

TESTIMONY

The New York City Council
Committee on Governmental Operations,
State & Federal Legislation

Re: Protecting New Yorkers from
Federal Overreach

NAACP Legal Defense
& Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10006

November 20, 2025

Dear Council Members:

On behalf of the Legal Defense Fund (LDF), we thank the committee for this opportunity to provide testimony regarding potential deployments of National Guard members and increased presence of federal law enforcement in New York City's local communities, and the strategies that the New York City Council can take to protect its residents.

I. Introduction

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.¹ As part of that work, LDF has forged longstanding partnerships within New York City to challenge and reform unlawful and discriminatory law enforcement practices. In 2010, LDF joined with co-counsel The Legal Aid Society and pro bono counsel to file *Davis, et al. v. City of New York, et al.*, challenging the New York City Police Department's (NYPD) policy and practice of stopping and arresting New York City Housing Authority (NYCHA) residents and visitors for trespass without the requisite level of suspicion and in a discriminatory manner.² In 2015, the *Davis* plaintiffs reached a settlement with the City that included full participation in the ongoing federal court monitoring of the NYPD, ordered in *Floyd, et al. v. City of New York*.

LDF has also fought to protect the rights and dignity of Black immigrants. For example, in 2018, LDF filed a lawsuit on behalf of the National Association for the Advancement of Colored People (NAACP) against the Department of Homeland Security, arguing that the Trump Administration's rescission of Temporary Protected Status for Haitian nationals denied them their right to due process and equal protection under the Fifth Amendment.³

LDF is greatly concerned about the harm that militarized federal law enforcement activity is already inflicting on residents, and about potential harm that may occur in the near future. We appreciate this opportunity to share our expertise on this matter and highlight measures that the City Council can take to protect New Yorkers.

II. Recent deployments of National Guard troops and federal law enforcement have devastated local communities around the country.

LDF is a national organization with strong ties to local communities around the country—especially communities with significant Black populations led by local Black leadership—that have endured recent surges in federal law enforcement and National Guard deployments, including

¹ *About Us*, Legal Def. Fund, <https://www.naacpldf.org/about-us/> (last visited Nov. 20, 2025).

² *Davis v. City of New York*, Legal Def. Fund, <https://www.naacpldf.org/case-issue/davis-v-city-new-york/> (last visited Nov. 20, 2025).

³ NAACP Legal Defense & Educational Fund, Inc., *LDF Issues Statement on the Restoration of Haiti's Temporary Protected Status*, NAACP LDF (May 22, 2021), <https://www.naacpldf.org/press-release/ldf-issues-statement-on-the-extension-of-haitis-temporary-protected-status/>.

in Memphis and Washington, D.C. We have witnessed how these deployments have deepened existing injustices while also creating new ones.

In Memphis, the Trump Administration launched a “Memphis Safe Task Force” that brought together the National Guard and 30 local, state, and federal agencies to promote “hypervigilant policing, aggressive prosecution,” and “large-scale saturation of . . . law enforcement personnel” in a city with a majority-Black population.⁴ Since the task force was launched, Black and Brown residents have been terrorized over low-level or non-existent offenses, and pedestrians have been interrogated by heavily armed, masked, and unidentified officers about their citizenship or immigration status.⁵ Black Memphians have long been subjected disproportionately to frequent and intense traffic stops resulting in excessive force, as found by the Department of Justice following their extensive pattern or practice investigation.⁶ The brutal killing of Tyre Nichols in 2023 is one well-known example of the severe consequences of this discriminatory practice. Unfortunately, the task force has relied heavily on such traffic stops, exacerbating a longstanding injustice in the city.⁷

Even though Washington, D.C. has experienced a significant decline in violent crime in recent years,⁸ in August, the administration deployed National Guard members and federal law enforcement to aggressively enforce immigration laws and minor offenses.⁹ These deployments aggravated existing problems, as D.C. was already heavily and unnecessarily saturated with police activity¹⁰ that subjected Black residents to aggressive policing tactics.¹¹ In the weeks that followed the administration’s surge of federal officers, members of Courtwatch D.C. saw a sharp increase in the number of arraignments, the number of drug-related arrests on a given day, and the frequency in which pretrial detention was requested and granted¹²—all of which have inundated the city’s

⁴ Donald J. Trump, *Memorandum on Restoring Law and Order in Memphis*, The White House (Sept. 15, 2025), <https://www.whitehouse.gov/presidential-actions/2025/09/restoring-law-and-order-in-memphis/>.

