

**Testimony of the New York Civil Liberties Union
Before the New York City Council Committee on Public Safety
Regarding the NYPD’s Strategic Response Group**

March 1, 2023

The New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony regarding the New York Police Department’s Strategic Response Group. The NYCLU, the New York affiliate of the American Civil Liberties Union, is a not-for-profit, non-partisan organization with eight offices throughout the state and more than 180,000 members and supporters. The NYCLU’s mission is to promote and protect the fundamental rights, principles, and values embodied in the Bill of Rights of the U.S. Constitution and the New York Constitution. Defending New Yorkers’ right to be free from discriminatory and abusive policing and to exercise their right to protest are core components of the NYCLU’s mission.

Police have a long history of suppressing protest and the NYPD has its own checkered history of protest policing. In 2015, the NYPD’s aggressive policing of protest took on its newest form: the Strategic Response Group (“SRG”). SRG officers are escalators-in-chief: they abuse their mandate to consistently escalate and bring violence to protesters who are exercising their first amendment rights. Reducing the scope of the NYPD’s policing of protest is critical, and that begins with disbanding the SRG.

History of the Strategic Response Group

The SRG was formed in 2015, in the wake of the Ferguson uprising. Established as a 350-officer unit with a budget of 13 million dollars, NYPD leadership said that the unit would be dedicated to “disorder control and counterterrorism protection capabilities,” and was “designed for dealing with events like our recent protests, or incidents like Mumbai or what just happened in Paris.”¹ At inception, the SRG’s mission made a dangerous conflation between terrorism and First Amendment protected protest.

After pushback from advocates, who voiced concerns around the criminalization of protest and the hyper-militarization of police, the NYPD amended their statement, announcing that the unit would not be



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¹ *Commissioner Bratton Unveils Plans for New High-Tech Anti-Terror Police Unit*, CBS New York, Jan. 29, 2015, <https://newyork.cbslocal.com/2015/01/29/bratton-unveils-plans-for-new-anti-terror-police-unit/>.



deployed at protests.² Instead, the SRG would conduct “single-fold terror work.”³

Despite this promise, the NYPD’s public description of the unit does not include counterterrorism. Instead, the NYPD’s website says SRG’s missions include “disorder response, crime suppression, and crowd control.”⁴ Policing protest is in the SRG’s mission statement; counterterror is not.⁵

Just months after its creation, the SRG was already being deployed at protests.⁶ Equipped with military grade tactical gear including body armor, tactical bicycles, and sound cannons, members of the unit arrested protesters at racial justice demonstrations related to the murder of Freddie Gray.⁷ When asked, then-City Council Speaker Melissa Viverito said she couldn’t recall any discussion of the unit’s role at demonstrations, saying “it’s impossible for us to know every minutia of every decision they’re making. The NYPD has always been a rogue entity.”⁸

Within a year of the SRG’s founding, the unit’s budget ballooned from \$13 million to \$90 million, and the number of officers in the unit doubled to an estimated 700,⁹ including a 275-officer bicycle unit.¹⁰ During the

² Barry Paddock, *NYPD Anti-Terrorism Unit Will NOT Handle Large-Scale Demonstrations: Cops*, N.Y. Daily News, Jan. 30, 2015, <https://www.nydailynews.com/new-york/nyc-crime/separate-nypd-unit-handle-large-scale-protests-article-1.2098051>.

³ *Id.*

⁴ See NYPD, Special Operations, <https://www1.nyc.gov/site/nypd/bureaus/patrol/citywide-operations.page>.

⁵ In fact, nearly every policing activity the SRG performs is already carried out by other NYPD agencies. The same year that SRG was formed, the NYPD also created another unit – the Critical Response Command – with counterterrorism duties nearly identical to the supposed role of SRG. See Tom Winter & Kim Cornett, *Inside New York City’s Elite Counterterrorist Police Unit*, NBC News, July 19, 2017, <https://www.nbcnews.com/nightly-news/inside-new-york-city-s-elite-counterterror-police-unit-n784441>.

