



Monday, February 24, 2025

**STATEMENT OF MICHAEL GERBER
DEPUTY COMMISSIONER OF LEGAL MATTERS
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY**

**COUNCIL CHAMBERS, CITY HALL
FEBRUARY 24, 2025**

Good morning Chair Salaam and Members of the Council. My name is Michael Gerber, and I am the Deputy Commissioner of Legal Matters for the NYPD. I am joined by Chief of Crime Control Strategies Michael Lipetri, Assistant Chief Jason Savino of the Detective Bureau, and Assistant Commissioner Alden Foster of the Community Affairs Bureau. On behalf of Police Commissioner Jessica Tisch, we thank you for the opportunity to speak with you today about youth and gangs, and about the two bills under consideration.

Reducing gun violence is at the heart of the NYPD's public safety mission, and a substantial portion of gun violence in New York City is attributable to gang or crew activity. Those shootings are lives shattered and lives lost, families and communities in pain and grief. The NYPD has a responsibility—a legal mandate and a moral obligation—to use the tools at its disposal to solve those shootings and prevent more shootings. One of these tools is the Criminal Group Database, the Department's central repository for intelligence regarding street-level gangs and crews. In 2019, there were over 18,000 individuals in the database. That number is now around 13,200, a 27% drop. In 2019, there were approximately 440 juveniles in the Database; there are now approximately 160 juveniles, a 64% drop. There are just over 500 gangs and crews represented in the database. It is true that 99% of the individuals in the Database are people of color. It is also true that in New York City from 2019 to 2024, 96% of the individuals arrested for shootings and 96% of shooting victims were people of color. Our detectives work tirelessly to investigate these shootings and seek justice for the victims and their families. More broadly, the Department devotes tremendous resources to prevent additional shootings and save lives.

As part of this effort, the Database provides crucial intelligence to NYPD investigators: it contains criminal group names, membership, associated incidents, geographic data, and inter-group rivalries and relationships. By consolidating this information, investigators and executives can identify trends and patterns involving gang activity. This information helps the Department interrupt cycles of violence and prevent acts of violent retaliation. In particular, when an individual is shot or killed, the Database allows us to immediately identify whether that person is part of a gang. That raises the possibility that the shooting is gang-motivated. This intelligence assists the investigators working to solve the crime, and even more important, helps us prevent retaliatory violence. One of the many tragedies of gang-related shootings is that one shooting leads to a retaliatory shooting, which in turn leads to another shooting; a cycle of violence that feeds on itself. The key to preventing that cycle of violence is having accurate, immediate intelligence regarding gang membership, location, and rivalries, realizing when gang-violence is about to spiral, and intervening quickly to prevent it. If we know from the Database that a shooting victim

is a gang member, the identities of rival gang members, and where those gangs are based, we can immediately deploy officers in a way that will help prevent retaliatory shootings. Do we always succeed in that effort? No. But sometimes, thanks to the Database and the hard work of our officers, we do. Those successes are lives saved, often the lives of young people who would otherwise have become shooting victims.

While the information contained in the Database is a critical intelligence tool, a variety of protections ensure that the information in the Database is not misused. An individual's inclusion in the Database is not a matter of public record. It does not appear in a person's criminal history. The fact that someone is in the Database is not shared with employers, schools, landlords, or civil immigration authorities. The fact that an individual is included in the Database is not a ground for a stop or arrest and is not evidence in court. It is not a basis for charging decisions, bail determinations, or sentencing.

In 2023, following a multi-year investigation, DOI issued a comprehensive report regarding the Database. The report found no evidence that inclusion in the Database "caused harm to any individual or group of individuals" and "did not identify a relationship between inclusion in the [Database] and any individual adverse outcomes." At the same time, DOI made various suggestions for how the Department could improve its procedures relating to the Database. We have taken the majority of DOI's recommendations, and in several instances have made changes that go well beyond those recommendations. It is now much harder for someone to be added to the Database. It used to be that someone could be added to the Database based on a combination of factors such as presence at known gang location or association with gang members. That has been eliminated. If a detective proposes adding someone to the Database on those grounds, the proposal will be rejected. Instead, an individual can only be added to the Database if that person has admitted to gang membership—either in speaking with law enforcement or through that person's own social media posts—or if, over the course of an investigation, detectives believe that an individual is a member of a criminal group and two independent and reliable sources have identified that person as a member of the group. Moreover, these grounds for inclusion in the Database must be documented. If there is insufficient documentation, the individual will not be included in the Database. This strict requirement enables effective supervisory oversight, both through multiple layers of supervisory review and DOI's ability to audit entries in the Database for compliance with our policies.

We have also dramatically revised the rules for removing people from the Database. There is an automatic review process: For adults it is every three years, and for juveniles it is every two years. A person in the database can only remain in the Database if that person (1) has been arrested for a violent crime, weapons possession, or a crime in furtherance of the criminal group; (2) is on parole or probation; or (3) is in jail or prison. If none of these criteria are satisfied, the person must be removed from the Database.

In short, since 2023 we have made it much more difficult to add someone to the Database, and much harder to keep someone in the Database. And the data reflect this shift. Over the last two years, 682 people were added to the Database, while 3,192 people were removed. The ratio of removals to additions is over four-and-a-half to one.

None of this is to say that our practices and policies involving the Database are perfect. We always seek to improve and are open to changes. **Intro. 798** would not change the Database; it would eliminate it. The Inspector General for the Police Department would be required to notify persons named in the Database and provide additional information regarding how persons may submit requests for records contained in the Database. A member of the NYPD who used the Database would be subject to financial penalties and to civil litigation, including for punitive damages.

We urge the Council, in the strongest possible terms, not to pass Intro. 798 as drafted, and more broadly not to eliminate the Database. It would be a terrible mistake to take this important public safety tool away from the NYPD and tie the Department's hands when it comes to investigating and preventing gang-driven shootings and violence.

If the Database is abolished, gang violence will not cease. Officers will still need to figure out who is in a gang, but without the Database this will happen informally, in a decentralized fashion, by word of mouth. There will be no checks, no documentation requirements, and no possibility for oversight or controls because we will be barred from tracking this information. The result will be confusion, mistakes, and a much higher likelihood that individuals are incorrectly identified by officers as gang members. In response to a gang-related shooting, deployments will be less precise; investigations will be slower; and the risk of unchecked, retaliatory violence will be higher.

Of course, we wish that there were no gangs and no gang-related violence. Many of the drivers of gang activity and membership are beyond the Department's control, but our Community Affairs Bureau has programs designed to meet young people where they are and give them experiences and opportunities that will keep them from street violence. For example, the Options Program helps young people build decision-making skills through career development opportunities, workshops, and internships. The NYPD's Community Center in East New York serves as a haven for local youth, offering educational workshops, social activities, and recreational programs. The Neighborhood Coordination School Initiative provides tutoring, mentoring, and after-school activities for at-risk youth. Our Summer Youth Employment Program employs young people in various city agencies, while the Higher Education Learning Initiative offers high school students the opportunity to explore higher education resources. These programs are integral to our public safety mission, because we know that we cannot stop cycles of violence through arrests alone.

I also want to speak briefly about **Intro. 125**, which prohibits the collection of DNA from a minor prior to an arrest without the consent of a parent, legal guardian, or attorney. We appreciate the concerns motivating the bill, and to a large extent we have no objection to the bill. We would only ask that there be a narrow exception, applicable when the juvenile is suspected of committing a Class A or Class B violent felony and the investigators have received permission from the Chief of Detectives. This will be a rare event. But in a situation in which a juvenile is, for example, a suspect in a murder or rape, the Chief of Detectives should be allowed to authorize an otherwise lawful collection of DNA from a juvenile pre-arrest. We look forward to discussing this legislation further with the Council and working towards a bill that gives additional protection to juveniles while still allowing for exceptional circumstances in which this investigative step is permissible.

Thank you for the opportunity to testify regarding these important matters. We are happy to answer any questions that you may have.

PRESIDENT
George Gresham

SECRETARY TREASURER
Milly Silva

SENIOR EXECUTIVE VICE PRESIDENTS
Yvonne Armstrong
Veronica Turner

EXECUTIVE VICE PRESIDENTS
Jacqueline Alleyne
Lisa Brown
Roger Cumberbatch
Tim Foley
Adekemi Gray
Todd Hobler
William Kee
Patricia Marthone
Rhina Molina
Brian Morse
Roxey Nelson
Rona Shapiro
Greg Speller
Daine Williams
Nadine Williamson

VICE PRESIDENTS AT LARGE
Filaine Deronnette
David Greenberg
Tyrek Lee
Bryn Lloyd-Bollard
Anthony Peterson
Lystra Sawney
Helen Schaub
Allan Sherman
Sheron Whitter

VICE PRESIDENTS
Dana Alas
Shaywaal Amin
Michael Ashby
Yahnae Barner
Dreana Bellamy
Grace Bogdanove
Ellen Bonjorno
Lorraini Brown-Zanders
Dequasiasharah Canales
Joseph China
Kareem Cooper
Jude Derisme
Eunia Destine-Latinwo
Raymont Dorsey
Jerry Fishbein
Vladimir Fortunny
Nicholas Franklyn
Robert Gibson
Stacylea Gray
Katia Guillaume
Rebecca Gutman
Tracey Harrison
Kwai Kin (David) Ho
Leigh Howard
Orville James
Kerry Johnston
Keith Joseph
Angela Lane
Kevin Lockhart
Donta Marshall
Benson Mathew
Leilani Montes
Sandra Morales
Robert Morris
Margarette Nerette
Taren Peterson
Rene R. Ruiz
Cari Rivera
Isabel Rodriguez
Lena Rodriguez
Clauvice Saint-Hilare
James Scordato
Stephanie Shaw
Berta Silva
Patricia Smith
Brenda Spry
Maureen Tomlinson
Julio Vives
Mary Wilsie
Ray Wilson
Noreen Wray
Sui Ling Xu

GENERAL COUNSEL
Pamela Jeffry

CHIEF FINANCIAL OFFICER
Lucy Chen

Testimony in Support of Int 0798 (Stevens)

On behalf of 1199SEIU's 300,000 New York members, we write in favor of Int 0798 (Stevens), which will abolish the police department's criminal group database and prohibit the establishment of a successor database with similar features.

The criminal group database, usually referred to as the gang database, holds the names of over 16,000 New Yorkers, including the names of minors whose families have not been notified of their addition to this database. The Department of Investigation (DOI) performed a review of the database two years ago and found simple things such as social media posts, pictures, and language can lead to someone's name being added into the database.

The majority of the list is comprised of Black and Latino people, many of whom have found themselves on this list without committing a crime. DOI's investigation also found discrepancies in the way people were added and the approval process including:

- Police using sealed criminal records to place people on the list, which they are prohibited from doing
- In 10% of cases, officers added names to the database, then pretended they were supervisors and approved the entries themselves

While the database does not directly lead to arrests or punishment, it has far reaching indirect implications that can follow the New Yorkers put on it for years. Many Black and Latino communities in NYC deal with issues of over policing and police bias. This database being accessible to officers while they are out on patrol can affect how they interact with people during a stop or an arrest.

Being included in this list criminalizes people, including those who have not committed any offense, and the minors included in it. This can have long term effects on someone's ability to find work, a place to live, an education. It can also affect relationships with children, families, and whole communities. New York City should be prioritizing health, housing and livable wages for those that live here, not criminalizing citizens, especially children, for things such as language and social media post.

We urge the Council to immediately pass Int 0798 (Stevens).

Contact:
Tori Newman Campbell
Legislative Coordinator
Tori.newman@1199.org

<https://ny1.com/nyc/all-boroughs/public-safety/2023/04/24/advocates-call-for-nypd-gang-database-to-be-terminated>
<https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>

NEW YORK CITY
PRINCIPAL
HEADQUARTERS

498 7th Avenue
New York, NY 10018
(212) 582-1890
www.1199seiu.org

ALBANY
155 Washington Ave.
Albany, NY 12210
Tel. (518) 396-2300
Fax (518) 436-1140

HICKSVILLE
100 Duffy Ave., Suite 300 West
Hicksville, NY 11801
Tel. (516) 542-1115
Fax (516) 542-0919

BALTIMORE, MARYLAND
611 North Eutaw Street
Baltimore, MD 21201
Tel. (410) 332-1199
Fax (410) 332-1291

NEW JERSEY
555 Route 1 South, 3rd Fl., Suite 301A
Iselin, NJ 08830
Tel. (732) 287-8113
Fax (732) 287-8117

MASSACHUSETTS
108 Myrtle Street, 4th Fl.
Quincy, MA 02171
Tel. (617) 284-1199
Fax (617) 474-7150

ROCHESTER
259 Monroe Ave., Suite 220
Rochester, NY 14607
Tel. (585) 244-0830
Fax (585) 244-0956

BUFFALO
2421 Main Street, Suite 100
Buffalo, NY 14214
Tel. (716) 982-0540
Fax (716) 876-0930

SYRACUSE
250 South Clinton Street, Suite 200
Syracuse, NY 13202
Tel. (315) 424-1743
Fax (315) 479-6716

FLORIDA
2881 Corporate Way
Miramar, FL 33025
Tel. (305) 623-3000
Fax (305) 826-1604

WHITE PLAINS
99 Church St., 4th Fl.
White Plains, NY 10601
Tel. (914) 993-6700
Fax (914) 993-6714

GOVERNOUR
93 E. Main St.
Gouverneur, NY 13642
Tel. (315) 287-9013
Fax (315) 287-2226

**Oral Testimony of Ivey Dyson
Counsel, Liberty & National Security Program
Brennan Center for Justice at NYU School of Law¹**

**Before the New York City Council Committees on Oversight and Investigations,
Technology, and Public Safety
February 19, 2025**

Good afternoon, Chairs Brewer, Gutierrez, Salaam, and members of the Oversight and Investigations, Technology, and Public Safety Committees.

My name is Ivey Dyson, and I am Counsel to the Liberty and National Security Program at the Brennan Center for Justice. As a part of our focus on government oversight and accountability, we advocated for the passage of the POST Act.

Unfortunately, the NYPD has consistently evaded the Act's disclosure requirements while continuing to expand its arsenal of surveillance technology. Members of City Council have introduced bills that aim to strengthen the POST Act, but there are additional common sense changes the Council should make to ensure that NYPD surveillance does not go unchecked.

To date, the NYPD has used generic language in its POST Act disclosures to explain how it shares surveillance data with outside actors² such as federal immigration agencies and city housing authorities.³ As put forth by the NYPD Inspector General's first POST Act report, the police should maintain an internal tracking system recording circumstances in which the Department provides an external agency with surveillance data. And the NYPD should better document how external agencies access its surveillance data and whether there are restrictions on how that data is used, such as how long data can be kept, whether it can be copied, and if any other entities can access surveillance data the police have transferred to external agencies.

¹ The opinions expressed in this testimony are only those of the Brennan Center and do not necessarily reflect the opinions of the NYU School of Law.

² See, e.g., *NYPD Social Network Analysis Tools Impact & Use Policy*, https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/post-act/social-network-analysis-tools-nypdimpact-and-use-policy-draft-for-public-comment-01.11.2021.pdf (claiming that that information is "not shared in furtherance of immigration enforcement").

³ In some instances, surveillance data can be used to deport people or evict them from their homes. See, e.g., Ryan Devereaux & John Knefel, *ICE Evades Sanctuary Rules by Using NYPD Fingerprints to Find Immigrants and Send Them Call-In Letters*, THE INTERCEPT (Apr. 26, 2018), <https://theintercept.com/2018/04/26/ice-sends-threatening-letters-to-immigrants-increasing-climate-of-fear-in-new-york-city/>; *Groups Urge NYPD Inspector General to Audit the NYPD "Gang Database"*, HUM. RTS. WATCH (Sep. 22, 2020), https://www.hrw.org/news/2020/09/22/groups-urge-nypd-inspector-general-audit-nypd-gang-database#_ftnref64 (finding that data sharing between the NYPD and NYCHA can have "detrimental consequences... especially if they live in NYCHA housing, which can permanently exclude 'dangerous' individuals").

City Council must also address the NYPD's failure to provide meaningful information on the potential safety hazards of its technologies. The public has a right to know whether the department's use of such tools can cause injury or, worse, result in deaths. The NYPD must also disclose more information about the disparate impacts of its surveillance technologies.⁴ The police have a history of discriminatory surveillance,⁵ and the Department continues to use facial recognition technology that has led to wrongful arrests of Black Americans across the country based on racialized errors.⁶ The public needs to know what steps the NYPD is taking to address disparate impacts and whether there are any variations in the accuracy of its technologies based on a characteristic protected by New York City Human Rights Laws such as race or religion.

We have collaborated with other organizations and the NYPD to draft proposed amendments to Introduction 480 that would address these issues. The City Council passed the POST Act in response to public demand for greater police accountability. It must now strengthen the law to ensure that the police can no longer evade the transparency that New Yorkers deserve.

Thank you for your attention.

⁴ *NYPD Unmanned Aircraft Systems: Impact & Use Policy*, https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/post-act/unmanned-aircraft-systems-nypdimpact-and-use-policy-draft-for-public-comment-01.11.2021.pdf (merely stating that “the safeguards and audit protocols built into this impact and use policy for [body worn cameras] mitigate the risk of impartial and biased law enforcement”).

⁵ Goldman & Matt Apuzzo, *With cameras, informants, NYPD Eyed Mosques*, AP NEWS (Feb. 3, 2012), <https://www.ap.org/ap-in-the-news/2012/with-cameras-informants-nypd-eyed-mosques> (finding that the NYPD used license plate readers to track New Yorkers attending services at mosques); Nick Pinto, *NYPD Added Nearly 2,500 New People to Its Gang Database in the Last Year*, THE INTERCEPT (June 28, 2019), <https://theintercept.com/2019/06/28/nypd-gang-database-additions/> (finding that the NYPD created gang databases with disproportionate numbers of Black or Latinx New Yorkers); *NYCLU Releases Report Analyzing Stop and Frisk Data*, N.Y. CIVIL LIBERTIES UNION (Mar. 14, 2019), <https://www.nyclu.org/en/press-releases/nyclu-releases-report-analyzing-nypd-stop-and-frisk-data> (finding that the NYPD deployed an aggressive stop-and-frisk program that targeted Black and Latinx men and boys); George Joseph, *Years After Protests, NYPD Retains Photos of Black Lives Matter Activists*, THE APPEAL (Jan 17, 2019), <https://theappeal.org/years-after-protests-nypd-retains-photos-of-black-lives-matter-activists/> (finding that the NYPD monitored the social media of Black Lives Matter protestors); Ayyan Zubair, *The Handschu agreement & NYPD Surveillance*, SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT (Jul. 5, 2019), https://www.stopspying.org/latest-news/2019/7/5/the-handschu-agreement-amp-nypd-surveillance#_ftn5 (finding that the NYPD infiltrated political organizations, which led to the Handschu Guidelines).

⁶ Kashmir Hill, *Eight Months Pregnant and Arrested After False Facial Recognition Match*, N.Y. TIMES (Aug. 6, 2023) <https://www.nytimes.com/2023/08/06/business/facial-recognition-false-arrest.html> (reporting on the false arrest of Porcha Woodruff, the sixth Black person to report being falsely accused of a crime as a result of facial recognition technology).



Testimony on the NYPD Criminal Group Database
Public Safety Committee
New York City Council

February 24, 2025

Alex S. Vitale Ph. D.
Policing and Social Justice Project, Brooklyn College
avitale@brooklyn.cuny.edu

My name is Alex S. Vitale. I'm a professor of sociology at Brooklyn College and the CUNY Graduate Center and coordinator of the [Policing and Social Justice Project](#), which is a collaboration of faculty, students, and community-based organizations that uses research and advocacy to produce safer and more just communities. We founded the organization that is now the [GANGS Coalition](#) in 2016 in response to a growing use of mass conspiracy arrests by the NYPD. This increase represented a change in strategy by the NYPD and the De Blasio administration to reframe declining youth violence and a "gang" problem to be managed through the same kinds of gang suppression methods that have failed spectacularly in cities like Los Angeles and Chicago.

The city is making three significant errors in allowing the NYPD to continue to utilize the Criminal Group Database (CGD) as part of its strategy to reduce violence in New York City.

Problem 1: Effectiveness

Just because NYPD leadership says that the CGD is effective doesn't necessarily make it so. **There is no independently produced evidence that databases like the CGD, designed to suppress gang activity, are an effective way to reduce crime.** Police departments sometimes report that these databases aid them in conducting investigations into serious crime. This may be true. Departments also report that these investigations sometimes result in arrests of those directly or indirectly involved in criminal activity. This may also be true. There remains, however, a lack of evidence that these arrests produce overall safer communities. Such arrests, when they occur, are reactive, rather than preventative. Police departments have failed to produce any independent peer reviewed evidence that these databases reduce crime. Cities that have eliminated the use of these databases have not [reported](#) increases in the amount of crime, further undercutting claims that these are essential crime fighting tools.

Problem 2: Costs

Even if a benefit of using the CGD could be established, it must be weighed against the costs of using it. **These databases and the enforcement practices associated with them come with extensive financial and social costs.** Cost-benefit assessments cannot be reduced to a simple numerical or financial calculation because they involve judgements around the social costs of lives lost to violence, lives derailed by incarceration, the impact of racially biased policing, etc.

Financial Costs

There are both direct and indirect financial costs associated with using the CGD. The direct costs involve the amount spent on acquiring and maintaining the database as well as the staff time used for these purposes. Indirect costs include the costs of any increases in arrests pursuant to the use of the database. The costs of arrest processing and holding someone at Rikers Island can reach thousands of dollars a day per arrest. [Research](#) on California's Cal Gang database found substantial error rates that produced significant social costs, while at the same time failing to find any evidence that it produced reductions in crime. Finally, there are the potential costs of litigation. These databases have produced a significant number of legal actions that cities have had to defend against at considerable expense. In addition, the use of the database opens the city up to risks if officers use excessive force or otherwise violate people's constitutional rights while acting based on the CGD. Historically the specialized units that rely on these databases have been the subject of extensive litigation as well as significant

corruption scandals such as those involving gang units in [Los Angeles](#), [Chicago](#) and the similar [Gun Trace Task Force](#) in Baltimore.

Social Costs

Gang databases have been shown to be riddled with inaccuracies and are shaped by powerful biases. The CDG is made up almost entirely of people of color despite the fact that organized criminal activity, including violence, also exists in white communities. The NYPD has defined “gangs” in a way that only seems to apply to the activities of young people of color. A [report](#) from the NYPD Inspector General found widespread violations of the NYPD’s own procedures for ensuring accuracy in the database. Young people, including minors, can be entered into the CGD based on flimsy evidence such as social media posts, living in high crime areas or wearing the wrong color shirt in school. Placement on the database raises the risk of unwanted contact, harassment, and abuse by the police without any actual involvement in illegal activity. In addition, those in the database can be subjected to enhanced surveillance, including of their social media, punitive bail amounts, enhanced charges, and accusations of involvement in criminal conspiracies that can result in significant terms of incarceration absent any evidence of direct involvement in violence.

More broadly, entire communities targeted for intensive policing, including gang suppression policing that utilizes gang databases, suffer measurable harm, even among those who have not committed crimes or even been in direct contact with police. Research from the Vera Institute of Justice showed that these communities have lower educational attainment rates among youth relative to other poor communities, suffer higher levels of mental and physical health problems, and feel alienated from political and social life.

There is also a political cost of relying on this kind of gang suppression policing. When we frame the problems of violence as problems of “gangs” to be suppressed with policing, we close our eyes to the larger social, political, and economic dimensions driving violence in our communities.

When we consider the extensive costs of gang suppression policing versus the minimal to non-existent benefits, it stands to reason that this tool should be abandoned.

Problem 3: Alternatives

Assessments of the value of police interventions like the CGD must also be considered relative to possible alternatives. **Strong evidence exists to support the value of community-based strategies for violence reduction that don't come with the significant social costs of gang suppression policing.**

Cities across the country have been investing in community centered strategies to reduce violence that don't come with the collateral consequences of policing. Well designed and well financed programs designed to directly address the needs of high-risk young people can produce significant crime drops independently of police and the larger criminal legal system. For example, the Advance Peace model, pioneered in California, pays young people to be involved in a variety of programs designed to address their immediate and long-term needs such as trauma counseling, employment preparation, and educational attainment. Participants also receive cash bonuses for completing important milestones. Cities using this model such as Richmond and Sacramento have seen [significant reductions in gun violence](#). New York's own Cure Violence-based Crisis Management System has generated positive results. A [study](#) performed by John Jay College showed significantly greater reductions in shootings and homicides in neighborhoods with CMS programs compared to similar neighborhoods without them. But too often, these efforts are not adequately funded and lack access to important secondary services such as mental health counseling, housing supports, and real employment opportunities. Newark, NJ has done much more of this. Newark mayor Ras Baraka diverted funds from the Newark Police to create an office of Violence Prevention and Trauma Recovery that supports an entire ecosystem of community based groups such as Newark Community Street Team, New Direction, and The HUBB Arts Center that provides a broad range of integrated services to at risk individuals and intervenes in disputes in real time to provide mediation and conflict resolution services. The result has been a historic drop in crime to levels not seen in over 60 years.