⁵ Wendi C. Thomas & Katherine Burgess, “I Don’t Feel Safe”: Black Memphis Residents Report Harassment by Trump’s Police Task Force, ProPublica (Nov. 3, 2025), <https://www.propublica.org/article/memphis-safe-task-force-police-harassment>.

⁶ United States Department of Justice, Civil Rights Division & U.S. Attorney’s Office, W.D. Tenn., *Investigation of the Memphis Police Department and the City of Memphis* (Dec. 4, 2024), <https://www.justice.gov/crt/media/1379096/dl>.

⁷ Thomas & Burgess, *supra* note 5.

⁸ U.S. Attorney’s Office, District of Columbia, *Violent Crime in D.C. Hits 30-Year Low*, U.S. Dep’t of Justice (Jan. 3, 2025), <https://www.justice.gov/usao-dc/pr/violent-crime-dc-hits-30-year-low>.

⁹ Donald J. Trump, *Memorandum on Restoring Law and Order in the District of Columbia*, The White House (Aug. 11, 2025), <https://www.whitehouse.gov/presidential-actions/2025/08/restoring-law-and-order-in-the-district-of-columbia/>.

¹⁰ Eliana Block, *Verify: Does DC Have More Police per Capita than Any Other US City?* WUSA (July 15, 2020), <https://www.wusa9.com/article/news/verify/verify-does-dc-have-more-policeper-capita-than-any-other-us-city/65-9fae328a-5da3-4e0f-8e54-009f48b97>.

¹¹ See, e.g., ACLU DC, *Stop and Frisk FAQ: What You Need to Know in D.C.*, (Feb. 4, 2025), <https://www.acludc.org/news/stop-and-frisk-faq-what-you-need-know-dc/> (“Between 2022 and 2023, Metropolitan Police Department officers stopped about one person every ten minutes in D.C. Seventy percent of those people were Black, even though Black people make up 44 percent of the D.C. population.”).

¹² Ida B. Free, *What’s Really Happening in the D.C. Courts*, Courtwatch DC, https://www.canva.com/design/DAGxehiXmkg/FE6zeTHpc3mNbaWcPsApdA/view?utm_content=DAGxehiXmkg&utm_campaign=designshare&utm_medium=link2&utm_source=uniquelinks&utm_id=hf2f6b35f32 (last visited Nov. 20, 2025).

already-overburdened court system.¹³ The increased federal law enforcement actions have been so extreme that members of the local judiciary have remarked about them on the record, with one judge asserting that a case before him involved “without a doubt the most illegal search I’ve ever seen in my life.”¹⁴

In Chicago, a surge of federal immigration enforcement has sparked widespread protests, which in turn has been met by violent and repressive tactics by Department of Homeland Security (DHS) officers and other federal agents.¹⁵ DHS officers have fired tear gas, rubber bullets, and pepper balls at protesters and members of the press alike,¹⁶ prompting a federal judge to issue a temporary injunction, preliminarily barring DHS officers from using these abusive tactics or issuing crowd dispersal orders at all.¹⁷ A preliminary injunction that temporarily prohibits DHS from brutalizing journalists and protesters was similarly issued in Los Angeles after findings of violent tactics to suppress lawful protest in that city.¹⁸

III. The City Council can take immediate action to protect New Yorkers.

While the Trump administration continues to threaten American cities with National Guard and militarized law enforcement deployments,¹⁹ federal law enforcement officers have already increased their activity and use of aggressive tactics in New York City. ICE officers have been tearing families apart in the hallways of courthouses for months.²⁰ In October of this year, masked officers descended on Canal Street with an armored vehicle and assault rifles to arrest Black and Brown street vendors.²¹ Last week, New York City Police Department (NYPD) officers responded to reports of armed men pulling people out of cars in Washington Heights, only to find that those armed men were, in fact, plainclothes federal immigration agents.²²

