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Oversight Hearing on the NYPD's Strategic Response Group

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My name is Jackie Gosdigian and I am a Senior Policy Counsel at Brooklyn Defender Services (BDS). BDS provides comprehensive public defense services to approximately 22,000 people each year who are accused of a crime, facing loss of liberty, their home, their children, or deportation. We thank the Committee on Public Safety and Chairs Hank for the opportunity to address the Council about the NYPD's Strategic Response Group.

For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. Our staff consists of specialized attorneys, social workers, investigators, paralegals, and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with the educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

In 2015, the NYPD's Strategic Response Group (SRG) was founded as a rapid-response, counterterrorism unit. Despite its intended purpose, in recent years the SRG has been deployed to police protests, actions, and demonstrations across New York City, and has gained a reputation for being violent and operating without oversight. Within the first year of its inception, the SRG doubled in size and its budget increased from \$13 to \$90 million.¹ Even with this inflated budget, the goals of the Strategic Response Group remain unclear; every policing activity performed by the SRG is already carried out by another unit within the NYPD.

¹ New York Civil Liberties Union, Why We Must Disband the NYPD's Strategic Response Group, 2021, Available at <https://www.nyclu.org/en/publications/we-must-disband-nypds-strategic-response-group>.

During the summer of 2020, in the midst of the COVID-19 pandemic, the Strategic Response Group was deployed at numerous protests against police brutality in New York City. Throughout the summer, the SRG continuously employed the very same violent and dangerous tactics New Yorkers were exercising their First Amendment rights against. These egregious tactics include both the use of bicycles as weapons and kettling, the practice of corralling protestors for arrest.² In their report on the NYPD Response to the George Floyd Protests, the NYC Department of Investigation indicated that the SRG used excessive force and “failed to discriminate between lawful, peaceful protesters and unlawful actors.”³

The SRG not only responds to reports of large gatherings or civil disobedience. Under the direction of Mayor Adams, the SRG has now been deployed to areas that were deemed as high crime. In Brooklyn, it was announced that SRG would be deployed to the 67th, 73rd, and 75th precincts. These NYPD precincts are already infamous for their mistreatment of New Yorkers⁴ and have some of the highest rates of CCRB complaints Citywide.⁵ As public defenders, the people we serve are disproportionately arrested in these precincts, which are located in Black and brown communities that are subject to high rates of policing and government surveillance. Instead of investing in improved services, schools, infrastructure, and community, heavily armed officers trained in paramilitary tactics are being moved into Black and brown, low-income neighborhoods.

NYPD’s legacy of violence

The issues within the modern NYPD are rooted in the formative directives of the Department, with the earliest mandates precipitating its formal creation still present in today’s punishment paradigm. Across the city, vulnerable New Yorkers are subjected to constant police presence and surveillance; these same New Yorkers are also our community members who are most likely to be subjected to abuse at the hands of the NYPD. The NYPD has a long history of establishing specialty groups, task forces, and response teams to address perceived issues and crises in New York City; these groups have a shared history of employing egregious violence against communities of color and low-income communities in our city, as well as a lack of oversight and supervision.

² Margaret Garnett, Investigation into NYPD Response to the George Floyd Protests, New York City Department of Investigation, 2020, Available at <https://www.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>

³ *Id.*

⁴ Tana Ganeva, Despite huge number of misconduct complaints, cops at NYPD’s 75th Precinct keep getting promotions, *The Intercept*, 2020, Available at <https://theintercept.com/2020/08/23/nypd-75th-precinct-police-misconduct/>.

⁵ Civilian Complaint Review Board, Data Transparency Initiative: Complaints, 2023, Available at <https://www.nyc.gov/site/ccrb/policy/data-transparency-initiative-complaints.page#precinct>

The NYPD's Vice Squad is one such example of a specialty group with a long history of both egregious behaviors and a lack of direct oversight within the NYPD. In fact, a 2021 investigation by ProPublica found numerous allegations of misconduct, abuse, coercion, and exploitation by the NYPD's vice unit, and that over 90% of the New Yorkers arrested on the charge of patronizing a prostitute were nonwhite.⁶ It is clear from what we know about the demographics of our city that this is not representative of our population and, in fact, cannot be representative of who is buying sex in New York City; it is also clear that this number is a result of the racialized way the City polices sex work.