Conclusion

The NYPD's Criminal Group Database is an inherently problematic tool prone to corruption and abuse and even when used as intended produces substantial social harms to individuals and communities, especially low-income communities of color. There is no independent evidence of its effectiveness and evidence backed alternatives exist for managing the problems of violence that lift people up, repair past harms, and prepare people and their communities for a better future. **The City Council should**

follow the lead of cities like Portland, OR and Chicago and end the NYPD's use of the CGD and instead expand funding and related services to the Crisis Management System.



Brooklyn Defender Services
177 Livingston St, 7th Fl
Brooklyn, NY 11201

Tel (718) 254-0700
Fax (347) 457-5194
info@bds.org

TESTIMONY OF

**Talia Kamran, Staff Attorney,
Seizure and Surveillance Defense Project**

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council

Committee on Public Safety -

Public Hearing on Introduction 798, Abolishing the Gang Database and Prohibiting the

Establishment of a Successor Database

February 24, 2025

My name is Talia Kamran and I am a Staff Attorney and Equal Justice Works Fellow in the Seizure and Surveillance Defense Project at Brooklyn Defender Services. Brooklyn Defenders is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. I thank the Committee on Public Safety, Chair Yusef Salaam, and bill sponsor Council Member Althea Stevens for the opportunity to address the Council about public safety and the harms of the NYPD gang database.

For nearly 30 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, and immigration advice and representation.

DEFEND • ADVOCATE • CHANGE

Brooklyn Defender Services strongly urges the City Council to pass Introduction 798 to permanently abolish the NYPD's Gang Database. Since its creation, this database has been a tool of mass surveillance and racialized policing that disproportionately targets Black and Latine youth, criminalizes association rather than conduct, and operates without transparency, accountability, or due process. It has failed to enhance public safety and instead facilitates unconstitutional policing practices that harm the very communities the NYPD claims to protect.

The NYPD Gang Database is Fundamentally a Tool of Racialized Surveillance

The NYPD's gang database is part of the technological evolution of broken windows policing—transforming a regime of racially disproportionate street stops into one of racially disproportionate data collection. Where officers once relied on physical stops and interrogations, they now use surveillance technology, secretive databases, and digital monitoring to track and criminalize Black and Latine youth. This shift does not make policing less discriminatory or less harmful; it simply makes it harder to challenge. The gang database extends and deepens the NYPD's long-standing patterns of racialized policing, embedding them into data systems that follow young people indefinitely, regardless of whether they have ever committed a crime.

In particular, the NYPD's Criminal Group Database functions as a modern extension of unconstitutional stop-and-frisk tactics, disproportionately targeting Black and Latine communities. As CUNY Law Professor K. Babe Howell wrote in her seminal 2015 report on gang policing, *Gang Policing: The Post Stop-and-Frisk Justification for Profile-Based Policing*, "After years of stopping suspicious people in high-crime areas, the NYPD is addicted to profile-based policing." The U.S. District Court in *Floyd v. City of New York* ruled that the use of racial profiling as probable cause was unconstitutional, while stops based on reasonable suspicion of criminal activity remained legally permissible. Since then, reported stop-and-frisks have declined, but the NYPD has instead expanded its anti-gang policing, particularly through social media monitoring and the gang database.¹ According to data turned over after FOIL requests submitted by Professor Howell, the NYPD added 21,537 people to its gang database between 2001 and August 30, 2013. Of those, 48% were Black and 44% were Latino, while only 1% were white.² Subsequent FOIL responses revealed that an additional 17,000 people were added to the database in the past four years, with less than 1% being white and a majority being young people, some as young as 13. The NYPD's Gang Division had already doubled in size shortly after class certification in *Floyd*. The NYPD claims it has worked to end racially biased stop-and-frisk, but in reality, it has simply renamed the

¹ K. Babe Howell, *Gang Policing: The Post Stop and Frisk Justification for Profile-Based Policing*, 5 Univ. Denver Crim. L. Rev. 1, 16 (2015), available at

https://academicworks.cuny.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1067&context=cl_pubs

² Howell, *Gang Policing*, 5 Univ. Denver Crim. L. Rev. 16. Eight percent of individuals added to the NYPD gang database between 2001 and August 30, 2013, were unidentified by race.

practice and made it even more invasive by linking it to covert surveillance technology in the form of the database.

Attorneys in our office routinely report that their youth clients face harassment and unconstitutional stop-and-frisk as a result of their inclusion in the database, with some young people reporting that they have experienced harassment by the NYPD since they were 11 years old. The impact of gang-related street policing extends beyond the harm of stop-and-frisk; officers often arrest young boys of color for minor offenses to collect intelligence for the gang database. Many of our clients have been detained for offenses like disorderly conduct—typically a violation that warrants a desk appearance ticket—only to face lengthy interrogations and phone seizures aimed at extracting data for the gang database. After being arrested for these minor offenses, they are often interrogated for hours without a parent or lawyer present. During these interrogations, NYPD officers routinely manipulate these frightened young people into unlocking their phones by claiming they need to contact their parents. Instead, once the phone is unlocked, officers keep it and extract its data—downloading information not just about the individual but also about their friends and contacts to expand the gang database. These minor arrests are not about addressing crime; they are about collecting as much information as possible from vulnerable youth to justify and perpetuate surveillance-driven policing.

The harms of the gang database are not theoretical—they are borne by real young people whose lives are shaped by relentless police surveillance and harassment. The transition from widespread stop-and-frisk to expansive data policing has not reduced racial disparities; it has only made them more insidious. Our clients experience persistent police scrutiny, unjustified stops, and coercive interrogations simply because they live in over-policed communities. The gang database also causes Black and Latine immigrants to be more susceptible to immigration detention and deportation based on little more than where they live and who they are friends with; this risk of separation from their families and communities is particularly acute after the recent designation of certain gangs as terrorist organizations.³ Moreover, young asylum seekers who are fleeing violence from gangs in their home countries are often themselves erroneously labeled as gang members.⁴ Through the gang database, the NYPD has taken the worst elements of racial profiling and rebranded them as intelligence gathering. This is not a move toward justice but a deepening of surveillance-based policing that treats Black and Latine youth as suspects before they even have a chance to grow up.

³ [Terrorist Designations of International Cartels - United States Department of State, https://www.state.gov/terrorist-designations-of-international-cartels/](https://www.state.gov/terrorist-designations-of-international-cartels/).

⁴ See Jonathan Blitzer, “How Gang Victims Are Labeled As Gang Suspects,” *The New Yorker*, January 23, 2018, <https://www.newyorker.com/news/news-desk/how-gang-victims-are-labelled-as-gang-suspects>.

The Gang Database Violates Due Process and Drives Prejudice in Court, Fueling Racialized Mass Incarceration

Inclusion in the database does not require a criminal conviction, an arrest, or even reasonable suspicion of criminal activity. Instead, people—including children—are labeled as gang members based on arbitrary and unverified criteria such as wearing certain colors, being seen in certain areas, or associating with certain people. This overbroad categorization funnels young people into the criminal legal system

Once a person is designated as a gang member by the NYPD, they have no means to challenge that label in court or elsewhere. Even if their charges are dismissed or they complete a sentence, their name remains in the database, leaving them vulnerable to continued police scrutiny and abuse. Unlike unlawful stops and searches, which can sometimes be challenged in court, gang designations offer no pathway for removal, making them a tool of unchecked policing with no oversight.

Prosecutors will often raise the question of gang affiliation on the record, solely based on a person's inclusion in the database. This tactic is used to justify harsher legal outcomes, influencing bail applications, plea negotiations, and sentencing. Even after sentencing, gang designations follow people into jails and prisons, barring them from rehabilitative programs that could aid in reentry and reducing recidivism. Incarcerated people labeled as gang members are often denied educational or vocational opportunities and can face harsher parole determinations.

Many clients explain that they are not gang-affiliated, but the arbitrary criteria for inclusion in the database, such as where they live or who they associate with, unfairly subjects them to prejudice. Young clients often engage in cultural expressions—such as making hand signs or referencing songs on social media—that have no bearing on actual gang affiliation. Yet prosecutors and law enforcement treat these activities as definitive proof of gang membership, entrenching systemic bias in the legal process.

Further, even if an individual is affiliated with a gang, being affiliated is not in and of itself criminal activity. The mere association with a group does not equate to engaging in illegal conduct, and criminalizing gang affiliation undermines fundamental principles of due process and individual rights. Sentencing enhancements based solely on gang affiliation have been struck down in many jurisdictions due to their disproportionate impact on communities of color. These laws have been found to perpetuate racial disparities, contributing to what has been described as the 'New Jim Crow'—the systemic and unjust mass incarceration of Black people in the United States. As we recognize the harm caused by such practices, it is crucial to end the use of gang databases that disproportionately target and penalize people based on their association, rather than their actions.

The gang database is not just a flawed policing tool—it is a driver of racially disproportionate mass incarceration. It operates as a self-fulfilling cycle: by labeling young people of color as gang members without due process, it pushes them into the legal system, subjects them to harsher prosecution and sentencing, and ensures their continued surveillance and exclusion from rehabilitative pathways even after incarceration. The gang database must be abolished as part of addressing the harms of racialized mass incarceration.

The City Must Invest in Violence Interrupter Programs, Community Resources, and Post-Arrest Programming, Not Surveillance

For decades, New York City has relied on a policing model that surveils people and then funnels them into the revolving door of incarceration. The gang database is an extension of this failed approach, one that has not worked and will not work better simply because it has been digitized. True safety does not come from criminalizing young people or stockpiling data on their lives—it comes from investing in their well-being. We must radically shift our priorities away from surveillance-driven policing and towards sustainable solutions that strengthen community ties, provide real opportunities, and give young people resources, hope, and dignity.

The NYPD has already spent over \$3 billion in funding for surveillance technology in just over a decade, yet this investment has failed to prevent violence or promote safety.⁵ Instead of criminalizing young people through flawed databases, the city should redirect resources toward violence interruption programs such as Cure Violence and credible messenger initiatives, which have successfully reduced violence without criminalization. The city must also expand access to after-school programs, job training, mental health support, and conflict mediation to provide real alternatives to gang involvement. Additionally, post-arrest diversion programs must be prioritized so that young people are not funneled into the criminal system but instead receive effective alternatives to incarceration that provide support, not surveillance.

We urge the city to invest in solutions to violence that do not involve funding a dangerous police force that has repeatedly demonstrated disinterest and even aggressive antipathy towards the wellbeing of those same communities.

In 2020, the Center for Court Innovation released a groundbreaking report titled “Gotta Make Your Own Heaven,” detailing the experiences of 330 young New Yorkers with guns, violence, safety,

⁵ David Meyer, NYPD Spent \$3 Billion on Surveillance, but Critics Say Details Are Vague Despite New Disclosure Law, *N.Y. Daily News* (Nov. 13, 2022), <https://www.nydailynews.com/2022/11/13/nypd-spent-3-billion-on-surveillance-but-critics-say-details-are-vague-despite-new-disclosure-law/>.

and the police.⁶ This remarkable study provides a unique, firsthand perspective into the lives of young people and the challenges they face in NYC. Strikingly, the hundreds of young people interviewed consistently identified threats from police as a reason to carry a gun or seek protection within a gang. They identified “violent victimization by police,” “police harassment for small infractions but lack of responsiveness for serious crime,” and “fear of being shot by a police officer” as major contributors to lack of their neighborhood’s safety. Most of the young people interviewed described “an overall sense that the police were a negative force in their communities” and “sens[ed] a lack of care for people in the community.” They also drew a direct connection between the way they were treated as “less than human” and their race.

It is time for this city to acknowledge the roots of this problem and how poverty and access to employment, education and adequate health care exacerbate these issues, and stop rebranding and putting forth failed policies.

- *Reallocate funding towards Violence Interrupter programs and community resources*

City Council should consider reallocating resources away from punitive responses to alleged gang membership toward interventions that have proven effective in reducing violence and other unlawful activity. Specifically, we advocate for an increase in funding for community centers, high-quality and engaging programming, and organizations using the Cure Violence Model.

In 2012, the city launched a Cure Violence initiative, but prevention and intervention efforts that could be effectively implemented to curtail gang violence are underutilized and underfunded. While certain programs that are used may reinforce marginalization through partnerships with the NYPD, others have proven to be successful in strengthening community-based safety and security. At its most effective, the strategy leverages the experiences of young men of color, many of whom are former gang members, to act as “credible messengers” of an anti-violence message and “violence interrupters” to prevent and reduce gun and gang violence. Community-based organizations working under the Cure Violence model employ “violence interrupters” and outreach workers from the community who have themselves experienced violence and also have strong relationships with young adults, community leaders, and service providers.⁷ Violence interrupters stop conflicts before they happen, and outreach workers redirect the highest-risk youth away from life on the streets and the criminal system. All of this is done by unarmed community members, who value every person’s right to security and protection from harm.

⁶ The Center for Court Innovation, “Gotta Make Your Own Heaven: Guns, Safety, and the Edge of Adulthood in New York City,” available at:

https://www.courtinnovation.org/sites/default/files/media/document/2020/Report_GunControlStudy_08052020.pdf

⁷ <https://bds.org/latest/bds-testifies-before-the-nyc-council-on-nypds-gang-takedown-efforts>

Brooklyn Defenders

The city should also shift resources away from policing alleged gang or crew members and toward providing the support that individuals, families, and communities need to thrive. This strategy should focus on the root causes of social marginalization and any violent or otherwise problematic behavior.

- *Reallocate funding for post-arrest programming*

There has been quite a bit of discussion in New York City around different approaches to preventing gun violence. There is a real lack of programming for young New Yorkers facing charges of alleged gun possession. In Brooklyn, there are two main alternative to incarceration (ATI) programs being used: Youth and Congregations in Partnership (YCP) and Project Redirect. Both are run by the Brooklyn District Attorney's (DA) office, require upfront guilty pleas with severe suspended sentences, and allow for defendants to get their cases dismissed and sealed upon completion. There are other programs available, but ATI programming requires consent of the prosecutor in most cases, and the ability to resolve gun possession cases with community based ATI programming is rare. YCP is the preferable option for our clients, as it is less onerous. This program requires young people to participate in weekly meetings with DA staff, attend school or work, and abide by a curfew for a year. However, in our experience, adolescents who are alleged to be gang members are never offered this program, and instead are pushed to Project Redirect.

Project Redirect is a deeply problematic program whose secrecy rivals that of the gang database. Much of what we know about it is reported by clients who have participated, as defense attorneys are generally prohibited from accompanying them in discussions about the program with their prosecutors, with the occasional exception of a preliminary briefing. It appears to be geared toward turning our young clients into informants on their friends and neighbors, and mostly sets its participants up for failure. In our experience, it is nearly impossible to successfully complete this program. Many "fail" for refusing to debrief. Others "fail" after being arrested for minor infractions in their over-policed communities. They are then sentenced to their "jail alternative," namely several years in upstate prisons.

If the goal is truly to reduce violence and improve public safety, then the solution is not more surveillance, more databases, or more punitive measures masquerading as interventions. The gang database has never been about preventing harm—it is about control. It is about embedding young people, especially Black and Latine youth, into a system that criminalizes them before they have a chance to thrive. The idea that we can continue surveilling people until they make a mistake and then punish them into submission has failed, over and over again. Instead of pouring resources into tools that deepen policing's grip on marginalized communities, we must invest in real, holistic, non-punitive solutions.

Conclusion

The societal harm of a majority-Black and Latine criminal group database that fuels stop-and-frisk, racially biased arrests, and mass incarceration cannot be overstated. The repeated encounters with law enforcement driven by the database send a clear message to young people in certain neighborhoods: that they are viewed not as children with potential, but as future criminals. The experience of being persistently stopped, questioned, and frisked by armed officers deeply impacts a child's self-esteem, sense of safety, and overall well-being. It is profoundly unjust that one segment of the youth population in this city— children of color —grow up under the constant eye of an armed police force that assumes their criminality before they even enter high school. This systemic surveillance and criminalization erodes trust in institutions, stigmatizes entire communities, and deprives young people of the opportunities and dignity they deserve.

Technology cannot be expected to transform discriminatory policing when it is designed, implemented, and wielded by a police force entrenched in racial bias. The gang database is a tool of unconstitutional stop-and-frisk and a reflection of a broader system of surveillance-driven policing that disproportionately harms Black and Latine communities. Tech-driven policing offers no promise of being less discriminatory than street-level racial profiling—it simply automates injustice. The solution is not to reform the database but to abolish it entirely and invest in real solutions that prioritize community well-being over criminalization.

We thank the Public Safety Committee for its commitment to addressing this issue. If you have any questions, please do not hesitate to contact Jackie Gosdigian, Senior Policy Counsel, at jgosdigan@bds.org.

**TESTIMONY OF CELINE ZHU
CENTER FOR CONSTITUTIONAL RIGHTS**

Presented to the New York City Council Committee on Public Safety Hearing
Regarding Intro 798

February 24, 2024

Good morning, Chair Salaam and Members of the City Council.

My name is Celine Zhu, and I am a civil rights attorney at the Center for Constitutional Rights. Thank you for the opportunity to testify today regarding Intro 798, which we urge City Council to pass. The Center for Constitutional Rights and the law firm of Beldock, Levine, and Hoffman, LLP have served for over 12 years as plaintiffs' counsel in *Floyd v. City of New York*, the landmark civil rights class action that successfully challenged the New York City Police Department's (NYPD) racially discriminatory and unconstitutional stop, question, and frisk practices and resulted in the current supervision of the NYPD by a court-appointed Monitor.

The NYPD's Gang Database is a digitized version of Stop and Frisk. The two work hand in hand to criminalize being Black and Brown in New York. 99% of people in the Database are Black and/or Latino. The NYPD admitted the historical threshold to being added to the Database is as low as wearing the wrong clothes, listening to the wrong music, or living in the "wrong" place. From these criteria, 13-year-old children have been deemed "gang affiliated" and added to the Database. Where is the recourse for all the children who were wrongly and arbitrarily criminalized, and the collateral consequences they experienced? How has the NYPD given them their childhoods back?

Now, the NYPD's "improved system" gives us a new formula: two school safety officers who think a child is friends with the wrong people, who was caught at the wrong place and the wrong time—something children and youth often have very little say in. Not every child has "good" choices.

This directly leads to the widespread violations of the rights of Black and Brown New Yorkers. For example, entire NYCHA buildings have been deemed "gang locations," and the *Floyd* federal monitor found that in 2022, only 77% of stops by Housing Bureau officers at NYCHA properties were lawful. And we know from the federal monitor that police officers are rarely, if ever, disciplined for Stop and Frisk violations. This is a systemized, racialized violation, and deprivation of the rights of Black and Brown people.

The existence of the Database also directly translates into more dangerous police encounters. Since the Database is accessible to any NYPD officer, it gives officers cover to escalate encounters with Black and Brown New Yorkers who appear in the Database, regardless of why they were added. This leads to more dangerous stops and harsher court outcomes. The *Floyd* team knows this to be true because over the past few years we have seen an increase in both unconstitutional stops by the NYPD, and in the racial disparities of these stops, with Black and Latinx New Yorkers making up almost 90% of reported stops. In the same way that Stop and Frisk was deployed in Black and Brown communities as a matter of NYPD policy, the Gang Database targets the same communities by outright criminalizing their culture, kinship, and community.

This is race-based profiling by the NYPD. We know this is wrong: why else would places like Chicago and Portland abolish similar databases? Abolishing the Database

will not impact public safety since racial profiling does not reduce crime, and neither of those cities reported related rises in crime. The Gang Database especially hurts Black and Brown children by criminalizing the circumstances of *their childhoods*, particularly those who are also public housing residents or immigrants.

City Council has an opportunity to allow a generation of Black and Brown children to grow up with less police, suspicion, violence and surveillance. City Council has the power to ensure the carefree youth they deserve, and which this latest NYPD discriminatory surveillance practice threatens. For those reasons, I urge you to pass Intro 798. Thank you.

Testimony of Babe Howell
Professor, CUNY School of Law
Intro 798 NYC City Council hearing of the Committee on Public Safety
2/24/25

Good morning, I am Babe Howell, a Professor at CUNY School of Law. I have studied gang databases for 15 years.

The NYPD's gang database is both wrong and dangerous.

- Labeling people as gang members based on entirely lawful behavior - wrong.ⁱ
- Labeling groups of 3 or more a gang - wrong.^{ii,iii}
- Labeling only Black and Latino New Yorkers as gang member - morally wrong.
- Yet the database is 99% Black and Latino.^{iv} There are no white supremacists, no mafia, no Russian or Armenian gangs, no Proud Boys, almost no white people in the gang database.

Worse than wrong - it is dangerous. The dangers cannot be overstated.

- Gang-labeled individuals are targeted for harassment. They are over-policed, dragged unnecessarily into the criminal system, losing jobs or falling behind in school. They are denied off-ramps and second chances. They are held pre-trial,^v which can lead to gang membership and wrongful convictions.^{vi}
- The database endangers communities. Gang suppression increases gang membership and cohesion.^{vii} Over-policing so-called gangs contributes to the very problem it purports to solve. Communities need services and jobs for youth, not labels.
- Gang-labeled immigrants have long been targeted by ICE and are now being transported in chains to Gitmo and other countries.^{viii}
- Looking forward -- Authoritarian leaders have locked up alleged gang members by the tens of thousands in El Salvador without charges.^{ix} This, terrifyingly, is a very real possibility for our citizens in the near future.^x

All these dangers because of a label that can be based on wishing someone a "happy birthday", or living in a particular place.

We must erase this dangerous database before the day comes when we wish we had.

Now is the moment to protect New Yorkers.

Now is the moment to protect our rights, civil and human, to associate with friends, to express ourselves in our words, dress, and music.

Now is the moment to pass Intro. 798 and abolish the gang database. We cannot afford to wait.

ⁱ The Office of Inspector General for the NYPD Report indicates that over 99% of the gang database is non-white (the vast majority Black or Latino), and that as of December 2022 over 16,000 individuals, in over 500 alleged gangs (averaging 30 per gang), were activated to the NYPD's gang database based on entirely lawful activity. Although a person could be documented to the gang database based on

appearance, association, dress and other general criteria, nonetheless, many entries lacked sufficient documentation. NYC-DOI Office of the Inspector General for the NYPD (OIG-NYPD), *An Investigation into the NYPD's Criminal Group Database*, at 25, and 33-36 (April 2023)(hereinafter, the OIG Report). <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>

ⁱⁱ For the NYPD's definition of "gangs" and relevant criteria. See, K Babe Howell, *Gang Policing: The Post Stop-and-Frisk Justification for Profile-Based Policing*, 5 U. DENV. CRIM. L. REV. 1 (2015) available at <https://digitalcommons.du.edu/crimlawrev/vol5/iss1/2/>. (Arguing that the NYPD adopted "gang" policing not to combat gangs, but to extend profile-based policing. Crime was at historic lows when Operation Crew Cut was adopted in 2012, just after the class was certified in the stop and frisk case, and continues at historic lows to date. At the time of this writing, murder is 83% lower than in 1990 years ago, and the seven major crimes tracked individually in weekly Compstat Reports are down over 76%. Shooting victims and shooting incidents are down by 81.2 and 82.8% respectively. See NYPD Compstat Report Vol. 32 Number 7, covering the week ending 2/16/25 available at https://www.nyc.gov/assets/nypd/downloads/pdf/crime_statistics/cs-en-us-city.pdf)

ⁱⁱⁱ Additionally, NYPD unlawfully used sealed arrest records (*Id.* at 41-42) and routinely denied all Freedom of Information Law requests for individuals seeking to determine if they were in the NYPD's Criminal Group Database. *Id.* at 30-33.

^{iv} *Id.* at 34.

^v K Babe Howell, *Fear Itself: The Impact of Gang Allegations on Pre-Trial Detention*, 23 St. Thomas L. Rev. 610 (2011). Moreover, gang allegations have the greatest impact on young people, those without records, or those charged with minor offenses or on weak evidence, because those charged with serious offenses based on strong evidence would likely be detained with or without gang allegations.

^{vi} In the Bronx 120 takedown, 120 defendants were indicted on RICO charges in an alleged gang takedown based on a collaboration between the NYPD, various federal law enforcement agencies, and the U.S. Attorney for the Southern District of New York. Over 100 defendants were denied any possibility of posting bail, though half were not in the gangs, and 80 had never had a felony conviction. Because of the draconian sentences and the difficulty of challenging gang allegations, the vast majority of the defendants pleaded guilty to felonies though they were not even in the gangs and had no prior felonies. See, Babe Howell & Priscilla Bustamante, *Report on the Bronx 120 Mass "Gang" Prosecution*, April 2019 available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3406106 and www.bronx120.report.