Future deployments of the National Guard or other federal law enforcement pose a severe risk to Black and Brown communities, as we have seen in Washington, D.C. and Memphis, and to protesters and journalists, as we have seen in Chicago and Los Angeles. There are several steps

¹³ John Noll, *Biden and Congress Must Fix D.C.’s Broken Court System*, Washington Post (Jan. 30, 2024), <https://www.washingtonpost.com/opinions/2024/01/30/biden-congress-dc-courts-broken/>.

¹⁴ Ryan Lucas, *Trump’s D.C. Takeover Has Led to More Arrests*, NPR (Sept. 5, 2025), <https://www.npr.org/2025/09/05/g-s1-86991/trump-dc-national-guard-police-federal-crime-stats>.

¹⁵ *Chicago Headline Club v. Noem*, No. 25-cv-12173 (N.D. Ill. filed 2025).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Los Angeles Press Club v. Noem*, No. 2:25-cv-05563-HDV-E, Order Granting Plaintiffs’ Mot. for Preliminary Injunction (C.D. Cal. Sept. 10, 2025).

¹⁹ Erica L. Green & Katie Rogers, *Trump Says He Is Prepared to Send ‘More Than the National Guard’ Into U.S. Cities*, N.Y. Times (Oct. 28, 2025), <https://www.nytimes.com/2025/10/28/us/politics/trump-japan-national-guard-us-cities.html>.

²⁰ Julia Ingram, *ICE Agents Target New York City Immigration Courts More Often Than Others, New Analysis Suggests*, CBS News (Oct. 8, 2025), <https://www.cbsnews.com/news/ice-agents-new-york-city-immigration-courts-analysis/>.

²¹ Luis Ferré-Sadurní & Olivia Bensimon, *ICE Raid Hits Canal Street in Chinatown as Tension Mounts*, N.Y. Times (Oct. 21, 2025), <https://www.nytimes.com/2025/10/21/nyregion/nyc-raid-canal-st-agents-ice.html>.

²² Charles Lane, *NYPD Says 2 Officers Injured During Washington Heights ICE Chase*, Gothamist (Nov. 12, 2025), <https://gothamist.com/news/nypd-says-2-officers-injured-during-washington-heights-immigration-action>.

the City Council can take to protect New Yorkers from current and future abuse by federal law enforcement agencies:

i. Pass Int. 798, the bill to abolish the NYPD Gang Database

The NYPD's Criminal Group Database (the "Gang Database") is a system of files kept by the NYPD that associate approximately 8,000 New Yorkers with gangs or "crews," often based on racial stereotypes. Almost every person entered into the database is Black or Latino, and people are commonly included simply because of where they live, the clothes they wear, and the people in their community.²³ Most people in the Gang Database have no prior felony records and no relationship to gun violence. Yet, the people entered into the database are frequently subjected to constant stops and interrogations, often leading to arrests for minor offenses.²⁴

There is a significant risk that this database is fueling or could fuel the federal administration's mass deportation operations. ICE has a long history of relying on local gang databases to arrest immigrants,²⁵ and we have already seen the administration weaponize unreliable gang allegations, similar to the ones relied upon in the NYPD Gang Database, to hastily deport people to a notorious prison in El Salvador without due process.²⁶ Earlier this year, journalists discovered that a gang database operated by the New York State Police feeds directly into ICE information systems.²⁷ This month, it was revealed that Chicago police had shared details from the city's gang database with DHS,²⁸ even though a local oversight body outlawed Chicago's database in 2023 because it was unreliable and racially discriminatory.²⁹ Nevertheless, DHS gathered that information to arrest immigrants at airports and border crossings.³⁰ This abusive use of a banned and unreliable, municipal gang database demonstrates the need to abolish the NYPD's gang database and permanently delete its contents.

ii. Protect First Amendment rights by passing Int. 1176 (the CURB Act).

