

TESTIMONY

The New York City Council
Committee on Finance

Re: Harmful November Budget Modification
Cuts That Reinforce NYPD Exceptionalism

Legal Defense Fund
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December 11, 2023

Speaker Adams, Chairperson Brannan, and Councilmembers of the Finance Committee:

On behalf of the Legal Defense Fund (LDF),¹ we thank you for this opportunity to provide testimony regarding New York City's November budget modifications. We call on the Council to ensure adequate funding for services that improve the health and wellbeing of our communities, and end the pattern of exceptionalism that protects the NYPD budget at the expense of other crucial public resources.

Mayor Adams' proposed budget modifications threaten the resources that are most vital for Black, Brown and Queer communities.² They call for historic five percent cuts to city services to fill a \$7.1 billion budget deficit,³ including \$547 million in proposed cuts to the Department of Education⁴ and \$32 million in proposed cuts to the Department of Sanitation.⁵ Although it was initially announced that the City's law enforcement agencies would face a hiring freeze under the proposed modifications, recent reporting indicates that the City intends to hire an additional 120 school safety agents.⁶ Further, the NYPD is one of the few agencies that is expected to be exempt from the next round of budget cuts in January 2024,⁷ and Governor Hochul has publicly announced her intent to offset any proposed budget cuts to the NYPD with state funding, while failing to make the same promise for other essential city agencies.⁸

Aggressive policing does not make our communities safer. Since the mayor took office and reinstated police initiatives like Neighborhood Safety Teams, the NYPD is making more arrests, mostly for non-violent offenses.⁹ Most of this policing is highly concentrated in Black and Brown communities with lower socioeconomic standing¹⁰ and relies on specialized crime-suppression

¹ 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.

² *Statement by New York City Comptroller Brad Lander on FY 2024 Modified Budget*, NYC Comptroller Brad Lander (Nov. 16, 2023), www.comptroller.nyc.gov/newsroom/statement-by-new-york-city-comptroller-brad-lander-on-fy-2024-modified-budget/.

³ *Mayor Adams Releases November 2023 Financial Plan Update*, Office of the Mayor, www.nyc.gov/office-of-the-mayor/news/875-23/mayor-adams-releases-november-2023-financial-plan-update.

⁴ Emma G. Fitzsimmons, *Eric Adams Slashes Budgets for Police, Libraries and Schools*, N.Y. Times (Nov. 16, 2023), www.nytimes.com/2023/11/16/nyregion/nyc-budget-cuts-schools-police-trash.html.

⁵ Allie Griffin & Craig McCarthy, *NYPD, FDNY and DSNY Spared From Next Round of NYC Budget Cuts Over 'Public Safety, Health' Concerns*, N.Y. Post (Nov. 21, 2023), www.nypost.com/2023/11/21/metro/nypd-fdny-and-dsny-spared-from-next-round-of-nyc-budget-cuts-over-public-safety-health-concerns/.

⁶ Chris Sommerfeldt, *Adams Admin Set to Hire 120 NYC School Safety Agents Weeks After Canceling Class of 250: Sources*, N.Y. Daily News (Dec. 6, 2023), <https://www.nydailynews.com/2023/12/06/adams-admin-set-to-hire-120-new-nyc-school-safety-agents-weeks-after-cancelling-class-of-250-sources-exclusive/>.

⁷ *Id.*

⁸ Michael Gartland, *Hochul Vows to Help Mayor Adams Tackle Public Safety as NYC Faces Deep Budget Cuts*, N.Y. Daily News (Nov. 20, 2023), www.nydailynews.com/2023/11/20/hochul-vows-to-help-mayor-adams-tackle-public-safety-as-nyc-faces-deep-budget-cuts/.

⁹ Chip Brownlee, *The 'Clearances Paradox': Could Less Policing Actually Reduce Gun Violence in New York?*, The Guardian (June 22, 2022), www.theguardian.com/us-news/2022/jun/22/nypd-fewer-arrests-reduce-crime-new-york.

¹⁰ Mylan Denerstein, *Nineteenth Report of the Independent Monitor: Monitor's Audit of Neighborhood Safety Teams*, 23 (June 5, 2023), www.nypdmonitor.org/wp-content/uploads/2023/06/NST-Report.pdf (finding in a survey that 97 percent of people confronted by Neighborhood Safety Teams were Black or Hispanic).

units and hyper-surveillance, which have disproportionately harmed those same communities.¹¹ Instead, the City should make substantial investments to enable impacted communities to direct and determine the resources necessary to ensure the safety and prosperity of their own neighborhoods. To achieve true safety in our communities, and to truly support our fellow Black, Brown and Queer residents, we must prioritize investments in mental health resources, education, housing, workforce development and employment opportunities.