The abuses committed by units such as these, which often operate without even the minimal oversight of local precincts, are not unique to specialized operations but seem to proliferate within them. It is not an exaggeration to say that these units exemplify the most destructive tendencies of policing, most frequently perpetrated against the most vulnerable members of our communities.

As part of his mayoral campaign, Mayor Eric Adams promised to reduce gun violence and crime in New York City by reestablishing the NYPD's Anti-Crime team⁷. In 2022, these plainclothes police teams have been relaunched and rebranded as "Neighborhood Safety Teams," despite the concerns of activists, advocates, and community members⁸. Plainclothes officers—from the anti-crime team and others—have long been accused of using aggressive and violent tactics, and in 2018 were found to have been involved in nearly one-third of killings by police, despite making up a small portion of the overall police force⁹. Because of this, the anti-crime team was disbanded in 2020, for the second time, after being disbanded in the 1990s. Despite the controversy surrounding the unit at the time, which included multiple lawsuits and a federal investigation, many of the officers from within the Street Crime Unit (SCU), as it was then known, were reassigned to other anti-crime teams, many of which utilized the exact same egregious policing tactics that had gotten the SCU disbanded in the first place¹⁰.

It is impossible to divorce modern American policing from its roots in racist and classist enforcement. The New York City Police Department was formed in 1845 in direct response to

⁶ Joshua Kaplan and Joaquin Sapien, As New York City Moves to Address Racialized Policing of Sex Work, Advocates and Lawyers Say It's Not Enough, *ProPublica*, 2021, Available at <https://www.propublica.org/article/as-new-york-city-moves-to-address-racialized-policing-of-sex-work-advocates-and-lawyers-say-its-not-enough>.

⁷ George Joseph and Gabriel Sandoval, Eric Adams Wants To Bring Back The NYPD's Most Controversial Unit, *The City*, 2021, Available at <https://www.thecity.nyc/2021/4/27/22404899/eric-adams-bring-back-anti-crime-unit>

⁸ Sara Dorn, NYPD's Neighborhood Safety Teams are mostly making low-level arrests, data shows, *City and State*, 2022, Available at <https://www.cityandstateny.com/politics/2022/04/nypds-neighborhood-safety-teams-are-mostly-making-low-level-arrests-data-show/365450/>

⁹ George Joseph and Liam Quigley, Plainclothes NYPD cops are involved in a staggering number of killings, *The Intercept*, 2018, Available at <https://theintercept.com/2018/05/09/saheed-vassell-nypd-plain-clothes>

¹⁰ Rachel Holliday Smith and Eileen Grench, Know Your Rights With the NYPD's New 'Neighborhood Safety Teams', *The City*, 2022, Available at <https://www.thecity.nyc/justice/2022/3/21/22990229/eric-adams-neighborhood-safety-teams-plainclothes-cops-nypd-rights>

workers' rights demonstrations, an influx of immigrant populations, and demands by elites to crack down on so-called quality-of-life behaviors associated with these communities. These formative directives and punishment paradigms are still present today. Neighborhoods that demonstrate the intersectionality between race and socioeconomic status are subjected to constant police presence and surveillance and are home to community members who are most likely to be abused at the hands of the NYPD. They are also the exact neighborhoods in which the NYPD chooses to deploy teams of plainclothes officers, like the Strategic Response Group or Neighborhood Safety Teams.

As defenders, we see the direct results of two salient data-backed trends that are consistent with this bias in enforcement: Black and brown New Yorkers are disproportionately targeted for stops and arrests, and individual officers who engage in racist, biased, or hateful behavior remain on the job. It is imperative that we recognize racist policing to include instances that do not involve direct statements of racist intent. We cannot allow the biases displayed by these specialized units and the egregious practices they employ to continue to entangle Black and brown New Yorkers in the criminal legal system, especially those who are exercising their constitutional right to protest police killings across the nation.

SRG violates the due process and privacy rights of communities we serve.