As events in Los Angeles and Chicago have demonstrated, the federal administration's deployments of National Guard and federal law enforcement officers have led to the brutal suppression of peaceful protests. Unfortunately, New Yorkers have already experienced repressive

²³ *Plaintiffs 1-3 v. City of New York*, No. 25-CV-2397 (BMC), Complaint (E.D.N.Y. 2025).

²⁴ *Id.*

²⁵ Christie Thompson, *How ICE Uses Secret Police Databases to Arrest Immigrants*, The Marshall Project (Aug. 28, 2017), <https://www.themarshallproject.org/2017/08/28/how-ice-uses-secret-police-databases-to-arrest-immigrants>.

²⁶ See, e.g., Juliet Macur, *Kilmar Abrego García's Tattoos Alone Do Not Prove MS-13 Membership*, *Experts Say*, N.Y. Times (May 8, 2025), <https://www.nytimes.com/2025/05/08/us/kilmar-abrego-garcia-tattoos-ms-13.html>; Lauren Efros, *ICE Claims Tattoos Tie Migrants to Venezuela's Tren de Aragua Gang. Experts Disagree*, CBS News (May 2, 2025), <https://www.cbsnews.com/news/ice-tattoos-tren-de-aragua-venezuela-gang/>.

²⁷ Chris Gelardi, *The New York State Police Are Feeding ICE a Gang Database*, N.Y. Focus (Apr. 23, 2025), <https://nysfocus.com/2025/04/23/trump-ice-new-york-gang-database-deportation>.

²⁸ Dell Cameron, *DHS Kept Chicago Police Records for Months in Violation of Domestic Espionage Rules*, WIRED (Nov. 12, 2025), <https://www.wired.com/story/dhs-kept-chicago-police-records-for-months-in-violation-of-domestic-espionage-rules/>.

²⁹ Heather Cherone & Nick Blumberg, *Police Oversight Board Votes to Permanently Scrap New Chicago Gang Database*, WTTW (Sept. 7, 2023), <https://news.wttw.com/2023/09/07/police-oversight-board-votes-permanently-scrap-new-chicago-gang-database>.

³⁰ Cameron, *supra* note 28.

policing of lawful protests by its own police department. For instance, in 2020, the NYPD used pepper spray, batons, kettling, and even vehicles to physically assault and intimidate protesters.³¹ The NYPD's Strategic Response Group was particularly prominent in police violence at these protests, including at a demonstration in the Mott Haven neighborhood of the Bronx where protesters were kettled, beaten, and detained for long periods of time.³² Aggravated uses of force also occurred at the Occupy Wall Street Protests in 2011,³³ and the NYPD's use of mass arrests during 2004 protests of the Republican National Convention resulted in an \$18 million settlement between the City and almost 500 people who were impacted.³⁴

Passing Int. 1176, known as the CURB Act, is a crucial protective measure that will ensure the NYPD does not serve as a force multiplier for federal personnel that engage in violence towards protesters. The CURB Act would prohibit the NYPD's notorious Strategic Response Group from responding to First Amendment events like protests, and further prohibit the NYPD from engaging in repressive tactics, such as kettling and the use of tear gas, pepper spray, and long range acoustic devices, to disperse events protected by the First Amendment.³⁵ While the City Council is limited in its ability to regulate the conduct of federal officers, it can at least ensure that local police do not participate in or facilitate law enforcement violence directed at people exercising their First Amendment rights.

iii. Strengthen the City's sanctuary status by passing Int. 214 (The NYC Trust Act).

New York City has committed to protecting immigrants' rights by ensuring that local agencies do not comply with many requests issued by federal immigration authorities to hold individuals suspected of violating immigration laws. These requests, known as "detainers," are intended to ensure a person can easily be transferred to federal immigration custody for the purpose of arrest or deportation. In New York City, local agencies are not permitted to comply with detainers unless the federal authority presents a judicial warrant and (1) the individual being held has been convicted of a "violent or serious crime" or (2) is identified as a "possible match" on a U.S. terrorist watch list.³⁶ These exceptions actually may facilitate too much information-sharing between local and federal authorities, given the wide breadth of what is considered a "violent or

³¹ Simon McCormack & Jesse Barber, *New Database Provides an Unprecedented Look at NYPD's History of Abuse*, NYCLU (Aug. 25, 2020), <https://www.nyclu.org/commentary/new-database-provides-unprecedented-look-nypds-history-abuse>.