^{vii} Judith Greene & Kevin Pranis, *Gang Wars: The Failure of Enforcement Strategies and the Need for Effective Public Safety Strategies*, A JUSTICE POLICY INSTITUTE REPORT (July 2007), available at https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/07-07_exs_gangwars_gc-ps-ac-jj.pdf

^{viii} Hamed Aleaziz & Eric Schmitt, *U.S. Begins Flying Migrants to Guantanamo*, N.Y. TIMES, Feb. 4, 2025.

^{ix} Annie Correal & Emiliano Rodríguez Mega, *El Salvador's Prisons are Notorious, Will They House Trump's Deportees*, N.Y. TIMES, Feb. 4, 2025. <https://www.nytimes.com/2025/02/04/world/americas/el-salvador-prisons-bukele-migrants.html?searchResultPosition=1> ("The vast majority of the 85,000 Salvadorans apprehended under the 2022 state of emergency — which allows for mass arrests with no due process — have essentially disappeared into the prison system, where many have been held for years without trial and without their families even knowing if they are alive.")

^x Zolan Kanno-Youngs, *Trump Says He Would Jail Americans in El Salvador "In a Heartbeat"*, N.Y. TIMES, Feb. 4, 2025. <https://www.nytimes.com/2025/02/04/us/politics/trump-el-salvador-americans-jail.html?searchResultPosition=3>



Testimony of the G.A.N.G.S Coalition
Intro. 798 – Abolishing the Gang Database
NYC City Council hearing of the Committee on Public Safety
2/24/2025

The Grassroots Advocates for Neighborhood Groups and Solutions (the GANGS Coalition), includes young people, parents, those who represent young people, those who work with them through community-based organizations, and organizations striving to protect their civil rights. We focus on the policing of our city's vulnerable children and young adults and the impacts this has on their safety, and the safety of their communities. We advocate for neighborhood-based supports for community members. Where police see problems, we see promise and potential. The Criminal Group Database (aka the Gang Database) snuffs out that promise and potential, by labeling and dehumanizing Black and Latino boys and men and marking them for harmful treatment based on entirely lawful conduct (appearance, association, and expression).

The database is dangerous to our young people and our communities and must be erased for the sake of their safety.

Thank you, Chair Salaam, and the Committee on Public Safety, for holding this hearing on Intro. 798 which would erase the NYPD's Criminal Group Database, better known as the Gang Database, and prohibit successive databases, as well as provide New Yorkers notice and recourse if they have been included in this Database.

I. The Gang Database is not Precision Policing it is Profiling based on lawful conduct.

In June 2018, nearly 7 years ago, then Chief Dermot Shea appeared before this Committee and testified in support of the NYPD's Gang Database making the claim that the NYPD's Gang Database is part of a strategy of precision policing.¹ Today, we are hearing the same claim from the NYPD. The Gang Database, they claim once again is not about profiling but "precision policing." The criteria and history of the Database show the opposite.

First, we know based on the NYPD's Office of Inspector General's report (hereinafter OIG Report), that the database that Chief Shea claimed was about "precision policing" was based on entirely lawful conduct, incredibly broad criteria, and that, even with these broad criteria the NYPD lacked sufficient support for many of the 16,141 active entries in the database as for December 2020.²

Moreover, although the NYPD allegedly had multiple layers of review, insufficient documentation was noted for *every single criteria* the NYPD used to document people to their database.³ Even where the

¹ Testimony of Chief Dermot Shea before the New York City Council, Committee on Public Safety, June 13, 2018. Testimony available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3506401&GUID=43D779AF-FAC6-4122-9886-87F19EAE5CC6&Options=&Search=>.

² NYC-DOI Office of the Inspector General for the NYPD (OIG-NYPD) *An Investigation into the NYPD's Criminal Group Database*, at 33 (April 2023)(hereinafter, the OIG Report). <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>

³ See Exh. A for criteria and OIG conclusions regarding lack of documentation.

criteria of “two independent sources” was used, 27% lacked 2 independent sources, and 10% lacked any source whatsoever.

Further, the OIG also found the NYPD was illegally using sealed arrested, denied 98% of FOIL requests, and failed to follow its own rules and lacked documentation for many entries.⁴ They also found that files related to “deactivated” individuals would remain in the system but not appear in the Domain Awareness System (which communicates that status to all NYPD officers).⁵ The illegal use of sealed records, blanket denial of FOILs, and maintaining “forever” databases of thousands of deactivated individuals, shows that whatever safeguards may exist in the law, are not extended to those in the database by the NYPD.

Moreover, the claim that the allegations are not shared ignores the fact that these unsubstantiated gang labels are provided to over 30,000 officers via the Domain Awareness system.

The NYPD Deputy Commissioner Michael Gerber’s 2/24/25 testimony that it has removed thousands of names from the gang database in the last two years, shows that the database was not about precision policing when Dermot Shea testified in 2018. Dropping 3000 names from a database based on lawful behavior does not transform this profiling into precision policing today.

As will be discussed further below, the claim that using two criteria that allow the NYPD to document people as gang members based on their interpretation of social media posts or their own opinions as “independent sources” does nothing to turn profile-based policing into precision policing.

There is nothing precise about a database made up of thousands of Black and Latino New Yorkers based on lawful conduct.

II. The NYPD's gang database profiles Black and Latino men and boys as gang members. This is not a mistake. The gang database is a deliberate replacement of stop-and-frisk policing by even more pervasive surveillance, targeting and abuse.

Gang policing is an escalation of the racial profiling that led to the historic decision in *Floyd v. City of New York*. The NYPD first announced its commitment to “Operation Crew Cut” in October of 2012, the month after the court certified the class in the *Floyd v. City of New York*, at a time when violent and juvenile crime were at historic lows.⁶ Gang crime, according to GangStat accounted for a miniscule amount of crime in New York City.⁷

⁴ Id. at 31.

⁵ Id. at 30.

⁶ For an analysis of crime and gang statistics when Operation Crew Cut was announced, see K Babe Howell, *Gang Policing: The Post Stop-and-Frisk Justification for Profile-Based Policing*, 5 U. DENV. CRIM. L. REV. 1 (2015) available at <https://digitalcommons.du.edu/crimlawrev/vol5/iss1/2/>. Crime continues at historic lows to date. At the time of this writing, murder is 80.5% lower than it was 30 years ago, and the seven major crimes tracked individually in weekly Compstat Reports are down over 71%. Shooting victims and shooting incidents are down by 81.2 and 82.8% respectively. See NYPD Compstat Report Vol. 31 Number 49, covering the week ending 12/8/24.

https://www.nyc.gov/assets/nypd/downloads/pdf/crime_statistics/cs-en-us-city.pdf

⁷ Howell, *Gang Policing* at 8 – 10. The data provided by the NYPD in response to a FOIL request indicated that less than 3% of shootings or homicides were “gang-motivated” in New York, and 80% were *not* gang-related (involving anyone designated as a gang member) between 2007 – 2012. Of course,

Why create, maintain, and expand gang databases in a city with little violent crime and less gang crime? Because the list is secret, and there is no notice and no review of the Database. Thus these tactics are insulated from public or judicial scrutiny.

The Database is 99% People of Color

If the NYPD's stop and frisk practices before *Floyd* relied on racial profiling—and they did, with about 90 % of those stopped being Black or Latino – the gang database is far worse. It is 99% Black and Latino. Although white supremacist groups represent one of the greatest threats to our democracy,⁸ they are not included in the Criminal Group Database. No criminal activity or suspicion is required to be labeled a gang member. Allowing the police to simply collect information on anyone based on appearance, expression, association, and location reinforces racial privilege. Most teens and adolescents hang out in groups, talk alike, dress alike, listen to the same music, and sometimes make errors in judgment that reflect their youth and immaturity. By labeling some youth as gang members and treating their conduct as a threat to society, we subject young people to unequal treatment based on race.

Criteria for the Gang Database are Entirely Non-Criminal and Non-Gangs are Deemed Gangs

The Gang Database is the NYPD's tool to continue to profile, track, and target young people of color without judicial oversight, without notice to the individuals targeted, and without any requirement whatsoever that the individuals they are profiling engage in any crime or that there is reasonable suspicion of criminality.

Inclusion in the NYPD's Gang Database can be based on social media posts, association, dress, or location. No criteria for inclusion references any criminal conduct.

The NYPD's definition of a gang requires only 3 or more individuals. There are over 500 gangs in the gang database of 16,141 individuals, averaging about 30 members each. Gang policing in New York covers friendship groups and neighborhood groups that are not gangs.

Even with these broad criteria, the NYPD fails to adequately document individuals to the Gang Database. They also routinely violate the law by relying on sealed arrests, and they systematically deny FOIL requests from individuals seeking to learn if they have been included in the gang database. The Office of Inspector General's Report obscures the extent to which documentation is lacking but state that "numerous" entries lacked support.⁹

Of the six criteria used by the NYPD to add a person to the Criminal Group Database the OIG found:

- Self-admission – information was insufficient including Emoji, a photo, or no information
- 2 Independent Sources – 7% had zero sources, 19% had one source
- Gang location – "a subset" had no location, a precinct, a NYCHA project, their home, or "known location" listed
- Documents – "in most instances" there was insufficient information citing "social media" or including no description of documents

designating all groups of 3 or more as "gangs," will inflate the number of "gang-motivated" offenses and may account for the high number of offenses the NYPD now attribute to gangs.

⁸ Homeland Threat Assessment, Dep't of Homeland Security, Oct. 2020 available at https://www.dhs.gov/sites/default/files/publications/2020_10_06_homeland-threat-assessment.pdf.

⁹ See Exhibit A for deficiencies for each criterion and cites to the OIG Report.

- Known associates – “less than 1/3” had sufficient information with no one listed, or no connection provided
- Social media posts – on “a number of occasions” these were so vague they provided no basis for multilevel review
- Scars/tattoos – “in a majority of circumstances” these were not described
- Gangs/colors – “infrequently used” but generally sufficiently described
- Other – often double counts of social media: e.g. Facebook post, Emojis, Intel, “social media”

Additional Illegality

The OIG also found the NYPD was illegally using sealed arrests, denied 98% of FOIL requests, and failed to follow its own rules and lacked documentation for many entries.¹⁰ They also found that files related to “deactivated” individuals would remain in the system but not appear in the Domain Awareness System (which communicates that status to all NYPD officers).¹¹ There are no external safeguards or audits of the Criminal Group Database and internal protocols are not followed.

The NYPD claims that the gang database is about “precision” policing, but except for more precisely targeting young men of color in particular neighborhoods regardless of criminality and labeling them in a way that suggests they are guilty of something, this is just a more sophisticated system of racial profiling.

III. Gang Database, Aggressive Arrests, and Harassment

This week the NYPD testified that a third of those in the gang database have been arrested 20 or more times. The said 99% had been arrested. Yet only 25% had felony convictions. In hearings in 2018 and again in testimony of 2/24/25, the NYPD pointed to the fact that those on the gang database are subject to frequent arrests, as somehow proving that the database is valid. In 2018, the testimony was that those on the gang database had an average of 11 arrests and 5 felony arrests.

The frequent arrests of those on the Gang Database is strong evidence of harassment.

How do we know that?

New York has predicate felony laws. If someone is arrested on good evidence for more than a single a felony, they will be in prison, not in the street for re-arrest. Gang labeled individuals, often don’t get diversion or second chances, and will be detained if arrested for a serious offense. To be arrested 20 times, the arrests must be incredibly minor. In many of these cases arrests may be declined by the prosecution or even dropped by police.

Twenty plus arrests is very strong evidence of harassment. This is consistent with what the young people in our coalition report. They are hunted.

The DD5s we FOILED from the OIG (totallying 100), confirmed this harassment. 45 of the 100 DD5s had one or more sealed arrests. Some had as many 8 sealed arrests. This means the arrests were dropped.

In individual FOILs obtained by the Legal Aid Society and the testimony you heard, we see the same pattern of extensive and excessive policing for ridiculous offenses. Individuals arrested for possession of gambling instruments, littering, jay-walking, offenses that never make it into the courtroom.

¹⁰ Id. at 31.

¹¹ Id. at 30.

These arrests allow police to take young people into precincts, to “debrief” them (pressure them for information), and get them to open phones so they can scroll their social media and contacts. These arrests serve to map and criminalize their friendships and peer groups.

IV. Gang Database and Investigative Police Encounters

Less visible, but just as troubling for vulnerable young people, those in the Gang Database are targeted and subjected to more investigative encounters. They are frequently questioned, debriefed, asked to open their phones, taken to the precinct and released, and arrested or ticketed on charges (like jay-walking or littering) that are rarely used against most New Yorkers. The youth our various Coalition members work with report being stopped, frisked, searched and arrested repeatedly.

The 22 reports of the Independent Monitor for compliance in the Stop and Frisk cases during the last decade show that the NYPD has failed to address either the Fourth or Fourteenth Amendment concerns and has been back-sliding significantly in the past two years.

Those who are marked for intensive policing on the gang database are likely the targets of increasing numbers of the unlawful stops, frisks, and searches. Many of these encounters are not recorded. Because the goal in policing alleged gang members is often just to build the database, not to obtain evidence for a court case, the existence of the gang database encourages the continued violation of the Fourth and Fourteenth Amendments.

The Independent Monitor’s reviews of stop-and-frisk and investigatory encounters show:

- Reported stops are increasing substantially¹²
- Self-initiated stops are increasing from 19% to 46% from 2020 - 2023¹³
- Unconstitutional stops are increasing¹⁴
- Unconstitutional frisks increased by over 50% from 2021 to 2022¹⁵
- Unconstitutional searches increased by almost 50% from 2021 to 2022¹⁶
- The NYPD is mis-characterizing stops as lower level investigatory encounters¹⁷
- The NYPD is not reporting nearly 1 of 3 stops¹⁸
- Neighborhood Safety Teams (NSTs) and Public Safety Teams (PSTs) and Housing are the biggest drivers of these trends
- The NST and PST account for 54% of all unconstitutional stops¹⁹
- Housing Bureau stops are less compliant than patrol stops²⁰

¹² New York Police Department Monitor, *Twenty-First Report of the Independent Monitor: Monitor’s Compliance Report*, 2 (Sep. 4, 2024), available at https://www.nypdmonitor.org/wp-content/uploads/2024/09/21st-Monitor-Report-General-Compliance-Report_Stamped.pdf

¹³ *Id.* at 9.

¹⁴ *Id.* at 3.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 19

¹⁸ *Id.* at 4. Based on review of Body Worn Cameras (BWCs) 31.2% of stops are not reported. The absolute number of unreported stops is unknown because the BWC may not be activated.

¹⁹ *Id.* at 3 -4.

²⁰ *Id.* at 4.

- There is little review of and no repercussions for unconstitutional stops.²¹
- After a decade, the NYPD has *no compliance system whatsoever to address the Fourteenth Amendment, Equal Protection violations*²²

People entered in the Gang Database are most likely to live in areas where the NST, PST, and Housing Bureau are conducting the highest numbers of unconstitutional stops, frisks, and searches, and the most undocumented investigative encounters. People labeled as gang members are likely to be the targets of “self-initiated” investigative encounters because the NYPD has labeled them as gang members based on entirely non-criminal criteria (appearance, association, expression, and location). Police may also initiate stops to gather information to populate the gang database.

When a person who is in the NYPD’s Criminal Group Database is stopped by an officer who is not targeting him because of the gang label, the officer will be alerted to the label. The NYPD uses entirely lawful activity to label young people as gang members and to disseminate that information to more than 30,000 officers via the Domain Awareness System. Each encounter between a police officer alerted that they are interacting with a gang member is more likely to be escalated, involve intrusive searches, and dehumanizing treatment.

While crime is at historic lows, investing in gang policing and prosecution actually creates public safety risks. Individuals who are labeled as gang members are more likely to go to jail and be exposed to violence and trauma and to be denied off-ramps like alternatives to incarceration or restorative justice. They are given long sentences. They are more likely to join or stay in gangs. Researchers have long observed that gang membership is typically a short-term transitional phase and gang members typically age out of both delinquent behavior and gangs. Suppression, criminal records, minor arrests, and incarceration derail the normal maturation process of aging out of gangs.²³ Jurisdictions that have invested in aggressive suppression of gangs, like LA and Chicago, have unwittingly invested in intractable multi-generational gang problems.²⁴ NYPD's gang surveillance and suppression does not make this city safer. It almost certainly makes it less safe.

Finally, the NYPD's surveillance of young people of color by labeling them "threats" fits squarely into a long and sordid history of suspicionless police surveillance. That history includes the Cointelpro surveillance of Martin Luther King Jr, Malcolm X, Fred Hampton Sr, and the Black Panther Party among others. In New York City, we saw the surveillance of political activists that led to the *Handschu* Agreements, the post 9/11 surveillance of Muslim New Yorkers, and the resurgence of surveillance around the 2020 protests that saw the *Handschu* Agreement renewed. Indeed, NYPD documents indicate that officers are specifically monitoring “gang member” participation in protests and community events. We cannot allow the NYPD to engage in suspicionless and unsupervised surveillance of anyone, and most particularly vulnerable young people of color fighting for their rights, safety, and communities.

V. Immigrants Face Great and Imminent Peril

²¹ James Yates, Report to the Court on Police Misconduct and Discipline (Sept. 19, 2024) available at <https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf>

²² *Id.* at 6

²³ See TERENCE P. THORNBERRY ET AL., GANGS AND DELINQUENCY IN DEVELOPMENTAL PERSPECTIVE 38, 41 (2003) (discussing a study of 1000 Rochester youth from the age of 13 to 17.5, about 31% reported belonging to a gang at some point but only 1.6% of the sample remained in gangs at the age of 18 and this number did not increase through the rest of the study to age 22). See also, IRVING A. SPERGEL, THE YOUTH GANG PROBLEM 104 (1995) (“Most studies suggest that gang members simply ‘mature-out’”).

²⁴ Judith Greene & Kevin Pranis, *Gang Wars: The Failure of Enforcement Strategies and the Need for Effective Public Safety Strategies*, A JUSTICE POLICY INSTITUTE REPORT (July 2007), available at https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/07-07_exs_gangwars_gc-ps-ac-jj.pdf

The NYPD asserts that it does not “share the database” with anyone and it may literally be true that they do not provide direct access or share the entire database with other organizations.²⁵ But the NYPD certainly shares gang allegations with prosecutors in both adult and family court where prosecutors deny young people diversion, off-ramps, insist on pre-trial detention, and resist removal of youth to family court. Prosecutors use social media posts provided by police to argue that lyrics, videos, dress, emojis, or other posts mean that a young person’s case belongs in adult court, or a young person should be placed in jail.²⁶ The harm of pre-trial detention is not limited to the detained person or their family.

As we face threats that immigrants will be rounded up, the existence of a list designating people as gang members may lead to immeasurable harm. In immigration proceedings, the gang designation already leads to detention, removal, and denial of discretionary relief *even when no crime has been committed, and, sometimes, when an immigrant fled gang violence in their home country.*²⁷

The current administration has announced its intent to prioritize alleged gang members and sent some with that designation to Guantánamo prison, though they’ve since been removed to Latin American after the ACLU sued to enjoin further transfers to Guantánamo.²⁸

VI. Given our country’s authoritarian turn the Gang Database could be used for mass roundups and indefinite incarceration either here or abroad following the model of El Salvador.

Although it may seem alarmist, authoritarian leaders have indefinitely detained alleged gang members by the tens of thousands in El Salvador and Ecuador without charges and often without access to family.²⁹ This is not limited to immigrant gang members but extends to citizens. In El Salvador, a country with a population of about 6 million, approximately 85,000 individuals have been incarcerated without warrants

²⁵ Criminal Group Database: Impact and Use Statement, p. 10 April 11, 2021. Available at https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/criminal-group-database-nypd-Impact-and-use-policy_4.9.21_final.pdf

²⁶ In the Bronx 120 takedown, 120 defendants were indicted on RICO charges in an alleged gang takedown based on a collaboration between the NYPD, various federal law enforcement agencies, and the U.S. Attorney for the Southern District of New York. Over 100 defendants were denied any possibility of posting bail, though half were not in the gangs, and 80 had never had a felony conviction. Babe Howell & Priscilla Bustamante, *Report on the Bronx 120 Mass “Gang” Prosecution*, April 2019 available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3406106 and www.bronx120.report.

²⁷ Annie Correal & Emiliano Rodríguez Mega, *El Salvador’s Prisons are Notorious, Will They House Trump’s Deportees*, N.Y. TIMES, Feb. 4, 2025. <https://www.nytimes.com/2025/02/04/world/americas/el-salvador-prisons-bukele-migrants.html?searchResultPosition=1>

²⁸ Hamed Aleaziz & Eric Schmitt, *U.S. Begins Flying Migrants to Guantanamo*, N.Y. TIMES, Feb. 4, 2025.

²⁹ Annie Correal & Emiliano Rodríguez Mega, *El Salvador’s Prisons are Notorious, Will They House Trump’s Deportees*, N.Y. TIMES, Feb. 4, 2025. <https://www.nytimes.com/2025/02/04/world/americas/el-salvador-prisons-bukele-migrants.html?searchResultPosition=1> (“The vast majority of the 85,000 Salvadorans apprehended under the 2022 state of emergency — which allows for mass arrests with no due process — have essentially disappeared into the prison system, where many have been held for years without trial and without their families even knowing if they are alive.”); El Salvador: Estado de Excepción y Derechos Humanos, Report of the Inter-American Commission on Human Rights, Organization of American States (Sept. 2024)(press release to follow, report is in Spanish) https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/207.asp

or charges since a state of emergency was declared by Bukele in 2022.³⁰ This, terrifyingly, is a very real possibility for our citizens in the near future.³¹

VII. The purported narrowing of criteria for entry into the gang database is illusory.

At the hearing, the NYPD announced that they have eliminated criteria, including association and location, from those used to document people to the gang database. According to the NYPD the remaining criteria, self-admission (either to law enforcement or as interpreted by law enforcement from social media posting), or that “two independent sources” identify a person as a gang member, mean that it will be far more difficult to activate people to the gang database.

These two methods of documentation are every bit as fallible as the longer list of criteria. Each requires us to simply trust the NYPD’s interpretation of lawful conduct and associations. The NYPD will now screenshot social media posts that they claim show gang membership. Or two School Resource Officers, or NYPD intelligence, or precinct officers, can now be “independent” sources for gang allegations.

First, “self-admission” was the most common criteria used by the NYPD according to the OIG.³² Where social media was used under this criteria, the OIG found that “in a number of instances” a single emoji or phot was used, and in others there was no documentary evidence. Using this method and screenshots (as suggested at the hearing) encourages the NYPD to target young people on-line. Researchers who focus on the expression of young people on social media, including those who might appear to be gang related, note that individuals curate on-line personas particularly tough personas, as a means of self-protection and promotion.³³ Furthermore, many of us, and most particularly adolescents, repost memes, like the posts of others, and mimic the behavior others without necessarily understanding the full meaning of an image or words. Additionally, dressing or acting like a favorite musician or social influencer could easily be interpreted as self-admission. So might a post saying “RIP” to a friend or relative, or “Free my homice.”

Relying on “self-admission” based on social media screenshots provides some level of protection ignores the core concern. These judgments would result in profiling individuals based on entirely lawful conduct and chilling speech and association.

Second, self-admission to law enforcement raises another set of troubling concerns. To obtain such “self-admission” law enforcement first needs to be in a position to ask questions. The desire to debrief individuals, get admissions, and populate a database, are likely drivers of the increased stop and frisks, investigatory encounters, and high numbers of minor arrests.

³⁰ Id., See also, [We Can Arrest Anyone We Want, Widespread Human Rights Violations Under El Salvador’s State of Emergency](#), Human Rights Watch, Dec. 7, 2022 (Even in the first six months of the state of emergency, “police officers and soldiers ha[d] conducted hundreds indiscriminate raids, particularly in low-income neighborhoods, arresting over 58,000 people, including more than 1,600 children.”) Available at <https://www.hrw.org/report/2022/12/07/we-can-arrest-anyone-we-want/widespread-human-rights-violations-under-el>

³¹ Zolan Kanno-Youngs, *Trump Says He Would Jail Americans in El Salvador “In a Heartbeat”*, N.Y. TIMES, Feb. 4, 2025. <https://www.nytimes.com/2025/02/04/us/politics/trump-el-salvador-americans-jail.html?searchResultPosition=3>; Tom Phillips, Natricia Duncan, Tiago Rogero, Harriet Barber, *Bukele-Mania: El Salvador’s strongman’s clampdown excites regional right*, The Guardian, Feb. 7, 2025. <https://www.theguardian.com/world/2025/feb/07/nayib-bukele-crime-far-right>

³² OIG Report at 36.

³³ Jeffrey Lane, *The Digital Street* (2018); Forrest Stuart, *Ballad of the Bullet*, Princeton Univ. Press (2020).

Finally, Metro police in LA have been indicted for falsely claiming self-admission. Basing inclusion in a secret database on a claim that someone says they are a gang member, leaves little protection to vulnerable and over-policed communities.