⁶ *NYPD Cracks Down Hard on Baltimore Solidarity “Shut It Down” Protest*, Gothamist, Apr. 30, 2015, <https://gothamist.com/news/nypd-cracks-down-hard-on-baltimore-solidarity-shut-it-down-protest>.

⁷ *Id.*

⁸ Jake Offenhartz, *How an NYPD Anti-Terror Squad Became a Tool for Cracking Down on Protests*, Gothamist, Feb. 19, 2021, <https://gothamist.com/news/how-elite-anti-terror-squad-transformed-nypds-approach-protest-policing>.

⁹ John 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/>.

¹⁰ NYPD, SRG Bicycle Crowd Management, available at https://www.documentcloud.org/documents/20584525-srg_bike_squad_modules.



2020 protests, an estimated 1300 additional officers were added to the SRG's command to police protests.¹¹ Total spending on the unit, including centrally-allocated funds, is now estimated to account for over \$133 million as of the most recently passed New York City budget.¹²

The SRG's Violent Tactics Threatens New Yorkers' Safety and Constitutional Rights

The SRG's pattern of brutalizing protesters was on full display during the 2020 protests for Black lives. In June of 2020, the SRG trapped, beat, zip-tied and arrested 263 protesters, medics, and legal observers at a protest in Mott Haven.¹³ Unprovoked, SRG officers and members of the bike squad closed in on protesters 10 minutes before the 8pm curfew, trapping the group. When the clock struck eight, the SRG descended on the group from either end with batons, pepper-spray, and bikes. Victims of the SRG's violence recounted their experience in a Gothamist piece titled 24 minutes in Mott Haven, which includes the following account:

[T]he police started pulling us from the crowd and beating us, throwing us onto the pavement and handcuffing us [...] by the time they got up to me, they were literally crushing us between their bikes on one side and their riot shields on the other. I heard a woman's leg snap a few feet away from me and people crying out for a medic.¹⁴

At least 61 people were injured, including legal observers and bystanders. At least three people were hospitalized. In September 2020, Human Rights Watch published a report on the Mott Haven protest, declaring the NYPD's conduct "intentional, planned, and unjustified."¹⁵

The SRG's violence did not stop after the summer of 2020. On June 5, 2021, the SRG once again deployed their militarized tactics in

¹¹ Jake Offenhartz, *How an NYPD Anti-Terror Squad Became a Tool for Cracking Down on Protests*, Gothamist, Feb. 19, 2021, <https://gothamist.com/news/how-elite-anti-terror-squad-transformed-nypds-approach-protest-policing>.

¹² Communities United for Police Reform, *Creating Safe and Vibrant Communities for All New Yorkers* 26 (2022), https://www.changethenypd.org/sites/default/files/2022-06_creating_safe_and_vibrant_communities_for_all_new_yorkers_optimized.pdf.

¹³ Human Rights Watch, "Kettling" Protesters in the Bronx, 2020, https://www.hrw.org/sites/default/files/media_2020/10/us_mott%20haven0920_web.pdf.

¹⁴ Jami Floyd, *24 Minutes in Mott Haven*, Gothamist, June 4, 2021, <https://gothamist.com/news/24-minutes-mott-haven>.

¹⁵ Human Rights Watch, "Kettling" Protesters in the Bronx, 2020, https://www.hrw.org/sites/default/files/media_2020/10/us_mott%20haven0920_web.pdf.



Washington Square Park, where they were deployed to enforce a new 10pm weekend curfew.¹⁶ Along with a small group of protesters, the vast majority of people in the area were parkgoers – many of them unaware of the new curfew. As 10pm neared, hordes of SRG officers arrived, including the unit’s bicycle squad. The NYPD began playing a dispersal order on the department’s Long Range Acoustic Device (LRAD) threatening arrest of “trespassers” in the park. The recording could not be heard from within the park gates.

At 10pm, hundreds of SRG officers descended into the park. SRG bike squad officers used their bikes as barricades and began moving towards parkgoers, shoving and bludgeoning them with their bicycles. SRG officers on foot moved in from the back, surrounding the group. With nowhere to go, people were pushed into the park fountain and trapped between phalanxes of police. In a submission to the NYCLU, a victim recalled being pinned to the ground by police when an SRG officer approached demanding that she stop resisting. The officer then swung his 50-pound bicycle at her, hitting her face and head. The SRG’s violence escalated as they beat, tackled, and arrested people who tried to flee; deployed pepper spray and brandished tasers; and spent the subsequent hour chasing and violently arresting people throughout the West Village, including passersby who were caught in the chaos.