Unfortunately, these are the very services that are being devalued in the proposed budget. The Department of Education,¹² the Department of Mental Health and Hygiene,¹³ our public library system,¹⁴ and many other vital agencies have experienced striking hiring freezes and budget cuts in recent years. Cuts to food programs, sanitation, healthcare, and other programs that are crucial components of community safety infrastructure will make our communities less safe. The already massive proposed cuts to the Department of Education could increase to \$2.1 billion if the City proceeds with the additional five percent cuts planned for January and April 2024,¹⁵ jeopardizing key programs like universal pre-k, 3-k, and community schools.¹⁶ This will disproportionately affect Black and Brown communities by stifling resources to an already underfunded and segregated school system.¹⁷ Slashing access to public spaces and services like libraries and parks will decrease public safety by providing fewer recreational spaces for young people. The cuts to libraries, which many within our communities rely on as havens and resource centers, will be especially damaging.¹⁸ The \$5.5 million cut to the Department of Sanitation will result in less garbage collection primarily in the outer boroughs,¹⁹ resulting in worse service for Black and Brown residents and potentially unhealthy conditions surrounding NYCHA housing. City housing agencies—NYCHA, the Human Resources Administration (HRA), and the Department of Homeless Services (DHS)—have faced chronic under-investment as well.²⁰

¹¹ See, e.g., *Ban the Scan*, Amnesty International, www.banthescan.amnesty.org/decode/ (“[A]nalysis [shows] that the higher the proportion of non-white residents, the higher the concentration of facial recognition compatible CCTV cameras.”).

¹² Cayla Bamberger, *Adams’ Budget Cuts Could Trigger a “Massive Step Backward” in NYC Public Schools*, N.Y. Post (Sep. 11, 2023), www.nydailynews.com/2023/09/11/adams-budget-cuts-migrant-crisis-massive-step-backwards-nyc-public-schools/.

¹³ Yoav Gonen, *One in Five Jobs Unfilled at Health and Buildings Departments, City Council Finds*, The City (Sep. 6, 2022), www.thecity.nyc/2022/09/06/health-housing-buildings-public-sector-unemployment-rate-high/.

¹⁴ Katie Honan, *Budget Cuts Hit Preschools, Cops, Libraries as Mayor Blames Migrants*, The City (Nov. 16, 2023), www.thecity.nyc/2023/11/16/budget-cuts-hit-city-hall-blames-migrant-crisis/.

¹⁵ Michael Elsen-Rooney & Alex Zimmerman, *Eric Adams Axes \$547 Million from NYC Education Department Budget, More Cuts on the Way*, Chalkbeat NY (Nov. 16, 2023), www.chalkbeat.org/newyork/2023/11/16/nyc-education-department-loses-547-million-in-eric-adams-cuts/.

¹⁶ Jessica Gould, *Department of Education Budget is Set to Shrink by Nearly \$1B Under Mayor’s Proposal*, Gothamist (Apr. 28, 2023), www.gothamist.com/news/nyc-schools-will-lose-1b-under-mayor-adams-proposed-cuts.

¹⁷ Jessica Gould, *New York’s Schools Are Still the Most Segregated in the Nation: Report*, Gothamist (June 11, 2021), www.gothamist.com/news/new-yorks-schools-are-still-the-most-segregated-in-the-nation-report.

¹⁸ Josephine Stratman, *NYC Public Libraries to Shut Down Sundays, Slash Services Following Mayor Adams’ Budget Cuts*, N.Y. Daily News (Nov. 17, 2023), www.nydailynews.com/2023/11/16/nyc-public-libraries-to-slash-services-following-mayor-adams-updated-budget/.

¹⁹ Craig McCarthy, *Adams Pleads with NYC’s Richest Residents to Help Pick Up Slack for Cash-Strapped City: ‘All Hands on Deck’*, N.Y. Post (Nov. 17, 2023), www.nypost.com/2023/11/17/metro/adams-pleads-with-nycs-richest-residents-to-help-pick-up-slack-for-cash-strapped-city-all-hands-on-deck/.

²⁰ *How The Other Half Lives in Public Housing*, Office of the Public Advocate (Sep. 2022), www.pubadvocate.nyc.gov/static/assets/nycha_whitepaper3.pdf.

