

“Destroying America’s Best Idea: Examining the Biden Administration’s Use of National Park Service Lands for Migrant Camps”

**Statement of Kenneth Spencer
Chairman, United States Park Police Fraternal Order of Police
before the
House Committee on Natural Resources
Wednesday, September 27, 2023**

Good morning Chairman Westerman, Ranking Member Grijalva, and Members of the Natural Resources Committee, my name is Kenneth Spencer and my testimony this morning is delivered in my capacity as the Chairman of the United States Park Police Fraternal Order of Police (“USPPFOP”). Simply put, our organization represents the interests of the approximately 350 sworn law enforcement officers of the United States Park Police (“USPP”). I am honored to be here today and very thankful for this opportunity to share the USPPFOP’s serious safety concerns regarding the proposed migrant shelter facilities on Floyd Bennett Field in southeast Brooklyn.

By way of background, in addition to my capacity as the Chairman of the USPPFOP, I serve as a Master Patrol Officer for the USPP. In my 13 years with the USPP, with the help from my brothers and sisters at the USPP and in other law enforcement departments, I have survived first-hand experiences with several serious and large-scale matters where crowd control was difficult and public safety was in jeopardy. My experience with these matters enables me to predict, with a high degree of certainty, that law enforcement related to the Floyd Bennett migrant camps will be extremely hazardous.

Before my time with the USPP, I proudly served in the United States Air Force as a Law Enforcement Area Supervisor and Nuclear Weapons Security Escort Team Leader with the United States Air Force Security Forces. During these years, I was deployed in support of Operation Enduring Freedom and Iraqi Freedom, completing tours in multiple locations throughout Iraq and Kuwait. I firmly believe my background and experience with such “powder keg” environments involving large populations with almost no ability to communicate between one another is directly relevant to the discussion here today.

United States Park Police

The United States Park Police was created by President George Washington in 1791. The Force functions as a unit of the National Park Service (“NPS”) with jurisdiction in urban federal parks, including all federal lands throughout the District of Columbia, San Francisco, and New York City. Our mission is to provide quality law enforcement to safeguard lives, protect our national treasures and symbols of democracy, and preserve the natural and cultural resources entrusted to us.

On average, USPP officers protect 160,000 daily visitors to our parks, patrols a geographic area of over 30,000 acres across 3 urban metropolitan regions, and more than 75 miles of highway. Notably, we are the world's leading law enforcement agency when it comes to supporting large scale special events and other First Amendment activities.

Despite our sweeping law enforcement jurisdiction across Floyd Bennett Field and the surrounding community, the September 15, 2023 lease agreement between the Interior Department and the City of New York, 61 pages in all, includes only one reference to the USPP which restates our role as the "primary entity responsible for law enforcement issues [outside of the camp perimeter] within the boundaries of the Park Area." Tellingly, the National Park Service never consulted with our agency or our officers to collaborate on law enforcement concerns or operational implementation.

Moreover, despite the tens of millions of dollars being allocated to the NPS for rent and park maintenance improvements, not a single penny, according to the signed lease, is assigned to offset the new demands the migrant shelter will put upon the USPP's New York Field Office. Adding insult to injury, just last week our new Chief circulated an email to all officers, sharing with us that she has been directed by NPS to formulate a budget that anticipates law enforcement cuts in FY24. I struggle to understand NPS thinking when they accept the role of law enforcement oversight of 2,000 migrants one minute, and force budget cuts the next.

United States Park Police Fraternal Order of Police

The United States Park Police Fraternal Order of Police, for the last 30 years, serves as the exclusive representative for bargaining unit employees of the USPP. We negotiate collective bargaining agreements as necessary and administer the labor-management agreement between the officers and the National Park Service. On a day-to-day basis, the USPPFOP communicates the challenges facing USPP officers to the public and their elected representatives with the goal of improving the operational readiness of the Force. Membership in the USPPFOP is voluntary and we represent all members of the bargaining unit regardless of membership status. We do not have a political action committee, we do not make political donations, and we do not endorse candidates for public office.