These are just two examples of the SRG’s pattern of unchecked brutality. Between June 2020 and January 2021¹⁷, NYCLU protest monitors witnessed 39 instances of police arresting non-violent protesters. Every time protesters were arrested, the SRG was present. While the NYPD denies its use of kettling, a controversial tactic used to trap protesters for arrest, monitors witnessed 23 incidents of kettling, each occurring soon after the SRG arrived on site. SRG officers trapped protesters with batons and bikes in each of these instances. Protest monitors documented 25 instances of use of force against protesters, including pepper spray, baton beatings, and use of bicycles as weapons. The SRG was present and participating in the violence at all but one of these incidents. Through Protest Monitor documentation, the NYCLU has found that the SRG is at best an escalating force and at worst the source of violence.

¹⁶ *22 Arrested as Police Enforce Washington Square Park 10 p.m. Curfew*, WABC, June 6, 2021, <https://abc7ny.com/new-york-city-washington-square-park-closing-early-violence/10750628/>.

¹⁷ NYCLU, *Timeline of NYPD Violence Against Protesters*, <https://www.nyclu.org/en/campaigns/new-york-police-transparency-database/new-york-police-department/timeline-nypd-violence-against-protesters>.



More recently, the SRG has been deployed to enforce encampment sweeps targeted unhoused New Yorkers.¹⁸ In April 2022, while a citywide search was underway for a man who had opened fire on a crowded subway, SRG resources were being spent to destroy the belongings of unhoused New Yorkers, while the alleged shooter was outside a bodega mere blocks away.¹⁹ And in the wake of the reversal of *Roe v. Wade*, SRG officers have become a consistent presence outside abortion clinics, where officers have consistently targeted pro-abortion access demonstrators for arrest and have been accused of showing bias in favor of anti-abortion demonstrators.²⁰

The SRG's Training Promotes Aggressive and Biased Enforcement

The SRG's propensity for violence is by design. The SRG's Field Force Operations manual includes guidelines for mass arrests, sound cannon deployment, and tactical formations like "encirclement," which is functionally identical to kettling.²¹ In the Bike Squad's manual, protest groups are divided into two categories: "peaceful" and violent." Examples of "violent" protesters are "BLM movement, Occupy Wall Street, and Anti-Trump Demonstrators."²² With little mention of First Amendment protection or de-escalation strategies, the SRG is trained to police with force and bias, and to view protesters for racial justice as enemy combatants.

These biased trainings manifest in the unit's disparate policing of protests. In 2018, the SRG allowed the Proud Boys to march without a

¹⁸ Chris Geraldi, *Bomb Dogs, 'Goon Squad,' Subway Cops: Who's Making a Killing in NYPD Overtime*, New York Focus, Nov. 16, 2022, <https://www.nysfocus.com/2022/11/16/new-york-police-overtime-subway-canine-unit/>; Dean Moses, *Same Shift, Different Days: Advocates Accuse City of Homeless Encampment Sweep Bias for Redeploying NYPD Officers and DHS Agents Over and Over Again*, AMNY, May 15, 2022, <https://www.amny.com/news/advocates-claim-homeless-encampment-sweep-bias-redeploying-nypd-agents/>.

¹⁹ Joshua Potash, *Why Did It Take NYPD So Long to Find the Brooklyn Shooting Suspect? The Inconvenient Answer*, The Independent, Apr. 14, 2022, <https://www.independent.co.uk/voices/frank-james-brooklyn-shooting-subway-b2057573.html>.

²⁰ Curtis Brodner, *5 Abortion Rights Demonstrators Arrested During Protest at Manhattan Church*, 1010 WINS, Aug. 6, 2022, <https://www.audacy.com/1010wins/news/local/5-abortion-rights-demonstrators-arrested-during-protest>.