³² Human Rights Watch, "Kettling" Protesters in the Bronx: Systemic Police Brutality and Its Costs in the United States (Sept. 30, 2020), <https://www.hrw.org/report/2020/09/30/kettling-protesters-bronx/systemic-police-brutality-and-its-costs-united-states>.

³³ Mark Memmott, *NYPD Will Examine Use of Pepper Spray on 'Occupy Wall Street' Protesters*, NPR (Sept. 28, 2011), <https://www.npr.org/sections/thetwo-way/2011/09/28/140881795/nypd-will-examine-use-of-pepper-spray-on-occupy-wall-street-protesters>; *Marlin v. City of New York*, No. 1:15-cv-2235 (S.D.N.Y.) (In 2011, Jason Marlin was injured when several NYPD officers dragged him through a crowd of protesters and flung him to the ground, causing a fractured elbow and torn ligaments.); *Gersbacher v. City of New York*, No. 12-cv-7600 (S.D.N.Y. 2015) (noting that, in 2011, five NYPD officers, without justification or provocation, pinned protester Eric Gersbacher to the ground and punched him repeatedly, causing cuts, bruises, and an asthma attack).

³⁴ Ed Pilkington, *New York Agrees \$18 m Settlement With 2004 Republican Convention Protesters*, The Guardian (Jan. 15, 2014), <https://www.theguardian.com/world/2014/jan/15/new-york-agrees-settlement-2004-republican-convention>.

³⁵ N.Y. City Council, Int 1176-2025 (2025).

³⁶ N.Y.C. Admin. Code § 9-131 (McKinney); N.Y.C. Admin. Code § 14-154 (McKinney).

serious crime”³⁷ and existing concerns about the reliability and accuracy of U.S. terrorism watch lists.³⁸

Unfortunately, even with these exceptions, City agencies have not always complied with these rules. For example, in 2023, emails exchanged between ICE and the New York City Department of Corrections (DOC) indicated collusion between the two agencies to hold and transfer immigrants from City custody to federal custody without satisfying statutory prerequisites.³⁹ Even though local laws prohibit City agencies from honoring many detainer requests, there is currently no recourse for individuals who are harmed by violations.⁴⁰ As a result, immigrants and their families have few, if any, avenues for accountability when they or their loved ones are illegally transferred from a city agency into federal custody. The NYC Trust Act would correct this significant problem by amending City law to ensure people have a private right of action to sue the City for violating its obligations to protect them from detainers.

iv. Pass legislation to limit surveillance technology and local participation in federal law enforcement operations.

There are a number of surveillance technologies that pose particular risks to immigrants and protesters alike, and the current moment calls for the City Council to enact measures that prohibit or limit the use of these problematic tools. For example, the NYPD has used drones⁴¹ and facial recognition technology⁴² to track protesters, and police departments around the country have used automated license plate readers and cell site simulators for similar purposes.⁴³ These technologies have also been used to track immigrants, including in situations where local police

³⁷ There are 155 statutes cited as “violent or serious” crimes in N.Y.C. Admin. Codes § 9-131 and § 14-154. The list includes NY Penal Law 215.51 (Criminal Contempt in the First Degree), for which a person can be convicted if they refuse to be sworn in as a witness at a Grand Jury. *People v Di Maria*, 481 N.Y.S.2d 244 (N.Y. Sup. Ct. 1984). Given the federal administration’s targeting of courthouses for immigration enforcement, it may be improper to classify a non-citizen’s refusal to participate in court proceedings as “violent or serious.” Further, a conviction for this law can be sustained even if the defendant was acting pursuant to an attorney’s direction. *People v. Lee*, 526 N.Y.S.2d 1011 (N.Y. App. Div. 2d Dep’t 1988).