Most recently, the USPPFOP has focused on issues related to officer retention and recruitment as the consequences from decades of NPS neglect (across administrations from both political parties) has come to roost. Law enforcement experts who have studied our agency have suggested that the minimum number of officers needed to accomplish our essential missions (without new migrant shelters) is at least 639 and some estimates are as high as 1,400. As of today, we have 528 sworn officers across all three jurisdictions. It is not an overstatement to suggest that, at current staffing levels, our agency is unsustainable.

Let me be perfectly clear, even without the migrant shelter on Floyd Bennett Field, we are at least 300 officers short of our required minimum levels. Our capacity to serve and protect the public today is literally bursting at the seams. The idea that the USPP is prepared to address “law enforcement issues within the boundary of the park area” with 2,000 new migrants left under tents with nothing to do and no ability to communicate is not only imprudent but it is also perilous.

Some in Congress have stepped forward to address the USPP’s recruitment and retention crisis, leading to the introduction of the United States Park Police Modernization Act (H.R. 3924) in the 117th Congress. The bill withered in committee. The officers are hoping that my testimony today might stimulate a bipartisan congressional coalition to revisit that legislation and push for swift enactment before the end of this year.

USPP New York Field Office/Jamaica Bay Unit

The New York Field Office (“NYFO”) is responsible for the law enforcement functions in the Jamaica Bay and Staten Island Units of the Gateway National Recreation Area (“GNRA”), as well as at the Statue of Liberty/Ellis Island National Historic Site. Headquartered on Fort Wadsworth in Staten Island, the USPP has served at the GNRA since its inception in 1974. Additionally, the USPP has full concurrent jurisdiction in New York State and Hudson, Monmouth, Ocean, Essex and Middlesex Counties in New Jersey.

Annually, more than 9.4 million people visit the GNRA, with an additional 4.2 million people visiting the Statue of Liberty National Monument.

As stated above, officer staffing levels is a major concern across the agency, and the NYFO’s Jamaica Bay Unit Station (“JBU”) is certainly no exception. As of today, there are 25 sworn officers assigned to the JBU (which will be tasked with the work surrounding the migrant shelter). Typically, there are only 2 officers on duty per shift.

It’s worth restating ... under the officer staffing levels as it exists today, just two police officers will be responsible for all law enforcement matters “outside the tent.” The impact of that staffing reality is undeniable ... the surrounding public, the officers, and the migrants themselves will face significant safety risks 24/7/365.

Beyond the staffing crisis, I would urge Members of this Committee to also consider the JBU facilities and infrastructure environment (none of which, according to our conversations with NPS, will be addressed before – or after - the migrant shelter is opened). The JBU unit, tellingly, was opened in 1974 and has not been significantly refurbished since. More specifically:

- The JBU has one holding cell for prisoner processing. If there are multiple arrests or if a male and female or juvenile are in custody, there is no holding cell to safely

process multiple prisoners. Prisoners are handcuffed to a bench or chairs in the hallway;

- The walls adjacent to the JBU holding cell door have shown structural integrity issues;
- The JBU computer and phone systems are unreliable, forcing officers to use personal cell phones for sensitive communications and transporting prisoners to Staten Island or Jersey City to be processed; and,
- Despite the presence of dozens of agency-issued rifles and shotguns, there is no station security at JBU, meaning that the station is frequently left unstaffed because both officers on shift are responding to calls or on patrol. Moreover, the windows to the station are unsecured and accessible on ground level from the outside of the station. Because the station is not HVAC equipped, many of the windows have air conditioners which could be easily discarded from the outside. Once inside the station, intruders would quickly find the lockers that house our issued rifles and shotguns.

None of these infrastructure problems, to our knowledge, are being addressed in anticipation of the migrant shelters on Floyd Bennett Field. In fact, NPS officials have indicated that no funds will be made available to improve or modernize the dilapidated JBU station conditions.

Floyd Bennett Field Migrant Camp: A Law Enforcement Nightmare & Public Safety Disaster in the Making

To begin, I want to acknowledge and thank our brothers and sisters in the New York Police Department (NYPD) who have been forced into the role of providing law enforcement services inside the camp itself. We wish them the best, knowing that they are also facing retention and recruitment issues that will only be exacerbated by their new, and dangerous, responsibilities on Floyd Bennett Field.

