



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

March 8, 2021

Honorable Bill de Blasio
Mayor
City of New York
City Hall
New York, NY 10007

Dermot F. Shea
Commissioner, New York City Police Department
One Police Plaza
New York, New York 10007

Re: Claims Relating to 2020 Black Lives Matter Protests

Mayor de Blasio and Commissioner Shea:

I am writing today to express my deep disappointment in your recently released “[NYC Police Reform and Reinvention Collaborative Draft Plan](#),” specifically in its failure to meaningfully address how the NYPD polices peaceful protests. Other than harkening back briefly to prior reports by the city’s Department of Investigation and the city Law Department and their many urgent recommendations, the vast majority of which remain unimplemented, your most recent “reform” plan was all but silent on the need to fundamentally change the overly militarized, needlessly confrontational approach the NYPD has long taken towards protesters. This was a missed opportunity – both morally and fiscally.

As you are aware, in the months since last summer’s protests precipitated by the police killings of George Floyd and Breonna Taylor, my office has received over 440 notices of claim from individuals alleging serious misconduct and violence at the hands of the NYPD in the course of exercising their First Amendment rights. Claims relating to police action are sadly not new – they are regularly one of the largest categories of claims lodged against the City, as I have detailed repeatedly in my time as Comptroller through our [Claimstat project](#) and elsewhere. In our most recent [Claims Report](#), police claims in Fiscal Year 2019 accounted for 36 percent of the total overall cost of resolved tort claims against the City, and the City paid out some \$220 million in tort settlements related to police claims, an outlay larger than the entire police budget of New Orleans. But even against that backdrop, the accumulation of claims against the NYPD in recent months by those seeking only to exercise their right to free speech – and the

department's clear unwillingness to change how it responds to such protests – marks a very dark chapter in our city's history, and it cannot continue.

To date, my office has received a total of 448 claims relating to the NYPD's response to multiple protests occurring between May 29 and November 4, 2020, most of them inspired by the Black Lives Matter movement. Not since 2004, when some 600 claims followed the NYPD's decision

to arrest and detain protesters at that year's Republican National Convention—a decision that ultimately cost the City \$18 million in settlements—have so many police claims emanated from a specific series of protests. Of the above 448 claims, 144 relate to a single demonstration within the Mott Haven neighborhood of the South Bronx on the evening of June 4th, 2020, where news coverage and other video from that day clearly show NYPD officers engaged in the mass “kettling” of peaceful protesters, as well as numerous acts of violence perpetrated by police in the mayhem that followed.

I urge the City to treat the summer of 2020 as a defining and trajectory-altering moment in its approach to public safety. While deep, wholesale changes are needed, immediate action must be taken in the short-term to fundamentally overhaul how the City protects the rights of all New Yorkers to peacefully assemble and march in protest. There are many steps that the NYPD could be taking to approach protests differently, and many opportunities to learn from other jurisdictions as to how to treat protesters with the respect that they deserve. My office recently released [a detailed report](#) that outlined a number of strategies for improving police practices and safeguarding the rights of protesters, and for demanding accountability within the NYPD. It is now beyond time for City Hall and the NYPD to institute these recommendations, including:

- **Disband the NYPD's Strategic Response Group (SRG).** The NYPD's Strategic Response Group was formed in 2015 as a 350-officer unit with a “single-fold [focus]... on counter-terror work.” Instead, this special operations unit equipped with ballistic helmets, assault rifles, and riot shields has ballooned to 800 officers and is now broadly tasked with “crime reduction” and “crowd and protest control,” including many of last year's Black Lives Matter protests. Moving forward, the SRG Disorder Control Unit should be disbanded so that militarized officers are no longer engaged in policing protests, marches, demonstrations, or parades.
- **Scale back the deployment of armed officers, and adopt the “Madison Method” for managing protests.** Named after the strategies adopted in Madison, Wisconsin, in the wake of anti-war clashes there, this approach emphasizes cooperation and de-escalation in managing large crowds, and safeguarding the fundamental rights of people to gather, protest, and speak out. Under this model, tactical units, riot police, and heavily armed officers are expressly forbidden from managing protests, and a mostly civilian, unarmed force in distinct uniforms is tasked with managing traffic and engaging with those present both in the lead-up to and during the demonstration in order to facilitate a peaceful protest.
- **Swiftly and severely discipline officers who hide their identity.** We have all witnessed examples of officers who, in the midst of protests, either refuse to identify themselves or, worse, actively takes steps to conceal their identity by covering their

badge numbers or name tags. This practice, which is in violation of the Department's own rules, undermines our ability to hold the NYPD accountable for harms done and reinforces the perception that uniformed officers can act with impunity, violating protesters' rights without facing any individual consequences. There must be zero tolerance for such actions by any officer.

• **Hold the NYPD budgetarily responsible for claims filed against officers.** Today, when a settlement is paid out against a city agency, those dollars almost always come from the city's General Fund, not from the agency's own budget. This gives agency heads no incentive to reduce claims against their department, because there is no fiscal consequence to misconduct. This needs to change. Going forward, City Hall needs to make the NYPD fiscally responsible for a significant portion of claims filed against the department – especially when it comes to claims related to peaceful protests and other violations of civil rights. There is, in fact, a clear and encouraging precedent for this approach. Several years ago, NYC Health + Hospitals was held responsible for all medical malpractice liabilities up to a maximum amount set by the Office of Management and Budget. With this incentive in place, claims have quickly fallen at H+H. At the NYPD, this strategy should be localized at the precinct level. The number of claims filed and settled should be closely tracked within each jurisdiction and if they rise above a certain threshold, a portion should be pulled out of the precinct's operating budget—including maintenance, repair, car fleet, and other costs. This will hold precinct captains accountable and incentivize more assertive management of patrolling officers.

As Comptroller, I am charged with investigating every claim on its merits, and to advise on ways to avoid costly claims in the future. As a New Yorker, I am also compelled to express my horror over the human toll imposed on so many New Yorkers, particularly in communities of color, by the NYPD's response to community-led protests. I urge the NYPD to adopt deep, fundamental reforms to the policing of protests and to increase accountability for their actions to limit future legal exposure and, most importantly, to protect the constitutionally-guaranteed rights of all New Yorkers to express themselves safely and without fear of reprisal from the very government that is sworn to protect them.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Stringer", written in a cursive style.

Scott Stringer
New York City Comptroller