Meanwhile, NYCHA residents and unhoused New Yorkers are often the ones who experience aggressive policing and NYPD surveillance most acutely.²¹ This is a devastating recipe for increased poverty and instability in our neighborhoods, which we fear the administration will later use to justify more increases in spending for criminalization and policing.

We must end the NYPD's budget exceptionalism, which has historically held law enforcement to a different standard for budget cuts and modifications. The NYPD has one of the highest per capita uniformed police forces in the nation.²² The City has a police budget of \$11 billion per year for the largest police department in the world—a budget that is greater than the next 14 largest municipal police budgets combined.²³ The proposed NYPD vacancy reduction will do nothing to address our massive spending on policing,²⁴ particularly for a department that has already shown an inability to meet their Program to Eliminate the Gap (PEG) goals from the previous fiscal year.²⁵ All of this excessive spending has not made New York City safer. Instead, it has paved the way for historic budgetary plundering from crucial community services and resources, which will inevitably lead to Black, Brown, and Queer communities suffering most. These communities already deal with underinvestment in housing and healthcare, and the Mayor's proposal will only harm them further.

The Mayor's misplaced blame of asylum seekers for the City's financial concerns is unjust and potentially dangerous, greenlighting xenophobia while hate motivated violence is already high.²⁶ Rather than taking accountability for a preventable crisis, the mayor seeks to cut the services New Yorkers rely on most, touting any potential cuts to the NYPD as being the most damaging, while ignoring the costly, counterproductive effects of the policing strategies that he has enacted since he took office. The NYPD should not continue to be given preferential treatment for the current fiscal year; it should face cuts that are cumulatively equivalent to what other agencies have faced during this administration. Criminalization and policing compound harm and lead to dangerous encounters in our communities while depleting funds that would be better spent

²¹ See, e.g., Seventeenth Report of the Independent Monitor: The Deployment of Body Worn Cameras on NYPD Housing Bureau Officers Assigned to Police Service Areas at 34, *Floyd v. City of New York*, No. 1:08-cv-01034-AT, (S.D.N.Y. Oct. 17, 2022), www.nypdmonitor.org/wp-content/uploads/2022/10/2022.10.17-Dkt.-894-Seventeenth-Report-of-the-Independent-Monitor.pdf (finding in a sample of 350 stops that 33 percent of stops in NYCHA buildings were unlawful and 71 percent of people stopped were Black); An Investigation into the NYPD Criminal Group Database at 46, NYC Office of the Inspector-General for the NYPD, (Apr. 2023), www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf (finding that some NYCHA properties in their entirety were classified as "gang locations" for purposes of Criminal Group Database criteria.).

²² *What Policing Costs: A Look at Spending in America's Biggest Cities*, Vera Institute of Justice, www.vera.org/publications/what-policing-costs-in-americas-biggest-cities.

²³ *Id.* (New York City's annual police budget is \$11.04 billion, while the combined budget of the next 14 largest municipal police budgets is \$10.72 billion.)

²⁴ Crystal Lewis, *Thousands of Vacant Positions Axed as Part of City Spending Cuts*, The Chief (Nov. 21, 2023), www.thechiefleader.com/stories/thousands-of-vacant-positions-axed-as-part-of-city-spending-cuts.51473?

²⁵ Chris Sommerfeldt, *NYPD Keeps Budget Flat Despite Not Meeting Savings Targets*, N.Y. Daily News (Jan. 13, 2023), www.nydailynews.com/2023/01/13/nypd-keeps-budget-flat-in-mayor-adams-latest-plan-despite-not-meeting-savings-targets/.

²⁶ *Amid Deepening Asylum Seeker Crisis, Mayor Adams Announces New Steps to Stabilize City's Budget as Required by Law* (Sep. 9, 2023), www.nyc.gov/office-of-the-mayor/news/650-23/amid-deepening-asylum-seeker-crisis-mayor-adams-new-steps-stabilize-city-s-budget-as; Weihua Li & Jamiles Lartey, *New FBI Data Shows More Hate Crimes. These Groups Saw the Sharpest Rise.*, The Marshall Project (Mar. 25, 2023), www.themarshallproject.org/2023/03/25/asian-hate-crime-fbi-black-lgbtq.

on community-oriented solutions. We call on the City Council to invest in the services that will lead to true safety and well-being, while ending the NYPD's budget exceptionalism.

Respectfully submitted,

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