell-policing-gentrification-brooklyn-nypd>

encampments of unhoused people and disposed of their belongings, resulting in reports of excessive arrests and uses of force.<sup>16</sup> Therefore, the only solution that addresses public safety while also respecting the dignity and liberty of all New Yorkers is to disband the unit entirely and invest in community-based solutions that assist people who are most impacted by the harms of policing.

#### **IV. Public safety is better served by investing in communities.**

Instead of continuing to pour taxpayer funds into a unit that has inflicted physical and emotional harm on demonstrators, the Council should redirect those funds to initiatives that address the social determinants of safety. Studies consistently show that policies to promote economic stability also improve public safety.<sup>17</sup> By making long-term investments in youth services, healthcare, and non-police interventions, the Council can build lasting change that will uplift and empower our communities while simultaneously making them safer for everyone.

Investments in mental health and social services would be particularly appropriate. Nearly a third of New Yorkers with mental illness, and nearly a quarter of Black New Yorkers, experience direct exposure to police violence.<sup>18</sup> According to the NYPD's own figures, 47% of people who are subjected to involuntary mental health removals are Black.<sup>19</sup> These New Yorkers require access to services, not police intervention. Accordingly, the Council should allocate funding to increase the capacity of Health Engagement and Assessment Teams (HEAT)<sup>20</sup>, as well as the peer-based mental health crisis teams and crisis stabilization centers that New Yorkers can access through the 988 mental health crisis hotline.<sup>21</sup>

Further, the Council should prioritize funding for our youth by replacing the \$215 million that was taken away from schools in the FY 2023 budget.<sup>22</sup> This should include \$75 million to City schools to hire 500 community members into supportive positions, including youth advocates, parent coordinators, paraprofessionals, community outreach coordinators, counselors, social

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<sup>16</sup> Marian Jones, *The Police Are Really Bad at Solving Crime*, AJ+ (May 7, 2022), <https://www.ajplus.net/stories/article-the-police-are-really-bad-at-solving-crime>; Samira Asma-Sadeque, *'Fascism works like that': homeless New Yorkers struggle amid police sweeps*, The Guardian (May 11, 2022), <https://www.theguardian.com/us-news/2022/may/11/new-york-city-homeless-sweeps-eric-adams>.

<sup>17</sup> See C. Fritz Foley, *Welfare Payments and Crime*, 93 REV. OF ECON. AND STATS., no. 1, 97-112 (2011), <https://www.jstor.org/stable/23015922> (showing that disbursement of SNAP benefits correlates with reduced crime); Caroline Palmer et al., *Does Emergency Financial Assistance Reduce Crime?*, 169 J. OF PUB. ECON. 34, 50 (2019) (providing temporary financial assistance to people facing adverse income shocks can reduce violent crime up to 51%.); I Otto Lenhart, *Earned Income Tax Credit and Crime*, 39 CONTEMP. ECON. POL'Y, no. 3, 589, 591 (2020), <https://ideas.repec.org/a/bla/coecpo/v39y2021i3p589-607.html> (higher earned income tax credit is associated with increased employment and reduced rates poverty and violent crime).

<sup>18</sup> Brooklyn Movement Center, *Invest in Black Futures: A Public Health Roadmap For Safe NYC Neighborhoods*, at 11, [https://issuu.com/bkmovement/docs/bmc\\_blackfuturesreport\\_v5](https://issuu.com/bkmovement/docs/bmc_blackfuturesreport_v5).

<sup>19</sup> *Public Safety Hearing*, *supra* note 4, at 01:29:00.

<sup>20</sup> CPR, *supra* note 5, at 31 (“HEAT provides a public health-focused approach to serving New Yorkers with substance use and mental health concerns to reduce their involvement in the criminal legal system.”).

<sup>21</sup> *Id.* at 30.

<sup>22</sup> Chris Sommerfeldt & Michael Elsen-Rooney, *NYC moves forward with \$215M in school cuts despite last-minute pushback*, N.Y. DAILY NEWS (June 10, 2022), <https://www.nydailynews.com/new-york/education/ny-budget-keeps-millions-in-school-cuts-20220610-jjxu6v2rkff7lebh5fj5co6ji-story.html>.

workers, and reception staff.<sup>23</sup> Another \$75 million should be reserved for hiring additional social workers to support the needs of all students, including newcomer asylum seekers, and achieve a social-worker-to-student ratio of 1:150 across schools generally, and 1:50 for high-need schools.<sup>24</sup>

Additionally, funding for non-police violence prevention and intervention programs is far more effective at increasing public safety than the SRG.<sup>25</sup> The Council should significantly increase its allocation for the Crisis Management System network to increase its capacity.<sup>26</sup> Through the use of violence interrupters, conflict mediation, and other wraparound services, these alternatives to policing have spurred significant declines in shootings without exposing communities to the harm posed by police intervention.<sup>27</sup>

## V. Conclusion

It is imperative that the New York City Council cease funding for the Strategic Response Group. This unit has engaged in activities that risk infringing on New Yorkers' rights, through both its racially discriminatory enforcement and the chilling effect that its conduct has on the free expression of the public. There is little reason to believe that this chronic misconduct can be remedied by mere reform, as the SRG's tactics are written into its training, and racially discriminatory policing is a problem endemic to the NYPD and specialized units more broadly.

Instead, the funds that have historically been reserved for the SRG should be directed towards community-based initiatives that address the health and well-being of our communities. By adequately investing in healthcare, education, and non-police violence intervention, the City Council can make great strides toward achieving a just, safe, and more equitable New York. This goal cannot be met by continuing to fund policing activity that stifles democratic participation, particularly among Black and Brown New Yorkers, and creates lasting distrust between the police and the communities it is sworn to serve.

Respectfully submitted,

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<sup>23</sup> Communities United for Police Reform, *A New York City Budget for Safety & Dignity: Fiscal Year 2024* (Mar. 2023), at 16.

<sup>24</sup> *Id.*

<sup>25</sup> Brooklyn Movement Center, *supra* note 18, at 11, 21.

<sup>26</sup> N.Y.C. Off. to Prevent Gun Violence, *Interventions*, <https://www.nyc.gov/site/peacenyc/interventions/crisis-management.page> (last accessed Mar 22, 2023).

<sup>27</sup> *Id.*