The second remaining criteria, “two independent sources” also relies almost exclusively on various branches of the NYPD. This criteria, as laid out in the OIG report and other FOILED information received from the NYPD, lists “independent sources” as including: “ Pct. Personnel, Intell, School Safety, Juvenile Justice, Detective Bureau, Dep’t of Corrections, Outside Agencies.” Except for DOC and “Outside Agencies”, these are all an echo chamber of NYPD. For the DOC and “Outside Agencies”, gang databases everywhere are based on the same lawful conduct, lack oversight, are not regularly purged, and are not subject to notice or challenge.

Relying on these two criteria rather than the longer list to label individuals as gang members and single them out for intensive policing does not create any meaningful limit.

VIII. There is no meaningful review of the gang database

The NYPD’s claim that the multiple levels of internal review and OIG audits should somehow assure the public that the gang database is not a means of unlawful and dangerous profiling must be given the weight it deserves ... none.

First, there were multiple layers of internal review prior to the OIG’s 2023 report and yet the documentation was lacking for each criteria, (see exhibit A) review protocols were ignored, and individuals signed off on their own entries. If multiple levels of review did not prevent activation to the gang database then, there is no reason to believe the same system would have different results now. While the OIG did not quantify the number of the sample that were lacking documentation, we FOILED the OIG and received 100 DD5s from the sample (which presumably would have been about 1000 total). Of these 100 DD5s, only 60% clearly lacked support under the NYPD’s criteria. Only 30% seemed to meet the minimal criteria. Supervisors were routinely signing off on requests that justified inclusion “based on social media I’m requesting X individual be added to Y criminal group.” Some had no support.

Second, the OIG has unfortunately been victim of agency capture. The 2023 report white-washing and minimizing the harms and illegality of the database shows that OIG cannot be relied upon to check the NYPD. The GANGS Coalition met with the DOI’s OIG after the report and asked for follow up investigations to determine the harms of the gang database, but the OIG made it clear there would be no further investigation. We asked that they release the data on the number of entries with and without adequate support and that they conduct a comparative analysis of police encounters such as that done by the Inspector General of the Los Angeles Police Department, comparing stops of alleged gang members to non-gang members.³⁴ The Brennan Center has noted the OIG which has nearly ceased issuing reports on the NYPD during the Adams administration, is not being provided adequate access to NYPD records, has lost most of its staffing, and no longer controls its own website.³⁵

³⁴ Mark P. Smith, Inspector General, Review of Gang Enforcement Detail Stops, Feb. 5, 2019 available at http://www.lapdpolicecom.lacity.org/020519/BPC_19-0044.pdf .

³⁵ Faiza Patel & Ivey Dyson, *The NYPD’s Inspector General Needs Shoring Up*, The Brennan Center, May 10 2023. Available at: <https://www.brennancenter.org/our-work/analysis-opinion/nypd-inspector-general-needs-shoring>

Only abolition of the gang database can protect our communities from this dehumanizing label and the many harms that flow from it.

IX. Conclusion

Communities are not made safer by labeling individuals as gang members based on common and non-criminal criteria. The over-policing of young people can lead to over-criminalization, denial of off-ramps, and detention that can lead non-gang affiliated youth to join gangs and deepen ties of gang-affiliated youth. It is not a crime to be in a gang,³⁶ and the NYPD's definition of "gangs" can easily be applied to any friendship group but is reserved for Black and Latino New Yorkers.

The GANGS Coalition cares deeply about the safety of our young people and their communities, and negative police contact based on non-criminal conduct does not promote that safety – it undermines it. Labeling New Yorkers as gang members puts them at great risk for over-policing and adverse immigration consequences today; it may someday carry even more severe consequences.

The GANGS Coalition urges the City Council to protect all New Yorkers by

- Erasing the Database – pass Intro. 798 and abolish the Criminal Group Database and prohibit any successor databases. Chicago and Portland have abolished their gang databases and crime trends continue unchanged after the gang database was eliminated.³⁷
- Investing in community alternatives – arts, sports, jobs, after school programs, health services, credible messenger programs and crisis management systems, community gardens, affordable housing, and food assistance that reduce trauma and deprivation and truly safeguard our communities.

Thank you for the opportunity to testify on behalf of the GANGS Coalition and the vulnerable New Yorkers of color who are labeled, dehumanized, and othered by the Gang Database and relentlessly surveilled, stopped, frisked, searched, arrested and targeted on social media.

For questions, more information, or to get involved visit us at: <https://erasethedatabasenyc.com> or email us at gangscoalitionny@googlegroups.com

³⁶ *Lanzetta v. New Jersey*, 306 U.S. 451 (1939)(holding that a statute that criminalized being a gang member was void for vagueness).

³⁷ Sandhya Kajeepeta, *What Happens When You Erase a Gang Database*, Dec. 2024 <https://www.naacpldf.org/what-happens-when-you-erase-a-gang-database/>

Exhibit A
Summary of NYPD OIG’s Conclusions Regarding Lack of Documentation for the Criminal Group Database

The OIG’s report notes that, as of 2018, the officers were required “to provide more detailed narratives in their DD5s to support a nomination of an individual to be included in the CGD.” Nonetheless, “OIG-NYPD identified *numerous DD5s for approved entries* in which the narrative sections lacked sufficient detail, and simply requested that an individual be added to the CGD *with little, if any, stated basis.*”³⁸ OIG Report at 38 (emphasis added).

NYPD Gang Database Criteria

Option A (only need one)

- Voluntary Admission
- Posts on their own social media website indicating membership such as photographs, colors or language and symbols frequently used by a criminal group

Or

- Through the course of an investigation an individual is reasonably believed to belong to a criminal group and is identified as such by two independent sources (Ex. Pct. Personnel, Intell, School Safety, Juvenile Justice, Detective Bureau, Dep’t of Corrections, Outside Agencies)

Option B (must have at least two)

- Known group location
- Gang related documents
- Association with known group members
- Social media sites associated with a criminal group including pictures
- Scars/Tattoos associated with a group
- Colors
- Hand signs

Office of Inspector General finding for each criteria

	Criteria	# of 494	% of 494	# of 16,141 dec 2020	Description
A1	Self-admit/Social Media admit			10,326	“in a number of instances” – a single emoji or photo “for a range of entries” – there was no documentary evidence Conclusory, cursory, insufficient p. 43-44
	Self-admit/Debrief				Self-admissions in debrief were “generally memorialized” p. 43
A2	2 Independent Sources	136 10 (zero) 27 (one)	27.3% 7.4% 19.9%	4,985	27.3% of cases activated based on 2 sources, lacked 2 sources p. 45-46

³⁸ <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>

B	Known CG location			6,402	“for a subset documentation was deficient” including no location, large precincts, NYCHA properties, the individuals’ home address, no information on “known location”
B	Group-related documents			1,664	“in most instances” group documents were social media content w/ insufficient description p. 47
B	Known Associates			7145	“less than a third” sufficient p. 48 Greater than 2/3 insufficient 67%, 80%,90%? “happy birthday” on the page of a gang member = Known associate
B	Social media posts			3,141	“a number of occasions” vague narrative provides no basis for multilevel review p.49
B	Scars & tattoos			566	“in the majority of circumstances” DD5s did not describe scars/tattoos or said “unknown” p. 50
B	Gang colors/signs			2,238	“generally” sufficient documentation But used “infrequently” p. 50
B	Other - “based on the sample reviewed the criterion was used “FB posts, Emojis”, CI Intel, Related language” social media”			3,141	Double counted – B Social media and other social media posts p. 51

Testimony of Yasmine Farhang, Director of Advocacy, Immigrant Defense Project

New York City Council Committee on Public Safety - February 24, 2025

Int 798: Abolishing the criminal group database

My name is Yasmine Farhang and I am the Director of Advocacy at the Immigrant Defense Project, which was founded 27 years ago to fight for justice for immigrants targeted by the criminal and immigration legal systems and combat mass deportation. We join the call on this Council to pass Intro 798 and abolish the criminal group database which is actively harming so many New Yorkers - this includes so many immigrant New Yorkers.

As we have heard from many community members, this secret list of New Yorkers whom the NYPD has tagged as suspected gang members - are added often because of nothing less than racial discrimination and abuse of power, for reasons including scars, tattoos, clothings, and social media posts - often innocuous factors which sentence those on the list to perpetual punishment without due process. We need only listen to those who have testified to understand the deep harms that flow from the database - increased surveillance often of *children* - heightened police encounters, harsher court outcomes and family separation.

In New York City, we simply cannot talk about these harms without talking about the way these same categories have been long used by ICE to profile, surveil, detain and deport immigrant New Yorkers, using “confirmed or suspected gang members” as a justification for harming young people and separating families. In New York City, any encounter with the NYPD that results in finger-print sharing, is then shared with the FBI and then with ICE, increasing risk of detention and deportation - whether or not that person is ever charged with a crime and even where a case is dismissed.

With ICE raids increasing in volume and aggression in our city, it is unconscionable to allow this arbitrary database - which makes New Yorkers LESS safe and LESS likely to participate in their communities - to be used as an additional weapon against our immigrant communities.

Under the reign of Trump, the gang member label is being further exploited, classifying many tagged as gang members further s terrorists - at least 8 gangs so far have been classified as “foreign terrorist organizations” by executive order - not only triggering detention and deportation but putting immigrants in the unconscionable position of having to prove a negative - that the terrorism bar should NOT apply to them, while any evidence is happily taken as proof - ie inclusion in a gang database .

And just as we have heard today about the overwhelmingly disproportionate impact to Black New Yorkers of the NYPD’s database - it is also Black immigrants who are disproportionately impacted by detention and deportation. Passing Intro 798 is ultimately about racial justice and we further implore this council to support it to guardrail against the NYPD’s participation in ICE’s cruelty. Just as we call for passage of this bill, we at the Immigrant Defense Project also call for passage of Intro 214 to protect against the NYPD otherwise colluding with ICE.

I want to thank the Public Safety committee for looking into the dangers of NYPD's gang database. My name is Keli Young and I am a State Policy Advocate at the Innocence Project. Thank you for the opportunity to testify in support of Intro 0798, which would abolish the NYPD's gang database and prohibit the creation of any successor database.

At the Innocence Project, we see firsthand the devastation wrought by wrongful convictions. After fighting for years for their freedom, our clients suffer the impact of their wrongful convictions and incarcerations for the rest of their lives. The repercussions of a wrongful conviction are broader than just a single individual; they ripple out, affecting families, friends and entire communities.

NYPD's gang database serves as a catalyst for wrongful convictions, creating a pipeline that transforms routine law enforcement interactions into life-altering injustices. The use of gang databases flies in the face of the concept of individualized justice. Police investigations are intended to use the specific evidence of a crime to lead officers to the individual or individuals who committed that crime, not to maintain a database of people who are permanently under criminal suspicion, can be attached to crimes haphazardly and who can be punished more harshly because of their inclusion in this database.

These databases don't track specific criminal acts but rather create permanent pools of suspects based on highly subjective criteria. According to the NYPD itself, criminal behavior is not necessary for being added to the gang database, but a variety of vague indicators, including wearing colors associated with gangs, using certain emojis or posting photos with "known gang members," and using hand signs that are associated with gangs. Once included, individuals face heightened scrutiny and increased likelihood of arrest, regardless of their actual conduct.

Police are generally not required to inform people that they have been added to any database, and there is little transparency around how these databases are managed and used. But we do know that innocent people are swept into these databases and wrongly arrested and convicted because of them.

The Bronx 120 case demonstrates how devastating this system can be. Nearly half of the 120 defendants were not alleged to be gang members, yet they were swept into a massive RICO case. Despite two-thirds having no prior felony convictions, 115 defendants pleaded guilty to felonies, primarily due to the threat of draconian RICO sentences. Approximately 70 individuals became felons not through their own direct criminal acts, but through vicarious liability for the conduct of acquaintances over nearly a decade.

Unsurprisingly, people of color are overrepresented in this database. 99% of people in the NYPD's gang database are Black and Latinx. This is how racism continues to be baked into our criminal legal system.

Research has shown that mere association with gang allegations dramatically increases the likelihood of conviction, even when evidence is insufficient to meet the standard of proof beyond reasonable doubt. This creates a perfect storm where individuals are labeled as gang members

based on non-criminal criteria, face enhanced charges and sentences, and then encounter juries predisposed to convict based solely on the gang label.

The human cost is devastating. Routine misdemeanor conduct can be transformed into federal charges carrying decades in prison. Young people, particularly people of color who comprise 99% of the database, face permanent felony records based not on their individual actions, but on where they live, who they know, and what they wear.

As laid out in my testimony the collateral consequences associated with being just added to the database are insurmountable. The harms community members endure from this designation is far reaching and most of the time life altering. While understanding the DOI/OIG released a report stating they did not find any harms, let me clear be that their job was to investigate how the database operates and not investigate the harms themselves.

Rather than enhancing public safety, the gang database has proven to be a tool that generates wrongful convictions, something the Innocence Project is working tirelessly to prevent. By abolishing the current gang database and prohibiting the creation of successor databases, Intro 0798 provides a clear path forward. I urge you to pass Intro 0798 and end this unjust system. Thank you for your attention to this critical issue.



Good morning, Chairs Salaam and members of the Public Safety Committee.

My name is David Siffert, and I am a Board Member of the Jim Owles Liberal Democratic Club. The Jim Owles Liberal Democratic Club formed to provide the New York LGBTQIA+ community with a progressive citywide Democratic Club. Our mandate is to see to it that the rights of the LGBTQIA+ community are protected and advanced.

The Jim Owles Liberal Democratic Club supports Intro 798-2024 to abolish the NYPD criminal group database, also known as the gang database.

Nationwide, LGBTQIA+ individuals are more likely to be arrested and incarcerated than our straight, cisgender peers. This begins with youth, where queer youth are over twice as likely to be in the juvenile justice system.¹ As adults, LGBTQIA+ community members are still over twice as likely to be arrested and are over three-times more likely to be incarcerated.²

In New York City specifically, there is a long history of police abuse of the LGBTQIA+ population. From the regular raids on gay establishments in the 1960s, culminating in the Stonewall riots of 1969, NYPD has treated the queer community with unwarranted suspicion and targeted queer New Yorkers with violence on the basis of their sexual orientations and identities. Throughout the 1960s and 1970s, NYPD engaged in a program to surveil the queer community.³

This surveillance and harassment continues. In 2013, the New York Times wrote an article about NYPD harassment of LGBTQIA+ New Yorkers in Queens.⁴ In 2017, NYPD arrested a transgender woman for giving false identification when she presented them with both her legal name and her previous and current legal names.⁵ In 2020, NYPD attacked NYC's Queer Liberation March, assaulting marchers with batons.⁶

¹ <https://www.prisonpolicy.org/blog/2021/03/02/lgbtq/>

² *Id.*

³ <https://gaycitynews.com/nypd-surveillance-on-early-lgbtq-activism-bared/>

⁴ <https://www.nytimes.com/2013/04/07/nyregion/arrests-by-the-fashion-police.html>

⁵ <https://www.aclu.org/cases/dominguez-v-city-new-york>

⁶ <https://www.nbcnews.com/feature/nbc-out/nyc-s-queer-liberation-march-draws-thousands-clashes-nypd-n1232396>

It wasn't until 2021 that New York repealed its "Walking While Trans" law – the crime of "loitering for the purposes of prostitution," used by NYPD to round up transgender women indiscriminately.⁷

In short, LGBTQIA+ New Yorkers have been at increased risk of law enforcement surveillance, stop & frisk, arrest, and incarceration for decades. Unsurprisingly, these risks are only compounded for queer Black and Brown New Yorkers.

NYPD's criminal group database gives NYPD free reign arbitrarily to pick out New Yorkers for increased surveillance. We have already heard how 99% of the database is Black or Brown. While there is no data as to the percentage of the database that is queer, the existence of this category of database to increase surveillance and harassment of New Yorkers is precisely the type of tool that has historically been used against New York's LGBTQIA+ community.

Right now, transgender youth and adults are under assault by our federal government and many state governments. New York has held itself out as a refuge, passing shield laws to protect the provision of gender-affirming care within the state. However, despite these laws, and despite New York City and State civil rights laws that ban discrimination on the basis of gender identity, hospitals across New York City are now barring transgender youth from the same health care treatments that they provide to cisgender youth.⁸ Meanwhile, there have been years of attacks against drag story hour,⁹ and anti-LGBTQIA+ bigots attacked Councilmember Bottcher's office and home.¹⁰ Earlier this month, a transgender man was tortured for a month and murdered upstate.¹¹

All this is to say, queer New Yorkers are under attack from every direction. We have laws in place – from shield laws to civil rights laws – to protect us. However, for decades, those enforcing the laws seem more interested in criminalizing us than protecting us.

For the LGBTQIA+ community, it is more important than ever to remove tools of discriminatory policing. Right now, the gang database is one of NYPD's most potent tools to surveil and harass New Yorkers based on arbitrary criteria. For the safety of the queer community, we must erase the database.

⁷ <https://www.nyclu.org/press-release/nyclu-statement-repeal-and-seal-walking-while-trans-ban>

⁸ <https://www.nytimes.com/2025/02/01/nyregion/nyu-langone-hospital-trans-care-youth.html>

⁹ <https://www.nytimes.com/2022/12/20/nyregion/drag-queen-story-hours-protests-nyc.html>;

<https://www.nbcnews.com/nbc-out/out-news/protesters-bloodied-arrested-nyc-drag-story-hour-rcna75724>

¹⁰ <https://www.cbsnews.com/newyork/news/new-york-city-councilman-erik-bottchers-office-home-vandalized-with-hate-speech/>

¹¹ <https://www.cnn.com/2025/02/21/us/transgender-man-murder-new-york-charges/index.html>

**New York City Council
Committee on Public Safety
February 24, 2025**

Oversight: Int. 125 and Int. 798

Testimony of The Legal Aid Society's Juvenile Rights Practice

49 Thomas Street
New York, NY 10013

Prepared by:
Lisa Freeman
Attorney-in-Charge,
Special Litigation and Law Reform Unit
Juvenile Rights Practice
lafreeman@legal-aid.org

The Legal Aid Society is grateful to Chair Salaam and members of the Committee on Public Safety for holding this important hearing. The testimony of the Juvenile Rights Practice of The Legal Aid Society will be limited to Int. 0125-2024. We refer the Council to the testimony of the Legal Aid Society's Criminal Defense Practice regarding the Int. 0798-2024.

We urge the City Council to adopt Int. 0125-2024, however we urge it be amended to ensure that the rights of youth are adequately protected. Unfortunately, all too often, parents are not able to act in the best interests of their children when they are confronted by law enforcement requesting DNA from their children.¹ We call on the City Council to adopt the specific language we propose in order to ensure that children's DNA information is not impermissibly taken and stored, in violation of their rights.

The Legal Aid Society

The Legal Aid Society represents the majority of children and youth prosecuted in New York City's Family Courts and Criminal Courts. We have dedicated teams of lawyers, social workers, paralegals, and investigators devoted to serving the unique needs of children and youth, including those charged as juvenile delinquents, juvenile offenders and adolescent offenders. The Legal Aid Society's Juvenile Rights Practice represents the majority of youth prosecuted in Family Court in New York City. The Legal Aid Society's Criminal Defense Practice represents the majority of indigent defendants prosecuted in Criminal Court in New York City. The Juvenile Rights Practice and the Criminal Defense Practice's Adolescent Intervention and Diversion (AID) Unit have adopted an integrated representation model to ensure seamless and comprehensive representation of 16- and 17-year-old youths who appear in the Youth Part, the majority of whose

¹ References in this testimony to "parental consent" encompasses the consent of a legal guardian.

cases are removed to Family Court. In addition to representing our clients in trial and appellate courts, we also pursue impact litigation and other law reform initiatives. Further, the Legal Aid Society's DNA Unit provides support on DNA and forensic science issues to Legal Aid Society attorneys and investigators in all five boroughs.

Racial Disproportionality Pervades the Youth Legal System

Appalling and longstanding racial disparities exist in New York City's juvenile and criminal legal systems. Justice-involved adults and children are almost exclusively poor and of color. Fifty-seven percent of the juveniles arrested in 2023 were Black.² This is true despite the fact that only 20.3% of NYC's population is Black.³ Similarly in Fiscal Year 2024, 59.3% of all NYC youth admitted to secure detention facilities self-identified as Black.⁴ It is therefore not surprising that Black youth are disproportionately represented in the City's DNA Suspect Index.

NYC OCME's DNA Suspect Index Is Unlawful

The NYPD contends that, even though the law requires a warrant, court order, or valid consent to take the DNA of an individual,⁵ they are permitted to trick people into giving it away every time they enter a precinct or get a knock on their door. The NYPD and the NYC Office of Chief Medical Examiner (OCME) believe that, even though State law says that only adults convicted of crimes can be kept in a DNA identification index⁶, they can make their own rules to

² https://www.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/year-end-2023-enforcement-report.pdf

³ Id. at Appendix B.

⁴ <https://www.nyc.gov/assets/acs/pdf/data-analysis/2024/detention-demographic-report-fy24.pdf>

⁵ *Samy F. v. Fabrizio*, 176 A.D.3d 44, 53 (1st Dept. 2019).

⁶ See Exec. L. §§ 995(7); 995-c(3)(a).

store more than tens of thousands of individuals, including children⁷ and people who have never been convicted of a crime.⁸ Children charged as juvenile delinquents can never be included in the lawful New York State DNA index because they statutorily cannot be convicted of crimes, they can only be **adjudicated** of a crime in Family Court, which does not constitute a criminal conviction. The Legal Aid Society has sued to stop the NYPD's illegal DNA collection practices and the OCME's unlawful DNA Suspect Index, which includes DNA surreptitiously taken from adults as well as from children.⁹ This litigation is ongoing.

The Legal Aid Society Supports Int. 0125-2024 With Amendments

The NYPD routinely takes DNA samples from New York City's children as young as 12 years old, without a warrant or court order. Instead, the NYPD coerces "consent" to the taking from a parent or guardian or directly from the child him/her/themself. If the NYPD officers or detectives are unable to coerce consent, they often obtain the DNA *anyway* through surreptitious tactics, such as from alleged "abandonment samples" lifted from a cup or bottle of water given to the youth to drink while in police custody, with no notice to the child or parent.

We commend Council Member Ayala for Int. 125, which is intended to address these outrageous practices, but are deeply concerned that merely requiring parental consent, as the bill now stands, does not adequately protect children. All too often, the parent or legal guardian is

⁷ Jan Ransom, *N.Y.P.D. Detectives Gave a Boy, 12, a Soda. He Landed in a DNA Database*, The New York Times (Aug. 16, 2019), available at <https://www.nytimes.com/2019/08/15/nyregion/nypd-dna-database.html>.

⁸ *Supra* n. 4; Aaron Morrison, *Hundreds of Victim and Witness DNA Profiles Removed from New York City Database*, The Appeal (Nov. 26, 2019), available at <https://theappeal.org/new-york-dna-database-victims-witnesses-removed/>.

⁹ *Leslie v. City of New York et al.*, 22-cv-02305 (NRB).

unable to look out for the child's best interest when police are seeking their child's DNA. The reasons for this include:

- The parent may feel coerced to consent;
- The parent may have implicit or explicit conflicts of interest with their child, including that the parent may be the complainant or victim of the alleged crime, or another child of the parent may be the alleged victim;
- The parent may be afraid that they will be held responsible for the child's conduct if the child is not prosecuted, including fear of the parent's own potential criminal or civil liability, or fear of charges of abuse or neglect of the child or other children;
- The parent may be angry with the child or humiliated and believe the child needs to be punished.

For all these reasons, rather than devising a policy that allows for parental consent before police can take DNA from a child, the NYPD should be required to either seek permission for the testing from a court or provide the child with a consultation with an attorney who will solely consider the best interests of the child before allowing the child to consent.

Imagine the circumstances -- you are at the police precinct with your child, and you likely have little to no information about what has transpired. All you know is what the police are telling you in that moment. And the police are driven by their role which is to gather evidence to support an arrest. You may be angry, embarrassed, scared, confused, stressed or more likely all of those things. Your anger may be directed at your child. Maybe the relationship with your teenage child is already strained, you are at your wits' end, and angry that your child has "gotten into trouble." You come into the situation asking yourself, how did he or she let this happen? As

a parent you may also be feeling embarrassed and humiliated by the intrusion of law enforcement into the life of your family and ashamed of what this arrest and court involvement might mean for your child and your family. These emotions and this context will certainly cloud your judgment.

At this stage, as a parent you might feel obligated to teach your child a moral lesson rather than focus on your child's legal interests. As such, you may underestimate the power of law enforcement interrogation techniques, and/or be naive to their intentions or ignorant regarding the extent of your child's involvement.

In addition, there are circumstances when an indisputable conflict of interest between the parent and the child exists. This is true when the complainant in the case is another child or family member, or when the parent might be concerned about their own exposure to criminal or civil liability, including exposure to child abuse or neglect allegations. These circumstances are not unusual when a child is arrested. Given the NYPD's practice allowing for the taking DNA in all sex offense cases or any felony case, many of which might be intrafamilial, this is a great concern.