³⁸ Jeremy Scahill & Ryan Devereaux, Watch Commander: Barack Obama’s Secret Terrorist-Tracking System, by the Numbers, *The Intercept* (Aug. 5, 2014), <https://theintercept.com/2014/08/05/watch-commander/>; Rachel Levinson-Waldman & José Guillermo Gutiérrez, *Overdue Scrutiny for Watch Listing and Risk Prediction: Reining In Civil Liberties Abuses and Assessing Efficacy*, Brennan Ctr. for Justice, (Oct. 19, 2023), <https://www.brennancenter.org/media/11828/download/BCJ-152%20Risk%20Assessment.pdf>; Rachel Levinson-Waldman & José Guillermo Gutiérrez, *Oversight Board’s Terrorist Watchlist Report Underscores Need for Major Overhaul*, Brennan Ctr. for Justice, (Feb. 21, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/oversight-boards-terrorist-watchlist-report-underscores-need-major>

³⁹ LatinoJustice PRLDEF, *Council Hearing to Stop the City from Conspiring with ICE Reveals Deep Collusion Between Dept. of Corrections and ICE*, Press Release (Feb. 15, 2023), <https://www.latinojustice.org/en/press/council-hearing-stop-city-conspiring-ice-reveals-deep-collusion-between-dept-corrections-and>.

⁴⁰ N.Y.C. Admin. Code § 9-131 (McKinney); N.Y.C. Admin. Code § 14-154 (McKinney).

⁴¹ Surveillance Technology Oversight Project, *S.T.O.P. Condemns NYPD Drone Surveillance of BLM Juneteenth Celebration*, Press Release (June 20, 2024), <https://www.stopspying.org/latest-news/2024/6/20/stop-condemns-nypd-drone-surveillance-of-blm-juneteenth-celebration>.

⁴² International Center for Not-for-Profit Law, *Protesting in an Age of Government Surveillance: Legal Reforms to Protect Demonstrators in the United States* (Feb. 2023), <https://www.icnl.org/post/analysis/protesting-in-an-age-of-government-surveillance>.

⁴³ *Id.*

departments have shared data from their surveillance technologies with federal immigration authorities.⁴⁴ These technologies pose grave risks to residents and visitors of New York City; the City Council should act swiftly to investigate them and implement appropriate prohibitions on their use.

The City Council also has an opportunity to examine the myriad ways in which local law enforcement collaborates with federal authorities, such as voluntary cooperation agreements, participation in federal task forces, and other information sharing avenues such as fusion centers. The City Council should consider eliminating local cooperation beyond the requirements mandated by federal law to prevent the use of local resources in abusive federal law enforcement conduct. We encourage the City Council to consider these additional measures to protect New Yorkers in this unprecedented period.

* * *

The City Council has an opportunity to ensure that the NYPD and local institutions are not weaponized by the federal government against New Yorkers in the event of increased federal intervention. Int. 798 will dismantle the Gang Database—a tool that can be and has been used by ICE to carry out unjust deportations around the country; Int. 1176 will ensure that the NYPD will not contribute to any efforts by federal authorities to violently stifle the First Amendment rights of New Yorkers engaged in lawful protest; and Int. 214 will protect immigrant New Yorkers by ensuring there is a legal remedy for violating the rights established under New York City’s “sanctuary city” laws. With immigration enforcement activity already wreaking havoc and causing unconscionable harms, and with the threat of additional federal intervention looming, the time to act is now. We call on the City Council to take these actions immediately, and to consider additional measures to protect the lives, rights, and dignity of all New Yorkers and especially those who are most vulnerable during these turbulent times.

Respectfully submitted,

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NAACP Legal Defense and
Educational Fund, Inc.

⁴⁴ See, e.g., Khari Johnson & Mohamed Al Elew, *California Police Are Illegally Sharing License Plate Reader Data With ICE and Border Patrol*, CalMatters (June 13, 2025), <https://calmatters.org/economy/technology/2025/06/california-police-sharing-license-plate-reader-data/>.