²¹ NYPD, SRG Field Force Operations, available at https://www.documentcloud.org/documents/20584526-srg_field_force_modules, In the SRG's Field Force Manual, "encirclement" is described as a "formation utilized when there is a need to take a group of people into custody." *Id.*

²² NYPD, SRG Bicycle Crowd Management, available at https://s3.documentcloud.org/documents/20584525/srg_bike_squad_modules.pdf.

police escort. SRG officers backed away when members of the white supremacist group attacked counter-protesters.²³ They then escorted Proud boys founder Gavin McIness to his car.²⁴

NYCLU protest monitors have consistently observed the SRG's pattern of allowing right-wing, white supremacist, and pro-police groups to protest without any SRG inference. In contrast, racial justice protests, unhoused New Yorkers, and abortion clinic defenders are consistently policed, abused, and arrested by the unit.

SRG Officers Generate a Disproportionate Amount of Misconduct Complaints



The SRG is a voluntary unit of the NYPD, meaning that officers sign up to serve as an SRG officer. According to sources inside the department, the SRG attracts officers seeking “more action,” who often have long records of misconduct.²⁵

The NYCLU's database of Civilian Complaint Review Board filings shows that SRG officers receive an abnormally high number of misconduct complaints compared to non-SRG officers.²⁶ Of officers who were named in at least one complaint while in SRG, the median number of complaints since 2000 is six. The median number of complaints received since 2000 for all officers in the database is three. 18.9% of complaints against the SRG alleged physical force, compared to 14% against NYPD officers. And the people impacted in these incidents are overwhelmingly people of color: sixty-six percent of complainants were Black, 21 percent were Latinx, and nine percent were white.

This data is particularly alarming as SRG officers have now also been deployed to supplement routine enforcement in 20 so-called “high crime” precincts, where the NYPD has targeted additional resources to

²³ Jake Offenhartz, *NYPD Accused of “Incredibly Deferential Treatment” of Proud Boys Following Beatings Caught on Video*, Gothamist, Oct. 15, 2018, <https://gothamist.com/news/nypd-accused-of-incredibly-deferential-treatment-of-proud-boys-following-beatings-caught-on-video>.

²⁴ Ashoka Jegroo, *NYPD Unit that Monitored Proud Boys Event Has Troubled History*, The Appeal, Oct. 19, 2018, <https://theappeal.org/nypd-unit-that-monitored-proud-boys-event-has-troubled-history/>.

²⁵ John Bolger & Alice Speri, *NYPD “Goon Squad” Manual Teaches Officer to Violate Protesters’ Rights*, The Intercept, Apr. 7, 2021, <https://theintercept.com/2021/04/07/nypd-strategic-response-unit-george-floyd-protests/>; Dana Kennedy, *NYPD’s Strategic Response Group Ramping Up for Potential Post-Election Riots*, N.Y. Post, Oct. 31, 2020, <https://nypost.com/2020/10/31/nypds-strategic-response-group-preps-for-post-election-riot/>.

²⁶ See NYCLU, NYPD Misconduct Complaint Database, <https://www.nyclu.org/en/campaigns/nypd-misconduct-database>.



“address major crimes and quality-of-life issues on the streets.”²⁷ The City Council must, at minimum, demand more transparency around these deployments, including the NYPD’s specific justification for deploying SRG officers in particular along with data on their enforcement activities in these communities. Deploying officers from a unit notorious for its aggressive and violent approach to self-identified trouble spots raises serious concerns about the potential for increasing violence in communities, rather than de-escalating and reducing it..