Surreptitious and Deceptive Practices to Obtain DNA from Children Must Stop.

Moreover, NYPD routinely obtains purported consent to the taking of a child's DNA from a child or his or her parent or guardian through deceptive and coercive tactics. For example, the NYPD convinces parents or guardians to bring a child into a precinct for questioning, sometimes for an alleged minor crime, unrelated to the crime they are in fact investigating. Once in the precinct, the NYPD begins vigorously questioning about a much more serious crime, rattling both the adult and child. As a result, the officer urges the child and adult to provide the officer with a DNA sample to exonerate the child of guilt. These practices are intentionally deceptive and can coerce consent in an insidious manner.

Previous Policy Updates by NYPD Fail to Adequately Protect Children.

After the last City Council hearing on this issue in 2020, the NYPD implemented new policies to voluntarily reform its practices for collection and retention. However, these policies fail to provide adequate protection for children.

- NYPD alleges they will only collect DNA from children when investigating felonies, sex crimes, firearm crimes or hate crimes, UNLESS they get permission from a supervisor.
 - o This is simply not a restriction on NYPD's collecting practices.
- NYPD alleges they will remove from the OCME's DNA Suspect index most of those who were not convicted after two years.
 - o Yet no one should have to wait two years to have their DNA removed, where it is being actively compared to evidence from any investigation and when it shouldn't be in there in the first place. And certainly children, who cannot ever be convicted, should be excluded. Finally, NYPD should not be permitted the boundless discretion to create and "enforce" its own rules about when it removes a person's DNA from the Suspect Index.
- Further, the NYPD's proposal to make removal easier because no court order would be required fails to address all the youth whose cases are adjusted or diverted before being sent to court. These youth never know their DNA has been taken, are never assigned a lawyer, and would certainly have no way of knowing how to get their DNA removed from the index.

We Urge Addition of the Following Language in Bold to Int. 0125-2024:

To adequately protect the rights of children, we urge the amendment of the bill to add the below language in bold, and the deletion of the language in brackets. We note that the inclusion of language about “prior to the lawful arrest” in paragraph “b” creates an ambiguity, as when a person is in fact under arrest is a legal determination, dependent upon whether the person reasonably feels able to leave. As such, the requirement for the NYPD should be crystal clear and not rely upon assertions as to whether someone was in fact under arrest. In addition, the word “specifically” is needed in paragraph “c” because the NYPD maintains that all surreptitious collection is lawful and might consider this paragraph a loophole to the requirements of the rest of this legislation.

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

§ 14-193 Consent required to collect the DNA of a minor. a. Definitions. For purposes of this section, the following terms have the following meanings:

DNA sample. The term “DNA sample” means any amount of blood, saliva, hair or other bodily material from which deoxyribonucleic acid can be extracted.

Minor. The term “minor” means a natural person under the age of 18.

b. No member of the department or other law enforcement officer shall collect a DNA sample from a minor [prior to the lawful arrest of such minor] without first obtaining the written consent of such minor’s parent, legal guardian or attorney, except:

1. Where the DNA sample is abandoned at the scene of an alleged criminal offense and is not collected from the minor’s person; or

2. Where the DNA sample is collected from a minor who is alleged to be the victim of a criminal offense; **or**

3. Where the parent or legal guardian is potentially a suspect in the act under investigation, written consent must be obtained from an attorney for the minor prior to collection; or

4. Where the parent or legal guardian is also the parent or legal guardian of the alleged victim, written consent must be obtained from an attorney for the minor prior to collection; or

5. Where the parent or legal guardian’s interest as demonstrated by the parent or legal guardian in the presence of law enforcement is hostile, indifferent or contrary to the minor’s legal interest.

c. Subdivision b of this section shall not be construed to prohibit any lawful method of collecting a DNA sample from a minor pursuant to a search warrant, other court order or provision of law that **specifically** authorizes the search of a minor for the purpose of collecting a DNA sample.

CONCLUSION

Thank you for holding this hearing to address this urgent and essential issue. We call on the City Council to rid the city of the OCME’s rogue DNA index of predominantly Black and Brown New Yorkers, and to properly regulate the NYPD’s collection of DNA from children.

We look forward to continuing to work with the City Council and are happy to answer any questions you have.

Contact:
Lisa Freeman
lafreeman@legal-aid.org



2471 University Avenue, BSMT
Bronx NY 10468

**Testimony Presented to the New York City Council
Committee on Public Safety
Regarding Int. 798 - Abolishing the Criminal Group Database**

February 26, 2025

Mekong NYC presents this testimony to the New York City Council Committee on Public Safety in support of Int. 798 which would abolish the criminal group database. In supporting this legislation, we call on the City Council to pass Int. 789 and abolish the NYPD's Criminal Group Database ("Gang Database") as soon as possible because this secret database is racially discriminatory and would further jeopardize the safety of immigrant New Yorkers, especially given Trump's targeting of immigrant communities.

Mekong NYC is a social justice organization dedicated to uplifting the Southeast Asian community in the Bronx and across New York. Through community organizing and movement building; fostering healing via arts and culture; and providing a robust social safety net, we aim to build community power.

The Southeast Asian community in New York City is largely made up of Cambodian and Vietnamese refugees who initially arrived in the U.S. in the 1980s and 1990s as part of the largest refugee resettlement program in this country's history. This migration was fueled by the combined factors of the War in Southeast Asia (more commonly known in the U.S. as the "Vietnam War"), genocide, and the mass carpetbombing of the region by the U.S. military. Following this violent conflict, the U.S. government brought Southeast Asian refugees to this country, only for most of our community members to face another struggle for survival. In the U.S. – and specifically in New York City neighborhoods such as the Bronx and South Brooklyn where tens of thousands of Southeast Asian people were resettled – our community members grappled with systemic poverty, over-policing, under-resourced schools, and high rates of trauma and other mental health issues. Despite the pervasive stereotype that Asians are the "model minority," this stereotype is a deeply harmful myth – particularly for the Southeast Asian community who continues to struggle with many of these issues even today, almost fifty years after our initial resettlement in this country.

As a social justice organization that organizes the Southeast Asian community and stands in solidarity with other communities of color, Mekong NYC opposes the NYPD's Gang Database. This database is a racially discriminatory tool that profiles communities of color, especially young people



2471 University Avenue, BSMT
Bronx NY 10468

and low-income persons. This database is broad in scope and includes individuals based on non-criminal and racially stereotyped factors such as having scars or tattoos, wearing specific colors, or “associating” with “gang members”, without providing due process. While this database, along with the aggressive prosecution of suspected gang activity, has been used to criminalize Black and brown communities, these tools have also been weaponized against the Southeast Asian community. During the 1990s, as many Southeast Asian youth banded together for support in the face of poverty and adjusting to a new life in a new country, many were targeted, charged, and convicted of gang-related offenses. Now, decades later, nearly 20,000 Southeast Asian individuals face deportation as a result of these convictions that many received as young people – based on the aggressive prosecution of activities such as socializing with a specific number of other Southeast Asian youth.

Additionally, we urge the City Council to abolish this Gang Database because it would further exacerbate the current deportation crisis facing New York’s immigrant communities. Despite New York City’s claim to be a sanctuary city, this is far from the reality. Any encounter with the NYPD results in finger-printing, which is then shared with the FBI and ICE, which consequently increases a person’s risk of experiencing detention and deportation – even if that person is never charged with a crime or their case is dismissed. This heightened risk of danger for immigrant communities will stoke more fear and anxiety, separate families, and destabilize already vulnerable communities within New York City.

In closing, Mekong NYC strongly urges the City Council to pass Int. 798 and to immediately abolish the NYPD’s harmful, unfair, and racially discriminatory Gang Database. If this city’s leadership is committed to ensuring the safety and well-being of all New Yorkers – especially communities of color and immigrant communities in this City – eliminating this database is a key step in doing so.



TESTIMONY

The New York City Council
Committee on Public Safety

Re: Support for Int. 798, a local law to
abolish the NYPD Criminal Group Database.

NAACP Legal Defense
& Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10006

February 27, 2025

Dear Chairperson Salaam and Councilmembers of the Public Safety Committee:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), we thank the committee for this opportunity to provide testimony regarding the NYPD's Criminal Group Database (the "Database"). We strongly urge the City Council to pass Int. 798, a much-needed bill that would eliminate the Database and prevent city agencies from establishing substantially similar databases in the future.

I. Introduction

LDF is the nation's first and foremost civil rights and human rights law organization. Since its founding nearly 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.¹ 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. In 2010, LDF, with co-counsel the Legal Aid Society and the law firm Paul, Weiss, Rifkind, Wharton & Garrison, LLP, filed *Davis, et al. v. City of New York, et al.*, on behalf of plaintiffs challenging the New York City Police Department's (NYPD) policy and practice of unlawfully stopping and arresting New York City Housing Authority (NYCHA) residents and their visitors for trespass without the requisite level of suspicion.² In 2015, the *Davis* plaintiffs reached a settlement with the City that included full participation in the federal court monitoring of the NYPD that the court ordered in *Floyd, et al. v. City of New York*, the historic lawsuit that successfully challenged the NYPD's unconstitutional stop-and-frisk policies and practices.

The NYPD's use of the Criminal Group Database (the "Database") raises concerns akin to the unconstitutional policing practices that motivated LDF to file suit in *Davis*. Through the Database, the NYPD relies on prejudicial and often unreliable information to designate thousands of New Yorkers as members of gangs or local street "crews." These practices result in racial profiling and sweeping civil liberties violations that disproportionately harm communities of color, including the City's public housing community. Strikingly, the Database almost exclusively targets people of color and has produced even more severe racial disparities than the NYPD's stop-and-frisk regime.³

¹ LDF, *About Us*, <https://www.naacpldf.org/about-us/> (last visited June 26, 2019).

² LDF, *Davis v. City of New York*, <https://www.naacpldf.org/case-issue/davis-v-city-newyork/> (last visited June 26, 2019).

³ See, e.g., *A Closer Look at Stop-and-Frisk in NYC*, New York Civil Liberties Union (Dec. 12, 2022), <https://www.nyclu.org/data/closer-look-stop-and-frisk-nyc> ("From 2003-2023, 90 percent of people stopped by the NYPD were people of color. Black and Latinx New Yorkers made up 52 percent and 31 percent of all stops despite being 23 and 29 percent of the population, respectively."); OIG report at 34 ("The composition of the CGD has remained largely Black and Hispanic since it was created, with the two groups constituting 99% of all entries.")

We urge this committee, and ultimately the whole City Council, to seize on this opportunity to reaffirm its commitment to constitutional, race-neutral public safety policy by passing Int. 798 and abolishing the Database.

II. The Database recreates patterns that existed under stop-and-frisk.

The same communities targeted by NYPD's unconstitutional stop-and-frisk practices—Black and Latino New Yorkers—are also subjected to NYPD's racially biased gang policing practices. The Criminal Group Database labels more than 16,000 New York City residents as members of so-called “street gangs” and youth “crews.”⁴ **Shockingly, Black and Latino people comprise 99% of those in the Database,**⁵ even though combined they only represent roughly half of New York City's population.⁶ Less than one percent of people in the Database are white.⁷ Almost half of people in the Database were entered when they were under the age of 23, and ten percent were minors.⁸ Children as young as 11-years-old have been added to the Database.⁹

The Database has become a mechanism for continuing unconstitutional stop-and-frisk practices using race as a proxy for crime. Black and Latino youth previously subjected to the degradation of unlawful stops and frisks are now stigmatized as criminal through placement on the Database even if they have committed no crime. Just as they do with gang policing today, the NYPD once argued that its stop-and-frisk tactics were designed to prevent crime.¹⁰ However, the federal court in *Floyd* found that the “NYPD carrie[d] out more stops where there are more black and Hispanic residents, even when other relevant variables are held constant.”¹¹ The racial makeup of an area was more predictive of the number of stops taking place in a specific location than the crime rate.¹² Such blatant race-based policing was neither constitutional nor precise. Indeed, the court in *Floyd* noted that the “vague and subjective terms” the NYPD used to support their stops—such as an individual's “furtive movements” or “suspicious bulge,” or the claim that a person was present in a “high crime area” or “fits [a] description” where the description lacked specificity—frequently resulted in unlawful, unjustified stops.¹³

⁴ *An Investigation into NYPD's Criminal Group Database*, NYC Dept. of Investigation 2 (Apr. 18, 2023) (“As of December 2022, there were 16,141 individuals included in the CGD.”) [hereafter “OIG Report”]

⁵ *Id.* at 34.

⁶ *2020 Decennial Census*, U.S. Census Bureau, <https://data.census.gov/table/DECENNIALPL2020.P2?q=new+york+city> (showing that New York City's population is 28.7% Hispanic or Latino and 20.2% Black or non-Hispanic African American).

⁷ OIG Report, *supra* note 4, at 34.

⁸ *Id.* at 35 (showing that 10% of people in the database were minors when added, and 38.6% were between 18-22 years of age).

⁹ *Id.*

¹⁰ *See, e.g.,* Kate Taylor, *Stop-and-Frisk Policy 'Saves Lives,' Mayor Tells Black Congregation*, N.Y. Times (June 10, 2012) <https://www.nytimes.com/2012/06/11/nyregion/at-black-church-in-brooklyn-bloomberg-defends-stop-and-frisk-policy.html> (quoting former New York City Mayor Michael Bloomberg as saying, “By making it ‘too hot to carry,’ the N.Y.P.D. is preventing guns from being carried on our streets[.] . . . That is our real goal — preventing violence before it occurs, not responding to the victims after the fact.”).

¹¹ *Floyd v. City of New York*, 959 F. Supp. 2d 540, 560 (S.D.N.Y. 2013).

¹² *Id.*

¹³ *Id.* at 559-60.

Similarly, the Database is designed and used in such a way that many thousands of Black and Brown boys and young men can be—and *are*—added simply by virtue of the color of their skin, their age, the place where they live, or the way the NYPD perceives the people in their community. Criminal conduct is not a necessary condition to be added to the Database. Historically, one criterion has been whether a person is seen wearing “colors associated with gangs,” which, according to NYPD training materials, could include black, gold, yellow, red, purple, green, blue, white, brown, khaki, gray, and orange.¹⁴ Another has been whether a person spends time in a “gang location,” and the Office of the Inspector General has found that officers often designate NYCHA properties *in their entirety* as gang locations when they use this criterion to add somebody to the Database.¹⁵ The NYPD often adds people based on their social media activity, and in doing so they often provide little or no information as to why the posts in question justify a person’s addition to the Database.¹⁶ An NYPD representative has even stated that a person can be added to the Database for wishing “Happy Birthday” to a suspected gang member on Facebook.¹⁷

These criteria have provided the NYPD with unfettered discretion to identify and certify virtually anyone it wishes as a gang member, and it has used that discretion to construct a list that is almost exclusively Black and Latino. While New York City is home to some predominantly white criminal organizations like the Proud Boys¹⁸ and various Eastern European organized crime syndicates,¹⁹ the Database’s fixation on Black and Brown youth demonstrates that it is part of the NYPD’s strategy to continue targeting the very same New Yorkers it preyed upon under stop-and-frisk.

III. The Criminal Group Database Harms New Yorkers

Inclusion in the Criminal Group Database can and does lead to tangible harm. The Database jeopardizes core civil liberties for young Black and Brown New Yorkers by criminalizing some of their everyday activities, friendships, and community ties. Their freedom of speech may be chilled, as they may limit their communication on social media out of fear that the NYPD will interpret their posts as an admission of gang affiliation that warrants high levels of policing and

¹⁴ Alice Speri, *New York Gang Database Expanded by 70 Percent Under Mayor Bill de Blasio*, The Intercept, (Jun. 11, 2018, 10:49 AM), <https://theintercept.com/2018/06/11/new-york-gang-databaseexpanded-by-70-percent-under-mayor-bill-de-blasio/>.

¹⁵ OIG Report, *supra* note 4, at 81 (finding that “many of the [gang] locations observed involved NYCHA housing complexes in their entirety[.]”)

¹⁶ *Id.* at 43-44.

¹⁷ *Id.* at 48.

¹⁸ See, e.g., *Far-Right 'Proud Boys' Jailed Over New York City Clash With Anti-Fascists*, BBC (Oct. 22, 2019), <https://www.bbc.com/news/world-us-canada-50148024>.

¹⁹ See., e.g., *Leader of Brooklyn-Based Eastern European Organized Crime Syndicate Extradited from Switzerland to Face Racketeering and Other Charges*, U.S. Att’y Off., E.D.N.Y. (Sep. 9, 2022), <https://www.justice.gov/usao-edny/pr/leader-brooklyn-based-eastern-european-organized-crime-syndicate-extradited-switzerland>.

surveillance.²⁰ They may be less likely to freely associate with their friends, families and neighbors due to fear that the NYPD will interpret these relationships as a kind of criminal conspiracy.²¹ The Database may chill people’s willingness to engage in other aspects of public life,²² because the NYPD’s conduct has led them to associate public spaces like parks and communal courtyards with heightened surveillance or police harassment.

The Database and other forms of heightened policing erode the relationship between some Black and Brown New Yorkers and local institutions, including police, and can alienate those community members from supportive services and undermine communities’ safety. For example, youth of color in Red Hook report that police harassment “interrupt[s] community-building for young adults” and therefore contributes to a “loss of community-led social support, connectedness, and mentorship,” which in turn contributes to violence in aggressively policed neighborhoods.²² For some, “heavy police surveillance in public spaces result[s] in a feeling of loss of access to those spaces” and thus the feeling that “spaces such as parks and public housing courtyards were no longer as available to them.”²³ People subjected to increased policing also report reluctance to call the police when safety risks do arise or to cooperate in investigations after the fact.²⁴ Moreover, for Black children, research shows that “distrust of police officers transfers over to other state actors [and] sometimes translates to teachers, probation officers, other adult authority figures,” further disrupting community ties.²⁵ The NYPD’s reliance on reports from outside actors—such as school staff—to justify a person’s inclusion on the Database heightens these feelings of distrust.

²⁰ Adwait S. Malik et. al, Exploring the Impact of Security Technologies on Mental Health: A Comprehensive Review, *Cureus* 16(2), 5 (Feb. 5, 2024), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10918303/pdf/cureus-0016-00000053664.pdf> (“The awareness of being under surveillance, even in public spaces, can instill a sense of vulnerability and self-censorship. Individuals may hesitate to express themselves freely or engage in activities they would otherwise enjoy. The fear of being watched can lead to self-imposed restrictions on one’s behavior and speech, as people may need to conform to perceived norms or expectations.”)

²¹ *Id.* (“The fear of surveillance often leads to self-censorship, where individuals modify their behavior, communication, or actions to conform to perceived societal or surveillance norms. This self censorship can manifest in various ways, from withholding personal opinions and engaging in self expression to avoiding certain activities or discussions. Individuals may refrain from expressing dissenting opinions, engaging in creative or unconventional pursuits, or participating in activities they enjoy.”)

²² Real Rites Research: Young Adults’ Experiences of Violence and Dreams of Community-Led Solutions in Red Hook, Brooklyn at 4 (January 2019), <https://rhicenter.org/wp-content/uploads/2019/02/RealRitesReportFinal.pdf>

²³ *Id.*

²⁴ See e.g., Tom. R. Tyler, et. al, Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men’s Legal Socialization, *J. of Empirical Leg. Stud.* 751, 775 (2014) (concluding that higher police legitimacy predicts lower levels of criminal behavior and increased cooperation with police); Tom R. Tyler, Policing in Black and White: Ethnic Group Differences in Trust and Confidence in the Police, 8 *Police Q.* 322, 322 (2005) (reporting that where citizens do not trust the criminal justice system, they will not use it); Tom R. Tyler & Jeffrey Fagan, Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities?, 6 *Ohio St. J. Crim. L.* 231, 234, 263 (2008) (showing that where the police are seen as legitimate people are more willing to cooperate with the police, report crime in their neighborhoods, and more likely to work with neighborhood groups); Jeffery A. Fagan and Garth Davies, Policing Guns: Order, Maintenance and Crime Control in New York in *Guns, Crime, and Punishment in America* 191, 209 (2003) (describing how unfair policing practices may lead to increases in crime).

²⁵ See e.g., Kristen Henning & Joe Donahue, How America Criminalizes Black Youth, *WAMC* (Nov. 1, 2021), <https://www.wamc.org/podcast/the-roundtable/2021-11-01/how-america-criminalizes-black-youth>.

The constant state of surveillance that people in the Database experience also negatively impacts their emotional and psychological wellbeing. When individuals live with a knowledge that their public or private life is being subjected to government scrutiny, they may experience heightened anxiety, feelings of vulnerability and self-consciousness, which can negatively impact overall mental health.²⁶ Those outcomes may be exacerbated for people with underlying mental health conditions such as anxiety or paranoia, who are at-risk higher risk of experiencing aggravated symptoms like panic attacks and intrusive thoughts, if they are placed in environments with extensive surveillance.²⁷ For these individuals, the distrust of institutions that results from surveillance can also degrade their long-term prognosis.

IV. Other cities have eliminated their gang databases and experienced no negative impact on public safety.

LDF's Thurgood Marshall Institute (TMI) recently conducted research showing that after Portland, OR and Chicago, IL eliminated their gang databases, those cities did not experience an increase in the kind of crime that is often associated with gang activity.²⁸ These findings suggest that gang databases do not improve public safety, and they underscore why New York City must eliminate its own gang database.

In September 2017, the Portland Police Bureau announced it would purge and shut down its gang database and end the practice of designating people as gang members, effective October 15, 2017.²⁹ TMI analyzed daily crime data spanning one year before the database was eliminated through one year after it was eliminated.³⁰ Had the database been an effective or necessary crime prevention tool, the data would show an increase in crime trends after its elimination. Instead, this analysis showed that ending the Portland gang database was not associated with any statistically significant changes in the rate of total crimes, violent crimes, or property crimes.³¹

Similarly, on September 7, 2023, the Chicago Community Commission on Public Safety and Accountability voted unanimously to abolish Chicago's gang database.³² TMI analyzed daily crime data from September 7, 2022 through September 7, 2024 to see if the database or its elimination had any statistically significant impact on relevant crime rates.³³ Like Portland, there

²⁶ Malik, *supra* note 20, at 5.

²⁷ *Id.*

²⁸ See, Sandhya Kajeepeta, *What Happens when you erase a gang database?* LDF (December 13, 2024) <https://www.naacpldf.org/what-happens-when-you-erase-a-gang-database/>.

²⁹ See, Maxine Vernstein, *Portland Police to Halt, Purge All Gang Designations*, Oregon Live (September 8, 2017) <https://www.oregonlive.com/portland/2017/09/portland-police-to-halt-purge.html>.

³⁰ See, *Monthly Portland Neighborhood Offense Statistics*, Tableau Public, https://public.tableau.com/app/profile/portlandpolicebureau/viz/New_Monthly_Neighborhood/MonthlyOffenseTotals.

³¹ Kajeepeta, *supra* note 28.

³² See, Heather Cherone, Nick Blumberg, *Police Oversight Board Votes to Permanently Scrap New Chicago Gang Database*, WTTW (September 7, 2023) <https://news.wttw.com/2023/09/07/police-oversight-board-votes-permanently-scrap-new-chicago-gang-database>.

³³ See, *Crimes 2001-Present*, Chicago Data Portal, <https://data.cityofchicago.org/Public-Safety/Crimes-2001-to-Present/ijzp-q8t2/data>.

was no evidence that eliminating the database was associated with an increase in total crimes, violent crimes, or property crimes.³⁴

These cities eliminated their gang databases because these databases lack credibility and result in staggering racial disparities. Like the NYPD gang database, Portland’s database used spurious and racially charged criteria to add people, such as clothing, tattoos, or being in a photo with an alleged “gang member.”³⁵ In announcing that it would end its database, the Portland Police Bureau (PPB) acknowledged that “being labeled a ‘gang member’ can have a negative impact on the person who may be making attempts to overcome the life challenges they face.”³⁶ Chicago’s police oversight board abolished the city’s gang database because it was “riddled with errors, ripe for abuse and disproportionately targeted Black and Latino Chicagoans,” who comprised 95% of the database.³⁷ Chicago and Portland are not alone; in 2022, the Los Angeles Police Department (LAPD) withdrew from the statewide CalGang Database after an audit found that the LAPD’s use of the database was inconsistent, unreliable, unpredictable, unfair and untrustworthy.³⁸ Like the NYPD database, CalGang is prone to prejudice, as people have been added based on the neighborhood where police encountered them or the color of their clothes.³⁹

It is time for New York to follow in the footsteps of other cities around the country and eliminate the Criminal Group Database.

V. True public safety comes from community-based services, not aggressive policing and surveillance.

Instead of doubling down on harmful policing programs, New York can advance real community safety by prioritizing investments in critical areas such as violence interruption, housing, and essential services for youth.