But the law enforcement challenges do not end at the tent's edge ... and, in fact, they only become more taxing on the officers and threatening to the surrounding neighborhoods. Under the terms of the lease agreement, the NPS committed the USPP to be responsible "for the safety and security of [the migrants], including safety, security, and maintenance of their personal property."

It is important to keep in mind that the thousands of male migrants from Africa, the Middle East, Haiti, Venezuela, and other countries are not prisoners. They are free to come and go as they please. It is only to be expected that the migrants will cross the foot bridges and enter Riis Park, Fort Tilden or any other surrounding community where it become more difficult to anticipate policing needs.

Thinking through the surrounding area, we can easily anticipate a number of law enforcement concerns that were ignored or never considered by the parties to the lease agreement:

- As stated above, a typical JBU shift assigns 2 officers to patrol the entire jurisdiction. Two officers cannot possibly protect the safety of the public on the nearby trails, beaches, and residential communities with this added responsibility.
- Given the diversity of countries that the migrants are from, there are no onsite translators to help with violence that erupts or when migrants experience life-threatening medical situations. The lack of official translation services could be life threatening.
- Relatedly, what will be the processing protocol for arrests? Will migrants be processed through the state and central booking if they refuse to identify themselves? Are USPP officers to report criminal charges to immigration authorities?
- Floyd Bennett Field is surrounded by the waters of Jamaica Bay. The migrants will be a 5-minute walk to deep, fast-moving currents. There are no lifeguards on the Jamaica Bay beaches and drowning accidents are not uncommon.
- The Brooklyn community has long cared for Floyd Bennett Field and, in particular, the area *immediately adjacent* to the proposed migrant camp is home to dozens of community activities events, including:
 - A sports center for youth and high school athletics, summer camps, children's parties, playgrounds, rinks, rock climbing walls and other activities focused on families and children.
 - A migration area for birds, which attracts thousands of bird-watching visitors.
 - Summer bicycle races sponsored by local nonprofit groups.
 - A children's petting zoo with hay rides.
 - An archery range and multiple fishing areas.
- Areas of Floyd Bennett Field and Dead Horse Bay contain toxic residue from aviation fuel and radioactive materials. There is no effective way to protect the migrants from unknowingly wandering into these areas with just two officers on patrol.
- There are approximately 10 abandoned buildings on Floyd Bennett Field, none of which are fenced off from intruders. These buildings have structural concerns and USPP officers routinely witness homeless people enter and exit these properties.
- Given the lack of USPP officers, the NPS will undoubtedly face numerous lawsuits regarding any number of incidents that are predictable given the obvious inability for 2 USPP officers to supervise 2,000 migrants.

- There is already significant community opposition to the migrant shelter on Floyd Bennett Field. In the event activists enter the park, how can the USPP manage a large-scale protest, protecting the entire community including the migrants, with little or no notice?

Conclusion

Officers of the United States Park Police are truly passionate about serving the public within the communities under our three jurisdictions. We are humbled by our responsibility to protect the millions of park visitors, as well as the surrounding residents and businesses. But we are equally proud of the legacy we leave behind – protecting our parks and national monuments so that future generations can enjoy them safely and without impairment.

Unfortunately, the National Park Service does not share our view, or the view of the surrounding neighborhoods, of the urban parks and appears all-too-willing to erect migrant camps in a region that is entirely unable to mitigate the risks. Make no mistake, NPS along with the City of New York, sold out the safety of visitors to Floyd Bennett Field and the surrounding residents and neighborhoods, in order to erect the migrant shelters. They know full well that the US Park Police, thanks to decades of NPS neglect, is in no position to provide adequate law enforcement services to guard against the significant safety issues that are undeniably forthcoming.

My position on this matter is not one of politics or public policy regarding migrants. Indeed, this testimony is based solely on law enforcement concerns that are all-too-real, dangerous, and irresponsible. Regrettably, I fear for the safety of our officers, the public, and the migrants themselves.

Thank you again for the opportunity to present this testimony on behalf of the members of US Park Police Fraternal Order of Police. I welcome any questions you have.