A. Right to freedom of speech and right to protest

The uncertainty and discomfort caused by heightened monitoring by law enforcement also discourages would-be protesters from assembling and exercising their First Amendment rights. This is particularly true for people of color, and low-income, heavily-policed communities. Harassment of protest activity by law enforcement, especially in these communities, may present as great a deterrent impact on freedom of expression and assembly.¹¹

The actions of the NYPD, and the SRG, during protests, have not only had a chilling effect on free speech and the right to protest, but have further exacerbated an already deep-rooted mistrust of law enforcement for Black and Latine New Yorkers. Over multiple incidents, police regularly and unjustifiably used force against peaceful protesters, with state investigators finding that they beat people with blunt instruments at least 50 times, unlawfully pepper-sprayed them in at least 30 instances, and pushed or struck protesters at least 75 times. Officers targeted and retaliated against people engaging in constitutionally protected activity, New York Attorney General Letitia James's office concluded, and "blatantly violated the rights of New Yorkers."¹²

¹¹ New York Civil Liberties Union, Free Speech Threat Assessment, 2012, Available at <https://www.nyclu.org/en/nyc-free-speech-threat-assessment>

¹² Office of the Attorney General, Attorney General James Files Lawsuit Against the NYPD for Excessive Use of Force, 2021, Available at <https://ag.ny.gov/press-release/2021/attorney-general-james-files-lawsuit-against-nypd-excessive-use-force>

B. Right against unlawful searches, seizures, and arrests.

We know based on years of data that police enforcement, as well as stop-and-frisk encounters, disproportionately target Black and Latine people. Data from the Legal Aid Society from 2019 showed that nearly all people who were stopped and frisked by the NYPD—a practice that persists despite extensive litigation—were people of color, accounting for 90%. We also know that officers within the SRG, utilize racially biased policing tactics in the same way. The very presence of SRG officers at a protest or rally where the attendees and protesters are predominantly Black and Latine, will increase the likelihood of unlawful pretextual stops and searches. In 2020, the Office of the Attorney General of New York found that “in response to largely peaceful protests, NYPD officers effectuate mass arrests without probable cause.”¹³

These types of abusive and biased police encounters carry immediate and lasting impacts for the people who are targeted. Myriad indignities and humiliations, civil rights violations, and physical abuses are perpetrated daily, overwhelmingly against Black and brown residents of policed communities. In an absolute best-case scenario after a person is arrested and booked, by the time they see a judge they have just endured the trauma of spending 24 hours or more in the sole custody of a police force that has demonstrated animosity and/or deadly tendencies towards people who share one or more of their personal identities.

C. Right to privacy and unlawful surveillance

New York City has already invested more than \$1 billion in a twenty-year surveillance infrastructure building program.¹⁴ The city is blanketed in surveillance¹⁵ and no police department in the country has more military-grade surveillance resources than the NYPD. All they have accomplished is to expand a burgeoning surveillance state, repeatedly infringing on New Yorkers’ dignity, privacy, and First Amendment freedoms.¹⁶

SRG is part of the NYPD's surveillance network. “Unlike with emergency calls, the SRG often has advance notice and time to prepare for protests. As soon as a detail is approved, an SRG field

¹³ *Id.*

¹⁴ Ali Watkins, How the N.Y.P.D. is using Post-9/11 Tools on Everyday New Yorkers, *NYTimes* (Sept. 8, 2021) at <https://www.nytimes.com/2021/09/08/nyregion/nypd-9-11-police-surveillance.htm>

¹⁵ See, e.g., Amnesty International, Inside the NYPD’s Surveillance Machine at <https://banthescan.amnesty.org/decode/>.

¹⁶ See, e.g., Elizabeth Daniel Vasquez, Dismantle NYC’s Mass Surveillance Project – Start with Jail Recordings, *Truthout.org* (June 1, 2021) at <https://truthout.org/articles/dismantle-nycs-mass-surveillance-project-start-with-jail-recordings/>; James Vincent, NYPD used facial recognition to track down Black Lives Matter activist, *TheVerge.com* (Aug. 18, 2020) at <https://www.theverge.com/2020/8/18/21373316/nypd-facial-recognition-black-lives-matter-activist-derrick-ingram>; Jan Ransom and Ashley Southall, N.Y.P.D. Detectives Gave a Boy, 12, a Soda. He landed in a DNA Database, *NYTimes* (Aug. 15, 2019) at <https://www.nytimes.com/2019/08/15/nyregion/nypd-dna-database.html>.

intelligence officer begins compiling a package of information on the situation for distribution to the SRG executive staff and commanding officer. According to the SRG documents, the intelligence packets include information such as the group size, planned arrests, key members of the protest group, and the group's hierarchy. Based on the intelligence, SRG executives make tactical decisions and supervisors debrief officers on the response plan, including the "past history of this event or others involving this location or organization." Other SRG documents repeatedly refer to the unit's reliance on intelligence and the monitoring of social media."¹⁷

Disband the Strategic Response Group (SRG) and stop the funding of other specialized law enforcement groups.