The Cure Violence model—which relies on credible messengers, violence interrupters, and community outreach and education to prevent violence and change community norms—is a deeply effective intervention. In a multi-year study of Cure Violence sites in the South Bronx and East New York, researchers at John Jay College found that these programs contributed to significant

³⁴ *Kajeepeta*, *supra* note 28.

³⁵ Carimah Townes, *Portland is Saying Goodbye to its Controversial Gang Database*, The Appeal (Sep. 12, 2017), <https://theappeal.org/portland-is-saying-goodbye-to-its-controversial-gang-database-e88e6c05262c/>.

³⁶ *PPB Releases Statement Regarding Public Records Release*, Portland Police Bureau (Mar. 6, 2020), <https://www.portlandoregon.gov/police/news/read.cfm?id=250600>.

³⁷ Heather Cherone, *Police Oversight Board Votes to Permanently Scrap New Chicago Gang Database*, WTTW News (Sep. 7, 2023), <https://news.wttw.com/2023/09/07/police-oversight-board-votes-permanently-scrap-new-chicago-gang-database>.

³⁸ Anita Chabria, *California Bars Police From Using LAPD Records in Gang Database*. Critics want it axed, L.A. Times (July 14, 2020), <https://www.latimes.com/california/story/2020-07-14/california-bars-police-from-using-lapd-records-in-gang-database-as-scandal-widens>.

³⁹ *The CalGang Criminal Intelligence System*, California State Auditor (Aug. 2016), <https://information.auditor.ca.gov/pdfs/reports/2015-130.pdf>.

declines in actual gun violence⁴⁰ and in people’s acceptance of violence as a means to resolve conflicts.⁴¹ More recently, the New York City Council’s Data Team analyzed 17 years’ worth of gun violence data to assess Cure Violence programs’ impact.⁴² They found that Cure Violence positively impacts gun violence in the short- and long-term, and that “that Cure Violence is an effective component of the city’s collection of strategies to remedy gun violence.”⁴³

The success of this model is also reflected in its rapid growth throughout New York City. Since the city’s first Cure Violence program was launched in Crown Heights in 2010,⁴⁴ the model has expanded to include over 40 programs in 31 neighborhoods.⁴⁵ These programs are led and staffed by New Yorkers—many of whom have lived experience with the kinds of conflicts they now resolve—who walk willingly into potentially dangerous situations to de-escalate them and mediate positive outcomes. Their work saves lives, creates more lasting safety, and protects the people they reach from devastating criminal legal repercussions that can follow them for the rest of their lives. The work of Cure Violence programs is a critical step toward building a public safety system that values Black life and ensures longstanding security and stability for all of our communities.

The city should also prioritize improvements in public housing and youth services that serve vulnerable communities that are too often targeted by aggressive and ineffective policing practices such as Criminal Group Database. Instead of designating NYCHA properties as “gang locations,” the city should end its generational divestment from NYCHA housing and provide financial investment and tangible resources to public housing residents who have been disproportionately targeted by surveillance and aggressive policing.⁴⁶ The city should prioritize

⁴⁰ Sheyla L. Delgado et al., *The Effects of Cure Violence in The South Bronx and East New York, Brooklyn*, City University of New York (2017), https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1436&context=jj_pubs at 7 (“In both petty conflicts (Figure 1) and serious conflicts (Figure 2), the young male respondents in Cure Violence neighborhoods demonstrated steeper declines in their support for violence.”)

⁴¹ *Id.* at 9 (“The study’s analysis of shooting victimizations and gun injuries in all four neighborhoods also suggests that Cure Violence contributed to declining gun violence in the two intervention areas[.]”)

⁴² Data made available by the New York City Council at https://github.com/NewYorkCityCouncil/cure_odw.

⁴³ Melissa Nuñez, *Building Safer Communities: Evaluating Cure Violence Program's Impact in NYC*, Presentation by the New York City Council Data Team (2024), https://www.canva.com/design/DAF_VOzPDIQ/63-oC4ywSGFHofP29T2t2w/view?utm_content=DAF_VOzPDIQ&utm_campaign=designshare&utm_medium=link&utm_source=editor#27.

⁴⁴ Sarah Picard-Fritsche & Lenore Cerniglia, *Testing a Public Health Approach to Gun Violence: An Evaluation of Crown Heights Save Our Streets, a Replication of the Cure Violence Model*, Center for Court Innovation 1, https://www.innovatingjustice.org/sites/default/files/documents/SOS_Evaluation.pdf.

⁴⁵ *Mayor Adams to Fund Crisis Management System at Record Level of \$86 Million Next Fiscal Year*, NYC Off. of the Mayor (June 27, 2023), <https://www.nyc.gov/office-of-the-mayor/news/462-23/mayor-adams-fund-crisis-management-system-record-level-86-million-next-fiscal-year>.

⁴⁶ N.Y.C. Dep’t of Investigation, *An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015*, at 5 (June 22, 2016), www.nyc.gov/assets/doi/reports/pdf/2016/2016-06-22-Pr18oignypd_qualityoflife_report.pdf (“Quality-of-life enforcement is not evenly distributed across the City. In 2015, the distribution of quality-of-life enforcement activity in New York City was concentrated in precincts with high proportions of black and Hispanic residents, New York City Housing Authority (NYCHA) residents, and males aged 15-20, based on data from the NYPD and the United States Census.”).

filling the staggering number of vacant units in supportive and public housing,⁴⁷ decrease the barriers to supportive housing, and build on the gains of the Fair Chance for Housing Act by ensuring that New Yorkers with a history substance use or criminal legal system involvement do not endure housing discrimination.⁴⁸

The city must also end its criminalization of young people and invest in services that help them thrive. Half of people in the Database were entered when they were under the age of 23, and over 1,600 were added as minors.⁴⁹ Instead of aggressive policing, young people need educational and employment services so they can have the same opportunities to thrive as others. While there is no data supporting the notion that the Criminal Group Database improves outcomes for children or communities, there is data to suggest that increased investment in public schools reduce the likelihood that children will eventually be arrested.⁵⁰ While the Department of Education has faced budget reductions in recent years, the City would do well to ensure that historically underserved students get the services they need, including guaranteed busing for foster children to remain at their original school,⁵¹ and Community Coordinators to facilitate access to school for children in shelters.⁵² Further, the Council should expand the Summer Youth Employment Program, which equips young people with workforce development skills while significantly reducing their chances of being involved in the criminal legal system.⁵³ These investments would go much further toward promoting public safety than current and failed policing strategies such as the Criminal Group Database.

⁴⁷ Off. of the N.Y.C. Comptroller, *Housing First: A Proven Approach to Dramatically Reduce Street Homelessness* (June 2023), www.comptroller.nyc.gov/wp-content/uploads/2023/06/Brief-Report_Housing-First.pdf.

⁴⁸ N.Y. City Council, Int 0632-2022 (2022).

⁴⁹ OIG Report, *supra* note 4, at 35.

⁵⁰ *Investment in Public Schools Reduces Contact with Criminal Justice System*, U. of Michigan Ford School of Public Policy (May 10, 2022), <https://fordschool.umich.edu/news/2022/investment-public-schools-reduces-contact-criminal-justice-system-epi-working-paper#:~:text=Students%20who%20attended%20better%2Dfunded%20schools%20were%2015%25%20less%20likely,outcomes%2C%20and%20higher%20educational%20attainment>.

⁵¹ *Building on Potential: Next Steps to Improve Educational Outcomes for Students in Foster Care*, Advocates for Children of N.Y. [hereinafter “ACNY”], 21 (Jan. 2023), www.advocatesforchildren.org/sites/default/files/library/building_on_potential.pdf?pt=1 (“[F]ederal and state law require school districts to provide students in foster care with transportation to their school of origin. Despite this legal obligation, the DOE does not currently guarantee bus service or comparable transportation to students in foster care.”)

⁵² Letter to Eric Adams, Mayor of the City of N.Y. (Apr. 28, 2022), www.advocatesforchildren.org/sites/default/files/on_page/sign_on_letter_sth_coordinators_042922.pdf?pt=1 (requesting an additional 100 Community Coordinators, noting that they “could have a far-reaching impact in addressing chronic absenteeism[.]”)

⁵³ *2023 Summer Youth Employment Program (SYEP) Application*, NYC Dept. of Youth and Cmty. Dev., <https://application.nycsyep.com/> (last accessed May 18, 2023) (“Young people aged 16–24 improve their work readiness skills and explore career pathways through paid summer jobs in a variety of industries throughout NYC”); Lauri Scherer, *NYC’s Youth Summer Jobs Program and the Rate of Criminal Activity*, Nat’l Bur. of Econ. Research (2021), www.nber.org/digest/202104/nycs-youth-summer-jobs-program-and-rate-criminal-activity (“[P]articipation in SYEP decreases the chance that a participant is arrested during the program summer by 17 percent, and decreases the chance they are arrested for a felony during the program summer by 23 percent.”).

VI. Conclusion

The NYPD Criminal Group Database continues the shameful legacy of stop-and-frisk policing by casting a presumption of criminality over thousands of Black and Brown New Yorkers and placing them at risk of practical and dignitary harms. These risks caused by the Database at a staggering racially disparate rate are unjustifiable. Other cities have demonstrated that gang databases do not positively impact public safety and that terminating a database does not negatively impact public safety. For the sake of the Black and Brown communities targeted in New York City, the City Council should follow in the footsteps of Chicago and Portland and eliminate the Criminal Group Database.

Respectfully submitted,

David Moss
Fellow, Justice in Public Safety Project
NAACP Legal Defense and
Educational Fund, Inc.

Obi Afriyie
Community Organizer, Criminal Justice
NAACP Legal Defense and
Educational Fund, Inc.



NEIGHBORHOOD DEFENDER SERVICE OF HARLEM

Board Chair
Matthew Mazur

February 24, 2025

Advisory Board Members
Jonathan Abady
Damaris Hernandez
Miriam Gohara
Melody Rollins-Downes
David Sanford
Elinor Tatum

Councilmember Yusef Salaam
Chair, Committee on Public Safety

CEO
Rick Jones

In re: Int 798, Abolish the Gang Database

Managing Director
Piyali Basak

Dear Councilmember Salaam:

I am the Supervising Attorney of the Youth Law Team at Neighborhood Defender Service of Harlem. In that role, I represent young people charged in Family and Criminal Supreme Court. I was scheduled to testify at the February 24th hearing in support of Int 798 to Abolish NYPD's Gang Database. Due to the extended testimony of the NYPD panel, I was unfortunately required to depart for a pre-scheduled court appearance before the panel I was on was called to testify. I am therefore submitting written testimony and urge the City Council to abolish the database.

In my capacity as a youth defender, I represent youth who are directly harmed by their inclusion in NYPD's database. Regardless of what my clients are charged with, prosecutors raise alleged "gang affiliation" at every opportunity throughout the pendency of court proceedings. "Gang Affiliation" is referenced in asking Judges to set higher bail at initial appearance; in attempts to retain cases in the adult court system for children as young as 14 years old; in preventing Youthful Offender status at sentencing; and in restricting alternatives to incarceration options, ironic since incarceration, especially for youth charged as adults, has been shown to make youth more likely to join gangs.

Youthful clients who are included in the gang database, while not notified about that inclusion, are constantly reminded of their inclusion through daily harassment by officers while walking in their own neighborhoods. NYPD officers have admitted to constant surveillance of young teenagers through NYCHA surveillance footage and through social media. While NYPD had agreed to implement changes such as notifying parents of their children's inclusion, we have never had a parent notified.



NEIGHBORHOOD DEFENDER SERVICE OF HARLEM

Our clients inclusion in this database is entirely based on assumptions by NYPD and not on actual, verified information. While NYPD alleges they limit inclusion in the database to those who “self admit” to gang involvement, NYPD has cited social media posts acknowledging a recently deceased youth with a “RIP” post, or social media interactions as innocuous as “following” a neighbor on social media as evidence of “self admission.” NYPD has assumed that spending time with friends – or even family members – who NYPD has determined are gang affiliated is enough for a gang designation and has used children’s creative play and participation in musical endeavors to further their narrative.

As an organization focused on representing the communities of Northern Manhattan, we know how important community is to young people. We know that the City Council is dedicated to positive outcomes for youth, and hope the committee members understanding that as adults, we should be encouraging positive relationships and healthy community to help children cope with trauma and tragedy instead of criminalizing mourning rituals and childhood friendships. We urge the Council to abolish the NYPD Gang Database and help prevent the next generation from this harm.

Board Chair
Matthew Mazur

Advisory Board Members
Jonathan Abady
Damaris Hernandez
Miriam Gohara
Melody Rollins-Downes
David Sanford
Elinor Tatum

CEO
Rick Jones

Managing Director
Piyali Basak

Sincerely,

Michal Gross

Michal Gross
Supervising Attorney, Youth Law Team



118-21 Queens Blvd, Suite 212
Forest Hills, NY 11375

T (718) 261-3047 F (718)261-0798
www.queensdefenders.org

New York City Council
Public Safety Committee
February 24, 2025

Written Testimony of Queens Defenders

Thank you, Chairperson Salaam, and members of the New York City Council Public Safety Committee, for the opportunity to submit testimony regarding **Local Laws 718 and 125**.

Queens Defenders is a Public Defender organization in Queens, New York. Since, 1996, our lawyers have helped over 500,000 people in cases involving homicides and major trials, in treatment courts, domestic violence, housing, youth felony parts and immigrants charged with criminal offenses. We have legal offices in Kew Gardens, Jamaica, and we operate our Rockaway Community Justice Center (RCJC) & Outreach Center in Far Rockaway, Queens. The RCJC works with the office of Queens District Attorney Melinda Katz and community-based organizations, police, elected officials, civic leaders, and residents to provide alternative and restorative justice-based solutions to crime.

Int. 718 would abolish the NYPD's criminal group database and prevent the establishment of any similar database. **Int. 125** would amend the administrative code of the city of New York, in relation to prohibiting the NYPD from collecting DNA from a minor without consent from a



parent, guardian, or attorney.

A) Queens Defenders thanks the Committee on Public Safety for holding this Hearing regarding timely legislation that would hold the NYPD to appropriate standards of transparency and accountability.

There is a systemic culture of racially discriminatory profile policing in New York City. As Public Defenders, we often see the numerous ways that the NYPD’s police powers are illegally extended – and the ramifications this can have for members of our community. **Local Laws 718 and 125** are both crucial pieces of legislation that provide checks on the way the NYPD uses its powers. All New Yorkers deserve to be free from illegal surveillance, unconstitutional stops and searches, and wrongful arrests and convictions.

Stop-and-frisk practices were the primary tool utilized by the NYPD to profile police low-income and communities of color across NYC. However, in 2012, a federal class action in *Davis v. City of New York*, was brought challenging the NYPD’s stop and frisk practices in New York City Housing Authority (‘NYCHA’).¹ Moreover, in 2013, in *Floyd v. City of New York*, the Center for Constitutional Rights challenged street stops more generally, resulting in a federal court appointing an independent monitor to oversee how the NYPD are conducting civilian stops and other investigative encounters through court

¹ Legal Aid Society, Legal Defense Fund – media release October 7, 2024: “Legal Aid, Legal Defense Fund Condemn NYPD for Chronic Underreporting of Civilian Police Stops.”

<<https://legalaidnyc.org/news/report-nypd-failing-report-civilian-stops/>> (accessed 12/12/24).



ordering mandatory reporting of such interactions.² Despite the court ruling, Black and Latinx members of our community continue to be over-surveilled, over-policed, and as a result over-represented in the criminal legal system. Stop-and-frisk practices continue to be implemented by the NYPD disparately. In 2023, only 6% of all stops were white. 59% of stops were Black, and 30% were Latinx (totaling 89%).³ On September 19, 2024, Mr. James Yates submitted a comprehensive ‘Report to the Court on Police Misconduct and Discipline,’ highlighting that unlawful stop-and-frisk practices are on the rise again and there remains dismal accountability for police misuse of their powers.⁴

Queens Defenders represents communities across the borough, including those in Far Rockaway and South Jamaica. NYCLU report that for the period 2003-2023 South Jamaica, which is covered by the 103rd precinct, saw 1386 stops per 1000 residents with a total of 146,610 reported police-civilian stops. During the same period in Far Rockaway, which is covered by the 101st precinct, there were 1332 stops per 1,000 residents with 89,350 total police-civilian stops. These were amongst some of the highest stop rates in the city for that period.⁵ Stop-and-frisks were at an all-time high under the Bloomberg Administration. However, recent stop-and-frisk data shows us that these

² *Id.*

³ New York Civil Liberties Union, Stop and Frisk Data < <https://www.nyclu.org/data/stop-and-frisk-data> > (accessed 12/11/24).

⁴ James Yates, Report to the Court on Police Misconduct and Discipline, September 19, 2024 < <https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf> > (accessed 12/12/24) (‘Yates Report’).

⁵ New York Civil Liberties Union, “A Closer Look at Stop and Frisk in NYC” December 12, 2022 < [A Closer Look at Stop-and-Frisk in NYC - NYCLU](#) > (accessed 12/16/2024).



racially motivated stops are once again on the rise under the Adams Administration.⁶ Stop and frisk practices continue to be used to profile-police Black and Latinx members of our community disparately – particularly in areas such as South Jamaica and Far Rockaway – and it is time for transparency, oversight, accountability and discipline.

The Gang Database has been coined a “tool of mass criminalization.”⁷ Mass criminalization becomes mass incarceration; and mass incarceration plagues New York. In 2023, New York State had an incarceration rate of 317 per 100,000 people.⁸ This means there were approximately 59,000 New York residents who were incarcerated on any given day.⁹ Moreover, at least 267,000 different people were booked into New York jails over the 2023 annual period.¹⁰ These statistics are staggering. As Public Defenders, we are acutely aware of who are remanded in NYC jails and housed in State prisons. They are some of our community’s most vulnerable members. The racial disparity is harrowing -- 90% of those detained at Rikers are Black or Latinx. Over half of the current Rikers population are flagged for mental health concerns. Many are remanded simply because they are unhoused or can’t make bail. The mass incarceration of New Yorkers does not keep our community safe.

⁶ *Id. see also*, NYPD Stop, Question and Frisk Data < <https://www.nyc.gov/site/nypd/stats/reports-analysis/stopfrisk.page> > (accessed 12/11/24).

⁷ Yasmeen Khan, ‘Damning Report on NYPD Gang Database Increases Calls To End ‘A Tool Of Mass Criminalization.’ The Gothamist. Published 12/13/2019 < <https://gothamist.com/news/damning-report-nypd-gang-database-increases-calls-end-tool-mass-criminalization>> (accessed 2/18/2020).

⁸ Prison Policy Initiative, New York Profile Statistics, < <https://www.prisonpolicy.org/profiles/NY.html>> (accessed 10/24/2024).

⁹ *Id.*

¹⁰ *Id.*



Incarcerating our most disadvantaged community members in jails and prisons where they are subject to deplorable conditions, systemic violence, and limited access to rehabilitative programs does not make New York safer for anyone.

The legislation before the Committee will help ensure marginalized members of our community are not illegally surveilled in a way that puts them at risk of wrongful arrest and prosecutions, thus safeguarding against wrongful convictions in NYC.

B) Queens Defenders supports Int. 798 abolishing the Gang Database

We urge the City Council to pass **Int. 798**, sponsored by Council Member Althea Stevens, which seeks to eradicate the New York Gang Database and prevent the establishment of a similar database with another name. In the post stop-and-frisk landscape, gang policing is just another way the NYPD can implement profile policing – and it is time for it to end. Members of our community deserve to feel safe and secure from unconstitutional stops and racially motivated over-surveillance by the police.

Int. 798 would abolish the Gang Database – and prohibit the NYPD or other agencies from creating a new Database with another name. It would also require the City to notify New Yorkers who have been added and inform them of how to request records about their inclusion.¹¹ Moreover, Int. 798 would

¹¹ See generally, G.A.N.G.S Coalition, <<https://erasethedatabaseny.com/>> (accessed 12/12/24).



create a private right of action for those who have suffered harm as a result of these discriminatory practices.

i) Racial disparity

NYPD have increasingly replaced stop-and-frisk practices with surveillance-based community policing via the Gang Database, which disparately profiles Black and Latinx men, young adults, and children. The Gang Database puts minority youths and members at risk of false arrest, malicious prosecution, and wrongful deportation.¹²

There are approximately 16,000 New Yorkers on the Gang Database’s active list, with many more on the inactive list.¹³ Most members are between 17 and 27 years old. An audit conducted by the New York Office of the Inspector General into the Criminal Group Database (‘OIG Report’) confirmed that 99% of all entries in the database were Black and Latinx.¹⁴ This statistic is staggering. Noticeably, there are no members of Mafia organizations; or white supremacist and far-right extremist groups – despite there being a recent rise in white supremacist gang activity.¹⁵

¹² See generally, Surveillance Technology Oversight Project (STOP), Andy Ratto, Nina Loshkajian, Eleni Manis ‘*Guilt by Association: How Police Databases Punish Black and Latinx Youth.*’ September 5, 2023. (STOP, ‘*Guilt by Association*’)

¹³ G.A.N.G.S Coalition, <<https://erasethedatabasenyc.com/>> (accessed 12/12/24).

¹⁴ Strauber, Jocelyn (Commissioner) Barrett, Jeanene (Acting Inspector General for the NYPD) New York Department of Investigation Office of the Inspector General for the NYPD (OIG-NYPD) “An Investigation into NYPD’s Criminal Group Database” April 2023 <www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf> (accessed 12/16/2024). see also G.A.N.G.S Coalition, <<https://erasethedatabasenyc.com/>> (accessed 12/12/24).

¹⁵ See, for e.g., Audra D.S. Burch, ‘*White Supremacist Incidents Are Rising Across the U.S.*’, The New York Times, November 21, 2024, The New York Times, <<https://www.nytimes.com/2024/11/21/us/trump-neo-nazi-anti-government-groups.html>> (accessed 12/12/24).



Many of the Gang Database members have not committed a crime and have been flagged for gang involvement simply due to non-criminal and racist stereotypes: family or friend association; which neighborhood or housing development they live in; or what they wear. For example, the NYPD has added people to its Gang Database for something as arbitrarily simple as being a Facebook friend or posting “happy birthday” on their profile page.¹⁶ This is an absurdly broad inclusionary policy that directly impacts individuals who end up on the database. It does not make New York City safer for anyone -- all it does is create bad data and egregiously puts New Yorkers individual rights at risk. Questions should be asked as to whether funding police operations such as Operation Crew Cut (and those with similar operational goals but which operate under different names) represent a sound allocation of law enforcement resources. As aforementioned, 99% of the people in the Gang Database are Black or Latinx.¹⁷ This proves what we as public defenders know: which is that this kind of “precision policing” is in reality a way of using race as a proxy for crime.

ii) Youth specific considerations

There are youth specific ramifications in the NYPD’s continued operation of its Gang Database. We know that many members of the Database were added when they were teenagers. The NYPD does not inform juveniles or their

¹⁶ STOP, ‘*Guilt by Association*’, *supra* note 17, page 4.

¹⁷ *Id.*;



parents/guardians of their inclusion on the Gang Database. In California, the California Penal Code requires that notifications be given to juveniles and at least one parent or guardian before they are entered into the ‘CalGang’ criminal group database.¹⁸ Moreover, the youth and their parent/guardian must be provided with the basis relied on for their inclusion and have a right to appeal.¹⁹ The NYPD does not provide a similar notification nor appeals process.

The OIG Report states that agencies can identify someone as gang involved and that this can be used to enter someone onto the Gang Database if there are two “independent sources.” These agencies include NYPD precinct personnel, Intelligence or Detective Bureau Investigators, School Safety Agents, and also external agencies such as Administration for Children’s Services (ACS’) Juvenile Justice component, Department of Probation, and Department of Corrections.²⁰ This indication of information sharing internally within the NYPD is problematic. Moreover, the assertion that NYPD is information sharing with external agencies is of particular concern when it includes ACS – an agency that is meant to provide care to New York’s most vulnerable children. ACS oversees New York City’s juvenile secure detention centers (Horizon Juvenile Center and Crossroads Juvenile Center). We know that ACS requests gang affiliation information as a part of detention intake processes. We don’t know the extent to which ACS is information-sharing

¹⁸ *Id.* page 7.

¹⁹ *Id.*

²⁰ *Id.* at page 25.



with the NYPD through information learned through family-regulation investigations and information maintained in juvenile detention records. Without the transparency of this information, there will continue to be an erosion of public trust in both the NYPD and ACS.

There are similar concerns of information-sharing with the NYC Department of Education ('DOE') and the NYPD. DOE has implemented a Gang Prevention and Intervention Unit ('GPIU') in public schools. GPIU utilizes a set of guidelines that are based on stereotypes and are dangerously vague, listing "personality changes" and "alcohol/drug use" as warning signs of gang involvement.²¹ Moreover, under the GPIU's "risk factors for females who join gangs" listed, among others, "low income," "sexual abuse and victimization," "family dysfunction" and "emotional disorders."²² These factors are arbitrary and based on stereotypes. In reality, all they do is criminalize children, poverty, and mental health. The DOE's GPIU also has a formal relationship with the NYPD. Further, NYPD's approximately 5,500 School Safety Agents are stationed inside NYC's public schools. School Safety Agents can inform the NYPD of a student's alleged or perceived gang involvement. NYC's public schools should not be used to surveil our youth and information-share with the NYPD. This perpetuates the school to prison pipeline, and it is unacceptable.