Lawmakers Must Disband the SRG, Make Better Investments in Communities, and Protect New Yorkers from Future Abuse

The NYPD’s actions during the 2020 protests have been widely condemned and have been the subject of numerous investigations and ongoing litigation, including a lawsuit filed by Attorney General Letitia James. Central to many of these lawsuits is the SRG. The Attorney General’s report reads:

SRG officers are not only inadequately trained to respond to peaceful protests, but their training in terrorism response, which necessarily requires aggressive tactics and extreme force, is almost certain to result in constitutional violations when applied to peaceful protesters.²⁸

A Department of Investigation report on the NYPD’s conduct at 2020 protests found that SRG: “likely exacerbated tensions during protests about policing, consistently kettled protesters throughout the summer of 2020,” and “was not properly trained.” The DOI report called on the NYPD to “reevaluate the central role of the Strategic Response Group and Disorder Control Unit response to large protests given their orientation to handle counterterrorism, riots, and other serious threats.”²⁹

²⁷ Brian Brant, *Squad of Heavily Armored NYPD Officers Dispatched to Crime-Plagued Precincts: Memo*, 1010 WINS, Nov. 1, 2022,

<https://www.audacy.com/1010wins/news/local/squad-of-heavily-armored-nypd-officers-dispatched-to-crime-plagued-precincts-memo>.

²⁸ New York State Office of the Attorney General, Preliminary Report on the New York City Police Department’s Response to Demonstrations Following the Death of George Floyd, July 2020, <https://ag.ny.gov/sites/default/files/2020-nypd-report.pdf>.

²⁹ New York City Department of Investigation, Investigation into NYPD Response to the George Floyd Protests, Dec. 2020, <https://www1.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>.



In response to the DOI report, the NYPD issued a new policy on responding to First Amendment activities,³⁰ but in developing this new policy, the NYPD skipped over a foundational question: is First Amendment activity an area in which police should have primary responsibility at all?

Rather than grappling with that question, New York City continues to entrench police as the default response to First Amendment activities in New York City at a time when we should be looking for ways to reduce our overreliance on police officers and invest in more accommodating and less militant approaches.

In the face of public scrutiny and calls from the communities that the NYPD claims to serve, the Department has shown an unwillingness to hold itself accountable or make any meaningful effort to address the harm done. The NYCLU is calling on city leaders to take the necessary steps to shift responsibilities from the NYPD. Chief among this necessary shift is the disbandment of the NYPD's Strategic Response Group.

The SRG is a threat to the safety and First Amendment rights of New Yorkers. Combating this threat means putting an end to the SRG itself. The unit should be disbanded, and its funds should be reinvested in ways that support and uplift New Yorkers. The size of the NYPD's headcount should be reduced by the number of SRG officers, and city leaders must ensure that its militarized tactics are not recreated under another name.

Although not on the agenda for today's hearing, the NYCLU notes that legislation is currently pending before the Council that aims to prevent SRG deployments in response to nonviolent protests and demonstrations.³¹ We know, however, that the NYPD will look for any opportunity to evade such a restriction, whether through adopting an excessively narrow interpretation of conduct that it considers to be "nonviolent" or by simply creating a new unit or reassigning the SRG's protest-policing functions elsewhere, such that the SRG itself may not be deployed by name, but all of its abusive tactics will continue to show up.

³⁰ NYPD, Patrol Guide Procedure No. 213-20: Response to First Amendment Activities, available at https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/213-20.pdf.

³¹ Intro. 277 (Ossé), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5570506&GUID=74E1118F-FA20-4234-A605-6CB21EFC39C3&Options=ID|Text|&Search=277>.



If the Council is serious about ending the NYPD's abuse of protesters, then any legislation must directly address the substantive ways in which the SRG and the NYPD more broadly inflict harm on New Yorkers exercising their First Amendment-protected rights. This means preventing the continued use – by SRG or any NYPD officer or unit – of tactics like kettling, the use of LRADs and other military weapons or equipment, the use of bicycles as physical instruments against protesters, the unrestrained use of chemical irritants against crowds, and other unjustified uses of force when more targeted and less intrusive options exist.

The SRG may be the current manifestation of the NYPD's aggressive approach to protest policing, but it is not the first. By disbanding the SRG and passing legislation to protect New Yorkers from future abuse, the Council can ensure that the unit's abusive tactics do not resurface in another form. The NYCLU is committed to working with the sponsor and this Committee to advance these goals.

Conclusion

The NYCLU thanks the Committee for the opportunity to provide testimony, and we welcome the opportunity to work with the Council to end the SRG's ongoing abuse of New Yorkers and to better safeguard the public's ability to exercise their core constitutional rights.