The Strategic Response Group and other similar, specialized units with histories of abuse and misconduct such as the Gang Squad must be abolished, and future funding for these types of specialized units must be limited. The abuses committed by these units, which often operate without even the minimal oversight of local precincts, are not unique to specialized operations. It has been shown, however, that these units are breeding grounds for officers that have little to no regard for the communities they are working in, or worse, are actively biased against them. The Strategic Response Group is no different from the rest of these units in their egregious practices but has the potential for an outsized impact.

Our city already arrests and detains Black and brown New Yorkers at disproportionate rates; the last thing New York City needs is to arrest Black and brown New Yorkers, and other marginalized community members who are speaking up against the injustices in our communities. Arresting these people, as they exercise their constitutional right to free speech, will only continue to wrap up vulnerable New Yorkers in the criminal legal system, further perpetuating the criminalization of Black and brown New Yorkers, New Yorkers experiencing poverty and homelessness, and members of other marginalized communities.

It is not enough to merely reshuffle members of the Strategic Response Group in a symbolic gesture, as has been the case with the notoriously violent Anti-Crime Unit. The units should be disbanded entirely and the methods of policing exemplified by these units must be extinguished.

Divest from the NYPD and invest in communities.

As the City Council reviews and responds to the Mayor's budget proposal, there is an opportunity for the Council to invest in communities and ensure that New Yorkers receive the support and resources, not surveillance, that help our city thrive. We urge the City Council to work with the

¹⁷ John Bolger and Alice Speri, NYDP 'Goon Squad' manual teachers officer to violate protesters' rights, *The Intercept*, 2021, Available at <https://theintercept.com/2021/04/07/nypd-strategic-response-unit-george-floyd-protests/>



Mayor to begin to move funding away from surveillance and criminalization and toward community investment and community response.

When committees raise concerns about violence or bias in policing, they are often met with piecemeal administrative reforms and calls for additional training and funding. The NYPD does not lack the funding, training, or infrastructure to implement change. Officers are trained in de-escalation, implicit bias, and protest response. The issue is one of Department culture and willingness to concede power. Placing sole responsibility for change in the hands of the NYPD only ensures that change will never come.

BDS urges the City Council to work with Mayor Adams to begin to move funding away from surveillance and criminalization and toward community investment and community response. Investing in housing, education, employment, mental and physical healthcare, and communities is critical to improve the safety and health of people across the city. Where a society allocates its budget is a statement of its values. It is time that this city valued the experiences and needs of its community members over a police force that neither protects nor serves them.

The Council should enhance NYPD accountability measures.

Individual officers engage in abuse and misconduct with the knowledge that the Department will not hold them accountable. There are no meaningful mechanisms for holding them responsible, and the Police Commissioner retains veto power over any internal findings and recommendations for discipline. One analysis of released CCRB data found 260 instances, between 2014 and 2018 alone, where the Commissioner overruled, downgraded, or dismissed cases where serious misconduct by police was substantiated by the CCRB and charges were recommended.¹⁸ The City Council must move to address the ongoing employment of abusive officers, whether through funding or legislative action.

The City Council should take this opportunity to make a bold move in defense of your constituents by exploring ways to empower the CCRB and implement meaningful police accountability measures.

Conclusion

As public defenders, we see first hand the irreparable harms and ripple effects caused by policing, over-surveillance, and unlawful police-citizen encounters. Their due process and privacy rights are violated so continuously and routinely that they fear speaking out against the very government institutions attempting to silence them. We must disband SRG, and other specialized law enforcement groups that have a history of violence and lack of oversight, that suppress the rights

¹⁸ ProPublica, "What it Looks Like When the Police Commissioner has Unchecked Power"
<https://projects.propublica.org/nypd-unchecked-power/>

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and the voice of marginalized communities under the guise of law and order. We urge the counsel to redirect funding towards community investments, housing, education, violence interrupter programs, and alternatives to incarceration, in an effort to drastically reduce criminal system involvement in New York City.

Thank you again to the Committee on Public Safety and Chairs Hank for the opportunity to address the Council about the NYPD's Strategic Response Group. Please reach out to me at jgosdigian@bds.org with any questions.