²¹ Alice Speri, 'New York Schools Gang Unit Pushes the Criminalization of Children,' The Intercept, published 2/13/2020, <<https://theintercept.com/2020/02/13/new-york-city-schools-gang-law-enforcement/>> (accessed 2/18/2025).

²² *Id.*



As Public Defenders, we are acutely aware of how our young clients are treated more harshly in the court system when they are labelled a “gang member.” Such a label can limit chances of bail; alternatives to incarceration; and reduced sentences. In the context of gun prosecutions in Queens, whilst the Queens District Attorney’s Office facilitates a gun diversion program administered by the Fortune Society, the exclusionary criteria for the program make it largely inaccessible to most clients. Inclusion on the gang database will almost always ensure that diversion is no longer an option for a client. Indeed, inclusion on the gang database can have very real prejudicial impacts for young people in terms of their ability to access diversion and much needed programming in their communities. The reality is that this kind of exclusionary gate-keeping by prosecutors prevents our most vulnerable youth populations from accessing life-altering programming.

iii) Immigration specific considerations

Under the Trump Administration we are seeing unprecedented mass deportations of immigrants. The NYPD’s arbitrary designation of immigrants as gang members – based on the vague “gang” markers as aforementioned – could make them targets of deportation through illegal information sharing with the NYPD and Immigration and Customs Enforcement (‘ICE’).

iv) Conclusion

The Gang Database is another way for the NYPD to racially discriminatorily over-surveil and over-police Black and Latinx New Yorkers. Indeed, the



NYPD committed more officers to gang policing than there are gang motivated crimes in NYC.²³ Gang policing in this manner is a form of racialized profile-policing and it is a violation of individual rights as protected by the Fourth; Fourteenth; and First Amendments.²⁴ This inherent racial bias makes it clear that reform is not an option and the Gang Database must be eliminated in its entirety. It can be done – we look to the examples of Chicago and Portland who are great examples of successful abolition of Gang Databases.²⁵

C) Queens Defenders supports Int. 125 prohibiting the NYPD from collecting DNA from minors without consent

We urge the City Council to pass **Int. 125**, sponsored by Council Member Diana Ayala, which seeks to prohibit the NYPD from collecting DNA from a minor without consent from a parent, guardian, or attorney.

The NYC’s DNA Rogue Database (‘Database’), as operated by Office of Chief Medical Examiner (‘OCME’) has tens of thousands members of our community genetically catalogued – some of whom have never been arrested,

²³ CUNY School of Law, K. Babe Howell, ‘*Gang Policing: The Post Stop-and-Frisk Justification for Profile Based Policing*,’ 2015, page 2 <[Gang Policing: The Post Stop-and-Frisk Justification for Profile-Based Policing](#)> (accessed 12/12/24).

²⁴ *Id.*, page 2.

²⁵ Sandhya Kajeepeta, PhD, ‘*What Happens When You Erase a Gang Database?*’ NAACP Legal Defense Fund, published 12/13/2024 <[https://www.naacpldf.org/what-happens-when-you-erase-a-gang-database/#:~:text=On%20September%207%2C%202023,development%20of%20a%20new%20database.>](#)> (accessed 2/18/2025).



prosecuted, and/or convicted of any crime.²⁶ Once in the Database there is the constant risk that members will have their DNA scanned in new investigations by the NYPD each day, potentially risking false DNA matches – and thus risking being wrongly arrested, charged, or convicted. New York State law requires a conviction before someone’s DNA can be included in the state-operated DNA database.²⁷ However, NYC’s local database operates contrary to this law. The NYPD’s collection of DNA in this manner has been coined “genetic stop-and-frisk.”²⁸ This method violates the Fourth Amendment’s ban on “unreasonable searches and seizures.” The NYPD should not be allowed to take someone’s DNA without probable cause to suspect that they did something illegal.

As Public Defenders, we see how the NYPD has tunnel vision when DNA is involved, leading it to dismiss solid alibis and other exonerating evidence. Moreover, we see that DNA contamination can occur, which can have devastating consequences.

The NYPD’s DNA database is invasive and illegal, *particularly* when it is children’s rights being violated. The NYPD have a documented practice of

²⁶Jan Ransom and Ashley Southall, “*NYPD Detectives Gave a Boy, 12, A Soda. He Landed in a DNA Database.*” The New York Times published 8/15/2019.

<<https://www.nytimes.com/2019/08/15/nyregion/nypd-dna-database.html>> (accessed 2/18/2025).

²⁷ *Id.* See also, Troy Closson, ‘*This Database Stores the DNA of 31,000 New Yorkers. Is It Illegal?*’ The New York Times published 3/22/2022. <https://www.nytimes.com/2022/03/22/nyregion/nyc-dna-database-nypd.html> (accessed 2/18/2025).

²⁸ Surveillance Technology Oversight Project (STOP), ‘*Genetic Surveillance – The NYPD’s Rogue DNA Database*’, 6/27/2024

<https://static1.squarespace.com/static/5c1bfc7eee175995a4ceb638/t/667b23c170fddc7c6fec5735/1719346113523/2024-06-20+DNA+Database+paper+final.pdf> (accessed 2/19/2025).



collecting “abandonment samples” from children. In 2018, NYPD arrested a 12-year-old boy and offered him soda at the station, which they then secretly swabbed the straw he used for DNA. The boy’s DNA was entered into the DNA database. In the year that followed, his record was searched thousands of times. It would have stayed there had his parents not successfully petitioned the court for his DNA record to be removed.²⁹

Children are entered into the database and remain under constant criminal suspicion into adulthood. This is contrary to the general principles of the Family Court, which is that juvenile records do not follow someone into their adult life.

D) Conclusion

There is a systemic culture of racially discriminatory profile policing in New York City, which is exacerbated by the NYPD’s maintenance of the Gang Database and the DNA Rogue Database. It is time for accountability and law reform to protect the safety and individual privacy rights of all New Yorkers. Queens Defenders urges the New York City Council to enact legislative reform aimed at the much-needed oversight of unfettered police powers. Thank you for your time and the opportunity to submit testimony to the City

²⁹ Jan Ransom and Ashley Southall, “NYPD Detectives Gave a Boy, 12, A Soda. He Landed in a DNA Database.” The New York Times published 8/15/2019.

<<https://www.nytimes.com/2019/08/15/nyregion/nypd-dna-database.html>> (accessed 2/18/2025).



Council Committee on Public Safety regarding this matter of significant public interest.

Any questions can be directed to Gina Mitchell, Attorney-In-Charge of Law Reform and Policy at gmitchell@queensdefenders.org, or to Katja Bignall-Daly, Manager of Juvenile Justice Policy, at kbignalldaly@queensdefenders.org.



40 Rector Street, 9th Floor
New York, New York 10006
www.StopSpying.org | ((212) 518-7573

**STATEMENT OF
JASON L. TAPER
LEGAL FELLOW
SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT, INC.**

**BEFORE THE
COMMITTEE ON PUBLIC SAFETY
NEW YORK CITY COUNCIL**

**SUPPORTING
INT 0798**

**PRESENTED
February 24, 2025**

Good morning, Chair Salaam and members of the Committee on Public Safety. The Surveillance Technology Oversight Project (“S.T.O.P.”) is a New York-based civil rights and anti-surveillance group. S.T.O.P. advocates and litigates against discriminatory surveillance. Thank you for organizing this important hearing. We appreciate the opportunity to testify today to bring much-needed attention to the injustice and discrimination fueled by the NYPD’s gang database.

I speak in support of Introduction 798; it is an important step to protect New Yorkers from a broken approach to policing by abolishing the so-called gang database.

For decades, the NYPD’s discriminatory “Stop and Frisk” policy racially profiled New Yorkers of color, stripping them of their most fundamental rights because of the color of their skin. While New York has in some ways curtailed that unconstitutional blight, we continue to maintain police policies that subject New Yorkers of color to invasive, unjustified, and dehumanizing surveillance. One of the most disturbing systems is the “gang database.”

To be clear, the NYPD’s gang database is a work of pure police fiction. It is, at its core, “Stop and Frisk” reborn through high-tech reputation-laundering. At the height of the Stop and Frisk era, 90% of all stopped “suspects” had only committed the “crime” of Walking While Black/Latino. 54% were Black while only 9% were white. For comparison, the gang database consists of 99.9% Black and Latino New Yorkers,¹ and requires no accusation of any criminal act to be included. Rather than stopping racial profiling, the NYPD simply shifted from physical pat-downs to electronic searches—adding eleven New Yorkers to their sprawling database every single day.² The gang database treats New Yorkers as criminals just for how they dress and where they live. When the database uses vague criteria to target 99.9% Black and Latino people for increased suspicion, for reasons that require no criminal act to warrant that suspicion, we can see right through it for what it truly is: a mass digital dragnet laundering racial discrimination by NYPD.

From these complete fabrications come increased surveillance. NYPD uses the database as part of its all-encompassing Domain Awareness System, on the phones of every officer on the street. When a person is on the database, NYPD escalates their surveillance against them, all without a warrant or even probable cause of any crime. That surveillance can take many forms: in-person stops and searches, the facial recognition-equipped cameras on every city block that feed into the Domain Awareness System, officers behind fake accounts reading kids’ every social media post, or even drones following activists home from protests.

¹ *Oversight – NYPD’s Gang Takedown Efforts: Hearing Before the Comm. on Pub. Safety*, 2018 Leg., 2018-2021 Sess. at 32 (N.Y.C 2018) (statement of Dermot Shea, NYPD Chief of Detectives) [hereinafter *Oversight Hearing*].

² See, Alice Sperti, *New York Gang Database Expanded by 70 Percent Under Mayor Bill de Blasio*, THE INTERCEPT (June 11, 2018) <https://theintercept.com/2018/06/11/new-york-gang-database-expanded-by-70-percent-under-mayor-bill-de-blasio/>.

The surveillance that stems from the database, in itself, has significant psychological harms. Surveillance causes feelings of lack of control, anxiety, paranoia, and symptoms of PTSD.³ Children and teenagers report that the constant surveillance is so traumatic that they are sometimes afraid to leave their homes and socialize with their friends, terrified of falsely being labeled as a “gang member.” It teaches Black and Latino children that their existence is inherently suspicious. It says to entire communities, you are not protected by police, you are the threat we are protecting the “real” community against.

It’s hard to understand how the NYPD still defends their discriminatory database. The definition of “gang”⁴ should include everyone from the mafia to white supremacists, but the database remains ninety-nine percent New Yorkers of color.⁵ When we look at how the database is actually compiled, this discrepancy is no surprise. Leaked NYPD training documents show officers trained to systematically profile people of color as “gang affiliated.”⁶ The NYPD includes numerous New Yorkers simply for wearing a suspicious color of clothing or just being in the same neighborhood as a suspect.⁷ As another example, NYPD uses their fake social media accounts to look at Black and Latino children’s profiles, to see that a child said hello to another child, one who NYPD previously decided was a gang member. NYPD calls that “self-admission” of gang affiliation, when it resembles nothing of the sort. These deeply flawed “identification” procedures amount to NYPD ventriloquism – putting words in others’ mouths. NYPD tries to justify the database by noting that many alleged gang members have been arrested. But of course, an arrest is just another accusation. Every criterion for admission boils down to rumor and officers’ guessing. The database completely disregards truth and accuracy in a way that should be shocking in a country that values due process and innocence until proven guilty.

The database is ripe for authoritarian abuse at a time when democracy is under threat. When NYPD can put your child on the database simply for living in a particular building, that choice can be abused to attack any disfavored group. When NYPD can choose which children’s friendships to call “gang affiliation” without evidence or transparency, that choice can be abused to attack any disfavored group. And in fact, police have been caught using gang databases to suppress dissent: in Phoenix, police were caught inventing a gang (defined as “extremist” with “violent tendencies”) to try to add lawful police protestors to their gang database.⁸ Again: Phoenix officers falsely labeled people protesting police abuses as members of a fictional gang called ACAB (All Cops are Bastards) “using wild exaggerations, lies, and an informant with a documented history of lying.”⁹ These actions only reinforce that the selective prosecution of certain groups deemed gangs is ripe to be weaponized and abused. Not only is the gang database a lie, but it is a lie that serves to propagate fear of vulnerable communities.

³ See, e.g., Malik et al., Exploring the Impact of Security Technologies on Mental Health: A Comprehensive Review, National Library of Medicine, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10918303/>

⁴ See, *Gangs and Crews of New York*, THE INTERCEPT (June 11, 2018) <https://theintercept.com/document/2018/06/11/gangs-and-crews-of-new-york/>.

⁵ *Supra* note 1.

⁶ See, *Gangs and Crews of New York*, THE INTERCEPT (June 11, 2018) <https://theintercept.com/document/2018/06/11/gangs-and-crews-of-new-york/>.

⁷ *Oversight Hearing*, at 25 (statement of Dermot Shea, NYPD Chief of Detectives).

⁸ Dave Biscobing, “Prime for Abuse: Lack of Oversight Lets Phoenix Police Add Protesters to Gang Database,” ABC15 Arizona in Phoenix (KNXV), May 25, 2021, sec. Protest Arrests, <https://www.abc15.com/news/local-news/investigations/protestarrests/prime-for-abuse-lack-of-oversight-lets-phoenix-police-add-protesters-to-gang-database>.

⁹ *Id.*

Now, more than ever, the database poses an extreme risk to immigrant New Yorkers. Especially in the context of the Trump Administration, New York City cannot give ICE an excuse to go after children who have been labeled gang members. ICE makes particularly destructive use of gang databases: in 2022, it deported over 2,600 supposed “gang members.”¹⁰ A 2019 review of Chicago’s gang database found that immigration agencies accessed the database over 32,000 times, in violation of the city’s sanctuary law.¹¹ When ICE circumvents sanctuary city laws, it destroys communities’ trust in their cities and in the law. ICE uses gang databases to conduct “immigration sweeps” that amount to violent gang raids, “ransack[ing] homes” with guns drawn to arrest supposed gang members.¹² A 2017 operation in New York rounded up immigrants with no criminal records for supposed gang involvement, even though many of them had fled their home countries to escape gang violence.¹³ Following immigration sweeps, ICE routinely upcharges detained individuals (“one young man reportedly spent nearly two years in solitary confinement.... before his charges were dropped to marijuana-related offenses.”¹⁴) Being an accused gang member is sufficient grounds for deportation, even in the absence of a crime.¹⁵ And now that ICE is detaining American citizens without due process¹⁶ and imprisoning immigrants at Guantánamo Bay without criminal charges, again on vague and disproven suspicions of gang affiliation,¹⁷ the dangers of a gang database in Trump and ICE’s hands are too high for New York City to allow. There is never a justification for imprisoning first and asking questions – or verifying “gang affiliation” – later. If anyone can be deemed a gang member and locked up by ICE, including citizens, where does it end?

Intro. 798 is the first step towards correcting these myriad injustices and creating a more equitable criminal justice system in New York City. Abolition has no downside: when other cities like Portland and Chicago abolished their gang databases, there was no negative impact on public safety whatsoever.¹⁸ The gang database is an inaccurate, racist, reincarnation of Stop and Frisk. It demonizes communities, chills freedom of association, and puts New Yorkers at risk of devastating criminal and immigration consequences. New York City should not put people in cages, whether on Rikers Island or Guantanamo Bay, on the basis of a racist piece of fiction. The gang database must be abolished.

¹⁰ U.S. Immigration and Customs Enforcement, “ICE Annual Report Fiscal Year 2022,” December 30, 2022, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf#page=3>.

¹¹ Chicago Office of Inspector General, “Review of the Chicago Police Department’s ‘Gang Database,’” at 26. April 11, 2019, <https://igchicago.org/2019/04/11/review-of-the-chicago-police-departments-gang-database/>.

¹² Keegan Stephan, “Conspiracy: Contemporary Gang Policing and Prosecutions.” *Cardozo L. Rev.* 40 (2018): 1023.

¹³ New York Immigration Coalition, “Swept Up in the Sweep Report,” 2018, <https://www.nycic.org/2018/06/swept-up-in-the-sweep-report/>.

¹⁴ Stephan, “Conspiracy: Contemporary Gang Policing,” 1023.

¹⁵ Stephan, “Conspiracy: Contemporary Gang Policing,” 1025. Citing Ali Winston, “Vague Rules Let ICE Deport Undocumented Immigrants as Gang Members,” *The Intercept*, February 17, 2017, <https://theintercept.com/2017/02/17/loose-classification-rules-give-ice-broad-authority-to-classify-immigrants-as-gangmembers>.

¹⁶ <https://nymag.com/intelligencer/article/ice-agents-detain-american-citizens-in-newark-raid.html>

¹⁷ <https://www.nytimes.com/2025/02/19/us/politics/migrant-mission-guantanamo-bay.html>

¹⁸ <https://www.naacpldf.org/what-happens-when-you-erase-a-gang-database/>

TAKEROOT JUSTICE

Testimony to the New York City Council Committee on Public Safety

Public Hearing on Int 0798-2024: Abolishing the criminal group database and prohibiting the establishment of a successor database

February 24th, 2025

Good Afternoon Chair Salaam and Members of the Committee. My name is Christina Chaise and I am a life-long resident of New York City and an Advocacy Coordinator in the Equitale Neighborhood practice at TakeRoot Justice. TakeRoot Justice is a non-profit that provides legal, participatory research and policy support to strengthen the work of grassroots and community-based organizations in New York City.

I am here today to center the concerns and demands established by one of our coalition partners, the G.A.N.G.S. Coalition: to abolish NYPD's Criminal Group Database (CGD), also known as the gangs database. The G.A.N.G.S. Coalition's mission is to end systems that target, surveil, harass, and criminalize young Black and Latinx people, and advance harm-reducing investments in community-based programs that are proven to foster neighborhood safety. The criminalization of gangs, crews, and association is often based on appearance and housing location, particularly in Black and Brown neighborhoods and especially within NYCHA developments. And that's what brings me here today—to speak on and advocate for NYCHA families disproportionately harmed by these practices and policies, and to demand the abolition of the gangs database.

I've lived in public housing since I was 6. Now I am raising my son in the community I grew up in—Ravenswood Houses—and he is two. I was taught, and I teach my son, to say hello to all of our neighbors. It scares me to think that my son, Mateo, can end up on a list that criminalizes him for simply saying, “Good Morning” to his elders. It infuriates me that we have to live a different life because of being public housing residents—a life of hypersurveillance and hyperpolicing. There is not a day where we do not hear police sirens or see an officer—there is a public service area precinct on our corner. Our interface with police is constant. We have an NYPD floodlight¹ across the street that beams into our windows and runs on diesel²—polluting our lungs with cancer-causing particulate matter—so we can be reminded that we are being watched. We walk

¹ For more on negative impacts of NYPD floodlights, see here: <https://www.vice.com/en/article/police-floodlights-are-unlikely-to-reduce-crime-but-could-harm-your-health>; here: <https://www.newyorker.com/culture/the-new-yorker-documentary/the-controversial-floodlights-illuminating-new-york-citys-public-housing-developments>; and also here: <https://medium.com/center-on-privacy-technology/casting-a-light-on-alternatives-to-policing-33bbda7955d3>

² According to the EPA: “Exposure to diesel exhaust can lead to serious health conditions like asthma and respiratory illnesses and can worsen existing heart and lung disease, especially in children and the elderly. These conditions can result in increased numbers of emergency room visits, hospital admissions, absences from work and school, and premature deaths.” From: <https://www.epa.gov/dera/learn-about-impacts-diesel-exhaust-and-diesel-emissions-reduction-act-dera>

TAKEROOT JUSTICE

into a building with multiple signs reminding us that we are being recorded on NYPD closed-circuit cameras—which we—resident association leaders—cannot even access. Who are the cameras for? Our lives as NYCHA residents are entrenched in NYPD surveillance, harassment, and violence, and the gangs database is one of many tools that concretize a life of dehumanization and criminalization.

The gangs database facilitates the public housing-to-prison pipeline. Researchers from CUNY and Columbia University published a 2022 article that quantifies the spatial concentration of incarceration rates in neighborhoods with NYCHA developments. They found that,

“Incarceration is spatially concentrated, with NYCHA neighborhoods reporting the highest rates. Incarceration rates in NYCHA tracts are 4.6 times higher than those in non-NYCHA tracts (541 and 117, respectively). Compared with non-NYCHA tracts, incarceration rates in NYCHA tracts are 5.9 times higher in Manhattan and 6.5 times higher in Brooklyn. More strikingly, 94% of NYCHA tracts display incarceration rates above the median value for non-NYCHA tracts... **Importantly, crime rates in NYCHA and non-NYCHA tracts are similar, suggesting excess crime cannot account for concentrated incarceration in NYCHA tracts.** By contrast, NYCHA tracts report significantly higher rates of stop-and-frisk encounters, lending support for the presence of excessive surveillance of NYCHA developments.”³

It is part of our everyday lives as NYCHA residents to feel like we don’t belong, to feel like a criminal just for being, to feel like a second class citizen. The gangs database is a living document that substantiates this.

As we know, being put on the gangs database leads to harsher sentences and higher bail bonds that extinguish possibilities of a second chance, innocent or guilty. It is a set up. Our children are placed on this list, hypersurveilled, and then roped further into a carceral system depending on who they know and how they represent themselves. It is a set up. We usually can’t pay for the bonds and affirmatively navigate the legal system. It is a set up. And then we lose our child. We lose our child to a system that never saw them as innocent—that never saw them as ‘child’. It is a set up.

The NYPD attacks youth culture by labeling it gang activity, criminalizing the clothes, music, and mannerisms of Black and Brown youth. Both in the community and on social media, our children are not safe because even their social media posts can lead them to being added to the database. In fact, thousands of people in the database were added when they were children/teenagers—as young as 11 years old—yet neither the children or their guardians are informed when they are added. Moreover, many children have been added because their NYCHA building was deemed a “gang location,” literally being criminalized for where they live and their socioeconomic position. In fact, a 2023 OIG report found that the NYPD often


³ Holder, J., Calaff, I., Marcque, B., & Tran, V. (2022). Concentrated incarceration and the public-housing-to-prison pipeline in New York City neighborhoods. *PNAS*, 119(36), e2123201119. pp.4

TAKEROOT JUSTICE

designates entire NYCHA properties as “gang locations,”⁴ meaning that anybody who lives in or visits that building is at risk of being added to the Database. I question if I am in the database, yet I would not know because there is no transparency. Lastly, it must be emphasized how whole families and communities are harmed by gang policing practices, including raids that are dangerous, intrusive, and traumatizing for victims *and* witnesses. Moreover, it can have long-term implications for whole families, including some families that have been forced out of homes at NYCHA because of permanent exclusion letters they received after a raid. I have personally experienced a raid in my own home for a person of interest that was not even there. Do you know how scary it is to be woken up at 5 in the morning to police pounding on your door? Do you know how it feels to have cops in military gear invade and search every inch of your home, with lights in one hand, and a gun in another? This was almost a decade ago, and I **still** get anxious when I hear an unexpected knock on my door. But these experiences of friends, families, and neighbors are just deemed collateral damage. It is harm; it is violence. These gang policing policies and practices break up families and tear apart communities.

I can only share with you my own experience, in my own gendered light-skin body. Meaning, I cannot convey to you the experience of young Black and Brown boys and men that have their childhood stolen, their innocence erased, and their spirits murdered the way they are telling you here today. But I will still speak, with my own experience of having a home raided by police for association with someone they’re looking for; my own experience as a young person that has been stopped-and-frisked more than once and brutalized at protests; as a NYCHA resident who fears and mistrusts the police because of the violence I’ve endured and witnessed; and as a mom who weeps for every mother who lost her son—her baby—to this carceral system. This database does not lead to justice; it leads to death, metaphorically and literally. I implore you to listen *and* respond to the testimonies you hear today from the people of New York. Our children, our brothers, our men, our fathers, our families need you to step up, councilmembers. Abolish the gangs database, now. Thank you.

Contact:

Christina Chaise, Advocacy Coordinator, cchaise@takerootjustice.org, 

⁴ Strauber, J. & Barret, J. (April 2023). *An Investigation into NYPD’s Criminal Group Database*. New York City Department of Investigation, Office of the Inspector General for the NYPD (OIG-NYPD). <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf> p. 46



**The New York City Council
Committee On Public Safety
Chair: Council Member Yusef Salaam**

**Before the City Council Committee on Public Safety on Intro. 798 Abolishing
The NYPD Criminal Group Database (aka the Gang Database)**

Testimony of
The Legal Aid Society
Community Justice Unit

February 24, 2025

Presented by:

Anthony Posada,
Supervising Attorney,
Community Justice Unit
Criminal Law Reform
The Legal Aid Society
49 Thomas Street 10th Floor
New York, NY 10013

On behalf of The Legal Aid Society's Community Justice Unit (CJU), I want to thank the Committee on Public Safety and the Chair Council Member Yusef Salaam for holding this critical hearing on the proposed law Intro. 798, a Local Law to amend the administrative code of the city of New York, concerning abolishing the New York Police Department's Criminal Group Database (aka the NYPD Gang Database) and prohibiting the establishment of a successor database. We thank Chair Salaam and Council Member Althea Stevens for the opportunity to share our perspectives on how this critical issue impacts the communities we serve.

I. ABOLISHING THE GANG DATABASE IS ABOUT CREATING SAFER COMMUNITIES WHERE BLACK AND LATINO YOUTH ARE NOT TARGETED BY THE NYPD FOR SURVEILLANCE.

The Legal Aid Society's CJU is the wrap-around legal services providers to New York City's Crisis Management System (CMS), which is composed of community organizations and city agencies that are working collectively to reduce gun-violence and creating safer communities through a public health services model. Our community partners operate in the most over-policed neighborhoods across the city, focusing their efforts on primarily Black and Latino youth, who are at the highest-risk of being impacted by gun-violence. These are also the same youth who are surveilled and targeted for inclusion in the gang database simply for expressing themselves online, and they are deemed suspicious because of where they live and who they associate with. These are also the same Black and Latino youth whose families are destabilized and torn apart when they are subjected to gang takedowns.

The Legal Aid Society has represented thousands of New Yorkers each year in Criminal, Supreme, and Immigration courts who have been labeled as gang involved. Our experience representing community members, combined with our extensive legal support to community groups working in neighborhoods where gang takedowns have occurred, and our Do It Yourself Freedom of Information Law Initiative (DIY-FOIL) that assists community members in finding out if they have been included in the gang database, provide us with a deep understanding of how being labeled a gang member detrimentally impacts people's lives. Beyond the constant police targeting and harassment, the gang designation has far-reaching collateral consequences, including deportation, increased bail, enhanced sentencing, restrictive conditions of confinement, and restrictive conditions of pretrial release, all without any constitutional safeguards and without a mechanism to challenge inclusion in the database.

- a. *The NYPD's Gang Database is harmful because it is 99% Black and Latino and its racialized criteria stereotypes entire neighborhoods as criminals.***

The gang database allows the NYPD to exploit racialized myths about Black and Latino youth as violent criminals with no accountability and oversight. To understand why the database is 99% Black and Brown, we need to place it in the context of a policing culture that has historically viewed Black and Latino communities as suspicious. This is why the previous criteria for inclusion in the gang database was so arbitrary that it even had a section for “known gang location.” Previous gang takedowns show that virtually all New York City Housing Authority (NYCHA) communities are deemed as known gang locations.¹ Entire communities, including our neighbors and our families, were all lumped as suspicious because they supposedly live in a “known gang location.” This in and of itself is harmful to our Black and Latino communities because they are seen and treated as suspects in over-policed neighborhoods with flood lights in their playgrounds, with police cars on every block, and crane stations for officers to keep surveillance above ground. And despite changes to the NYPD’s inclusion criteria, community members who were included in the gang database based on the “known gang location” factor remain there. Our Black and Latino community members are human beings worthy of respect and dignity, and this database strips them of those qualities to treat them as criminals in a war zone.

I want to share an example of the pervasive fear and harm that being included in the database unleashes for Black and Latino children and their parents, which underscores the importance of abolishing it:

After one of our Know Your Rights (KYRs) workshops, a grandmother who lives in NYCHA, told us that she had a talk with her 9-year-old granddaughter about why she couldn’t wear a blue bandana because that could be used against the 9-year-old to be included in the database. Later that evening, the granddaughter was overheard playing a video game where she was telling the other players not to use the words “gangs” and “crews” to refer to themselves because the police could be listening to their conversations and potentially add them to the database.

This story highlights how the fear of being added to the database has a deep impact on how children see themselves and how they start changing their behaviors because of that fear.

b. The gang database causes detrimental harm to our youth

This gang database empowers the NYPD to rely on racialized myths to target and harass our youth for doing nothing more than being kids. Because so many Black and Latino youth live in impoverished and under-resourced neighborhoods, normal behavior that is a part of adolescent development that all youth, including white privileged youth, engage in, such as risk taking, bad decision making, and being susceptible to peer pressure, is criminalized and labeled gang

¹Even the Office of the Inspector General (OIG) for the NYPD found that this criteria, like many others, lacked sufficient documentation from officers who simply used NYCHA as the entire gang location. An Investigation into NYPD’s Criminal Group Database, April 2023, <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>. OIG report page 46.

activity. Children are then dumped into a racist database, and those sworn to serve and protect us justify watching, stalking, chasing, harassing, searching, and, in some cases, assaulting our youth.

We appear in court every day with young people, and fight prosecutors attempting to paint horrific pictures of the children standing beside us. While they argue to the court that our youth are dangerous gang members not deserving of grace and humanity, we fight to humanize the children standing beside us. Children and young people need support, guidance, and care, not racist databases and dangerous stereotypes.

Our youth tell us stories about abusive encounters with NYPD while at school and in their neighborhood parks. Their day goes from talking, laughing, rapping, and dancing with friends in the park, to being watched, followed, verbally abused, chased, and eventually searched by the police. They've told stories of being locked in cages, at local precincts, for over 8 hours just to eventually be set free without even a ticket. We attend community events and hold community workshops where we repeatedly hear stories of: youth who are thrown against walls and cars by officers in unmarked cars that subject them to aggressive stop and frisks, youth who fear walking home at night not because of community violence, but because they don't want to be harmed by the police, and youth who are constantly questioned by officers about their social media profiles and must navigate their communities with a sense that they are always being watched. Through these community events, we've learned that this is what life looks like for Black and Latino teens living in NYCHA housing.

c. The NYPD enters people in the Gang Database based on lawful conduct and that does not keep us safe

The gang database does not produce safety when its dragnet includes people who were never accused of a crime or any wrongdoing. Without any legitimate basis, NYPD follows and surveilles our children. They surveille children and harass them for saying happy birthday to friends on social media, posting pictures with their brothers and cousins, or using the latest trending slang. And the NYPD continues to push the unsupported narrative that the database is needed to make our streets safer, but that's simply wrong. This racist database does nothing more than damage, destroy, and cause irreparable harm to our youth. The consequences of a mistaken inclusion are too serious to allow this labeling to continue without any basis to challenge it, especially when the NYPD deems online gestures such as emojis as admissions of being in a gang.

d. Unfettered NYPD online monitoring and proactive surveillance works to funnel Black and Latino youth into a system of incarceration and criminalization.

In the present gang database regime, police officers have unchecked discretion in labeling Black and Latino youth as gang members for posting an emoji or being seen in a picture with

friends online.² This is exacerbated further when youth are not fully aware of all the consequences associated with digital usage and how this is used as evidence against them. Many of the youth we work with are surprised when they learn that the content and information that they share online does not belong to them. When we educate them that their deleted communications and posts can be retrieved by the company that owns them, they are all shocked and immediately start talking about changing their online privacy settings. Once a person is labeled as gang involved, they face higher scrutiny from the police, and the risk of dangerous stop-and-frisk encounters, wrongful arrests, higher bail, loss of employment, loss of housing, and the risk of deportation.

e. People who are labeled as gang members are subjected to increase stop-and-frisk resulting in heightened and prolonged encounters with the police.

Our KYR Campaign uniquely places us on the ground with community members who are struggling with the harmful consequences of being mislabeled as gang members. We have delivered hundreds of KYRs workshops to youth and parents on the existence and operation of the gang database. In every single workshop, Black and Latino youth have expressed their frustration and sense of powerlessness with the NYPD's practice of monitoring and criminalizing their behaviors online. Our workshops aim to educate youth about the different social media platforms and other virtual spaces where they are being tracked and approached by NYPD detectives who are using fake profiles to gain access to their feeds and posts. Black and Latino youth repeatedly expressed feeling dehumanized and abused during police encounters and they felt intimidated into providing officers with their social media usernames and passwords.

I want to share an example that highlights the nuanced ways that Black and Latino youth are harmed when subjected to repeated and heightened police encounters that stem from being labeled in the database:

Our client, SK, a 28-year-old Black male, reached out for our support to find out if he had been labeled in the NYPD gang database because he had been subjected to repeated, aggressive police encounters in his neighborhood in Brooklyn. SK shared with us that on one occasion police officers surrounded him as he was approaching his building and told him that SK and his friends were being monitored by the police and that if he or any of his friends committed any crime they would be tried with the highest charges under the law. SK was so struck with fear from this encounter that he stopped going to this previous neighborhood and he went to live with his grandmother. We assisted SK with submitting a FOIL request and after the NYPD denied our request, we appealed and filed a lawsuit to obtain SK's records. After we reached a settlement where the NYPD disclosed SK's own records, we were able to learn that SK had been labeled a gang member when he was a teenager. We learned that SK's inclusion in the database stemmed from his use of emojis on his Facebook page as a minor. The documents also showed that SK

² An Investigation into NYPD's Criminal Group Database, April 2023, <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>

was subjected to over-policing and those arrests, like jumping over a turnstile and disorderly conduct, that were dismissed and sealed, were used to justify his continued label as an alleged gang member for over a decade.

SK's story highlights the ways in which the racialized criteria of the database targets Black and Latino males for simply expressing themselves online, and it shows how the gang label itself does result in the real harm of being subjected to increased stop-and-frisk.

f. The gang label has a profound impact on our immigrant clients.

In our current political climate, immigrants are being increasingly labeled as gang members under a system subject to expansive profiling and surveillance that disproportionately impacts people of color.³

Even before the current administration, the "gang member" label allowed Immigration and Customs Enforcement (ICE) to propagandize at the expense of our clients. Every year the United States deports thousands of individuals identified as "confirmed or suspected gang members."⁴ Thus ICE can spin the deportation of a young person, a student, and member of a family and a community as a victory for public safety.

Additionally, the label greatly increases the chance that ICE will take enforcement action against our clients and has the potential to seriously harm any application for immigration relief that a client might have. Legal Aid represents immigrant youth who currently are in immigration detention centers facing deportation, with slim to no chance of obtaining relief, because they were labeled as gang involved.

Now, under President Trump, the gang member label will do far more harm than just feeding ICE's spin machine and making it harder for our clients to win their immigration cases: it could allow our clients to be *classified as terrorists*. Pursuant to executive orders issued by President Trump, at least eight gangs so far have been classified as "foreign terrorist organizations" alongside groups like ISIS. Being labeled a member of one of these groups makes our clients removable in and of itself,⁵ and ineligible for crucial protections like asylum.⁶ There is no "guilty beyond a reasonable doubt" requirement in immigration law, but rather its opposite: if there is "some evidence" that the terrorism bar applies, the immigrant has the burden of

³ New York Immigration Coalition, Swept Up In The Sweep, available at <http://www.thenyic.org/sweptup> (2018).

⁴ Immigrant Defense Project, Deportation and Gangs, *available at* <https://www.immigrantdefenseproject.org/deportation-and-gangs/>

⁵ 8 USC 1182(a)(3)(b)(i)

⁶ 8 USC 1182(a)(3)(B)(iv)(VI)

proving by a preponderance of the evidence that it does not.⁷ The extremely low requirement of "some evidence" could easily be met by inclusion in the gang database.

advise our clients of the bad news that their chances to stay in the country are severely curtailed, no matter what happens in their criminal case. Now, in the current moment, given the potential for severely increased consequences up to and including being designated as terrorists, we find ourselves at a loss as to how to advise our clients who have been labeled as gang members.⁸

II. THE CJU DIY-FOIL INITIATIVE EXPOSED SOME LOOPHOLES THAT KEEP BLACK AND LATINO YOUTH CYCLING INDEFINITELY IN THE DATABASE AND HIGHLIGHTED THE LACK OF ANY CONSTITUTIONAL SAFEGUARDS.

In 2018, the CJU launched the DIY-FOIL initiative to assist community members finding out if they had been included in the NYPD gang database.⁹ We did this to empower people and give them a way to have some transparency around their inclusion in the database. After helping nearly 1000 people submit FOIL requests and conducting workshops across New York City, we have gained some important insights into the ways in which people who are labeled are maintained their indefinitely. To begin with, the vast majority of New Yorkers do not know that there is an NYPD gang database, that the police are surveilling their social media, and that they can be included without any requirement of wrongdoing or criminality. Secondly, we are convinced that the FOIL process is an inadequate and cumbersome way for people to find out if they have been included in the database. Thirdly, and more critically, there is a pattern among the documents we obtained through our lawsuits showing how people are kept in the database in spite of the current procedure for review.¹⁰ Lastly, our continued efforts in helping New Yorkers demand transparency and obtain their records through the DIY-FOIL initiative has changed the way in which people now request their records.

For the first four years of our DIY-FOIL initiative, every request we filed was outright denied by the NYPD. In that denial, the NYPD would cite a boilerplate FOIL exemption that stated that the records will not be disclosed because they would reveal "non-routine investigative techniques." Thus, the people that used our initiative were able to properly respond to the NYPD's denial to ultimately receive confirmation of whether they had been labeled on the database. However, the people who did not know about our initiative were faced with a cumbersome process designed to discourage them from going any further with the request for their own records. Overall, the DIY-FOIL is not a substitute for true constitutional protections,

⁷ 8 C.F.R. § 1240.8(d) (2018); Matter of M-B-C-, 27 I&N Dec. 31, 36–37 (BIA 2017)

⁸ Padilla v. Kentucky, 559 U.S. 356 (2010).

⁹ Legal Aid will show you how to find out if you are in the NYPD's gang database, *available at* <http://www.nydailynews.com/new-york/legal-aid-discover-nypd-gang-database-article-1.3803816>

¹⁰ Infra. Note 2. Even the OIG report found "insufficient" documentation to support renewal justifications and that ultimately police officers had too much discretion to maintain people on the database simply for having police contact.

and it actually makes a strong case for abolishing the database. Since the database operates in secrecy without ever notifying the people that it labels, and it keeps people in the system permanently, it was never designed with the intent of keeping our communities safe as much as it was designed to legitimize racial profiling and discriminatory policing over Black and Latino communities.

III. WE MUST ABOLISH THE GANG DATABASE AND INCREASE OUR INVESTMENTS IN COMMUNITY PROGRAMS LIKE THE CRISIS MANAGEMENT SYSTEM AND OTHER RELATED PROGRAMS THAT PROMOTE A COMMUNITY-BASED VIOLENCE INTERVENTION MODEL.

New York City is ready to move beyond gang database policing by increasing its commitment and funding to community-based programs like CMS, which is based on a public health model of violence intervention. Our city is experiencing historic lows in shootings¹¹ in large part because it is investing in evidence-based community programs that prioritize de-escalation, conflict resolution, job readiness, and well-being. Other cities that dismantled their gang databases were not thrown into a lawless and crime-ridden state, so the myth that we need the database to keep us safe is not corroborated by the statistics in those cities.¹²

We urge City Council to pass Intro. 798 to abolish the NYPD gang database as we believe it will have a positive impact on creating safer communities. To begin with, eliminating the gang database is one step in the direction of ending a policing culture that treats Black and Latino youth, irrespective of committing any wrong-doing, as violent criminals. When the integrity of our policing systems is compromised and the mechanisms for review are performative, the result is a skewed database that serves to shield officers engaging in massive racial profiling. This is not what the community has in mind when it thinks of public safety. Secondly, abolishing the gang database is about moving away from racists tactics that dangerously set people up for prolonged police encounters, instill fear, diminish a person's self-worth, destabilizing our communities by separating families, stigmatizing youth, and for our noncitizen neighbors placing them on a path of deportation. Thirdly, our city is already investing in an evidence-based model of violence intervention that is producing remarkable results in driving down violence and crime. We should continue expanding our CMS network by increasing their funding and creating more CMS locations in every neighborhood.

¹¹ Lowest number of shootings since the NYPD began tracking that data 30 years ago available at <https://www.nyc.gov/site/nypd/news/pr006/new-york-city-crime-continues-decline-1-700-fewer-major-crimes-january-2025>

¹² What Happens When You Erase a Database, Sandhya Kajepta, *available at* <https://www.naacpldf.org/what-happens-when-you-erase-a-gang-database/#:~:text=On%20September%207%2C%202023,development%20of%20a%20new%20database.>

New York City Council Public Safety Committee Budget Hearing

Written Testimony of Alana Sivin
Director, Greater Justice New York
Vera Institute of Justice

February 24, 2025

My name is Alana Sivin, and I am director of the Greater Justice New York initiative at the Vera Institute of Justice, which works to end mass incarceration, protect immigrants' rights, ensure dignity for people behind bars, and build safe, thriving communities. Thank you for the opportunity to submit testimony.

This year's preliminary city budget for Fiscal Year (FY) 2026 includes \$2.87 billion for the DOC (a 9 percent increase from last year's adopted budget) and \$12.4 billion for NYPD (a 4 percent increase).¹ In contrast, despite some large proposed investments in safe haven beds and temporary housing, funding is set to decrease for agencies that deliver safety by providing community-based services to New Yorkers, including the Department of Youth and Community Development (11 percent decrease), Department of Homeless Services (8 percent), Department of Housing Preservation and Development (6 percent), and Department of Health and Mental Hygiene (3 percent).²

New York City cannot punish its way to safety. Instead, we must increase funding for supportive housing, a community-based continuum of care for New Yorkers experiencing mental illness, alternatives to incarceration, and reentry services. Contact with law enforcement can increase the likelihood of future criminal behavior, and even one day incarcerated can increase the likelihood of rearrest.³ Rather than overfund agencies that trap New Yorkers in an ongoing cycle of instability, arrest, and incarceration, New York's leaders must invest in evidence-backed services that prevent crime, respond to crisis, and stop violence. These investments are also essential to lowering the jail population on Rikers Island so that it can be closed and replaced with the four smaller, modern borough-based jails.

City leaders must hold NYPD accountable for its budget, particularly its overtime budget. There is a concerning pattern of excess overtime spending at NYPD: over the last two fiscal years, for example, overtime spending was \$498 million and \$574 million, respectively. Last fiscal year, NYPD's overspending on overtime was three times larger than the Office of Neighborhood Safety's entire FY 2024 budget (\$190 million) for community-based programs that address systemic drivers of crime and violence.⁴ Despite spending \$550

million on uniformed overtime in just the first six months of FY 2025, NYPD has budgeted uniformed overtime for all of FY 2026 at \$487.7 million. Without any plan for how to rein in overtime so significantly, it seems likely that actual NYPD spending next fiscal year will far exceed budgeted levels.

Beyond budget accountability, city leaders must invest in safety services proven to work. To increase safety via the FY 2026 budget, city leaders should invest \$56.1 million in annual funding as follows:

- **\$4.8 million for Justice-Involved Supportive Housing (JISH).** Also, reissue the request for proposals for new units with higher service funding levels to enable service providers to create and maintain 380 additional JISH units, bringing the total number of units to 500. The city should baseline them in their own unit of appropriation within the Department of Health and Mental Hygiene to increase budget accountability.
- **\$22 million for Intensive Mobile Treatment (IMT) teams,** a 50 percent increase in IMT funding that will help to clear the waitlist of people seeking vital mental health support.
- **\$7 million for Forensic Assertive Community treatment (FACT) teams by,** a 50 percent increase that will enable more justice-involved New Yorkers with mental health needs to access care.
- **\$8 million to restore slated cuts to reentry services** that help New Yorkers returning from incarceration find stable housing, employment, and mental health and substance use treatment.
- **\$3.8 million to restore slated cuts for alternatives to incarceration (ATIs)** to enhance and support the use of ATIs citywide.
- **\$4.5 million for adequately paid peer specialists** to staff mental health and crisis response teams.
- **\$6 million for four new crisis respite centers,** two of which must be opened by the end of 2025 per legislation passed in 2023.⁵ These centers provide up to 28 days of housing and care for people experiencing mental health crises.

Through this \$56.1 million investment, the city can increase safety for less than 6 percent of the \$954.7 million that NYPD spent on uniformed overtime last year.⁶

By investing more in comprehensive, community-based programs that prevent crime before it happens rather than doubling down on punishment afterward, city leaders can improve safety for all New Yorkers. Thank you for the opportunity to provide testimony. Please do not hesitate to contact me at asivin@vera.org if the Vera Institute of Justice may provide further support.

¹ All budget numbers in this brief provided by the New York City Independent Budget Office (IBO), shared with the authors throughout January and February 2025 and on file with the authors. Vera used data from IBO to have the most up-to-date numbers; for more information, contact Benjamin Heller at bheller@vera.org. Note that all Fiscal Year (FY) 2026 preliminary and FY 2025 adopted departmental budget totals include fringe benefits, pension fund contributions, and debt service. See New York City Mayor’s Office of Management and Budget (OMB), *The City of New York Preliminary Budget Fiscal Year 2026: Expense Revenue Contract* (New York: OMB, 2025), <https://www.nyc.gov/assets/omb/downloads/pdf/jan25/perc1-25.pdf>; and OMB, *The City of New York Adopted Budget Fiscal Year 2025: Expense Revenue Contract* (New York: OMB, 2024), <https://www.nyc.gov/assets/omb/downloads/pdf/adopt24/erc6-24.pdf>.

² Alice Gainer, “New \$650 Million Plan to Address NYC’s Mentally Ill Homeless Unveiled by Mayor Eric Adams,” CBS News, January 15, 2025, <https://www.cbsnews.com/newyork/news/bridge-to-home-nyc-mentally-ill-homeless-plan>.

³ Juan Del Toro, Tracey Lloyd, Kim S Buchanan, et al., “The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys,” *Proceedings of the National Academy of Sciences of the United States of America* 116, no. 17 (2019), <https://doi.org/10.1073/pnas.1808976116>; Abigail Novak and Shelby Gilbreath, “Police Stops and Subsequent Delinquency and Arrest: Race and Gender Differences,” *Justice Quarterly* 40, no. 7 (2023), 910-949, <https://doi.org/10.1080/07418825.2023.2235416>; and Core Correctional Solutions, *The Hidden Costs of Pretrial Detention Revisited* (Houston, TX: Arnold Ventures, 2022), <https://perma.cc/4UQV-4S4Q>.

⁴ IBO budget data, January 2025.

⁵ Caroline Lewis, “Deadlines for New Community-Based Mental Health Services Pass the NYC Council,” *Gothamist*, July 14, 2023, <https://gothamist.com/news/deadlines-for-new-community-based-mental-health-services-pass-the-nyc-council>.

⁶ IBO budget data, January 2025.



ALICIA VAICHUNAS FOR CITY COUNCIL • [REDACTED], MASPETH, NY 11378 • [REDACTED] • ALICIAVFORNYC@GMAIL.COM

February 24, 2025

Written Testimony Opposing Intro 125 and Intro 798

Submitted to the NYC Council Public Safety Committee – Oversight Hearing, February 24, 2025

By Alicia Vaichunas, Civic Leader, District 30 Resident, and City Council Candidate

To the New York City Council Committee on Public Safety,

I am Alicia Vaichunas, a civic leader, a lifelong resident of District 30, and a candidate for City Council. I am submitting this testimony to voice my concerns about Intro 125 and, more urgently, Intro 798—legislation that risks weakening a key public safety tool: the NYPD’s gang database. With crime on the rise, this is the wrong time to pull back on measures that protect New Yorkers.

Let me start with Intro 125. Its excessive reporting requirements threaten to bog down the NYPD with paperwork when officers should be focused on fighting crime. I’d add one point of clarity: this bill should have carve-outs to exempt the NYPD from these measures when dealing with serious crimes. We can’t afford to tie law enforcement’s hands in the face of murders, assaults, or other significant threats. While I oppose the bill as written, smart exemptions could make it less burdensome and more practical.

Now, Intro 798—this one worries me most. It takes aim at the gang database, a system that helps the NYPD track gang members and their activities. The database is a critical resource, giving police the knowledge they need to prevent violence and break up criminal networks. We’ve seen gang activity tick up, alongside migrant-driven crime, and this tool has proven its worth in keeping New Yorkers safe. Guardrails are a must—clear rules should be in place to ensure accuracy and protect those who don’t belong on the list.

But here’s where I land: Intro 798 doesn’t just add guardrails; it practically dismantles the system. That’s a step too far in the other direction. We need precision, not demolition. The database, with the right refinements, keeps our communities safer—I stand by that. Throwing it out because of fixable flaws feels more like politics than progress.

As a candidate who puts New Yorkers first, I urge the Council to reject these bills as they stand. Fix Intro 125 with exemptions for serious crimes, and rethink Intro 798 to strengthen—not shred—a tool that works. Safety isn’t negotiable. Let’s keep what protects us and make it better, not tear it down.

Sincerely,

A handwritten signature in black ink that reads "Alicia Vaichunas". The signature is fluid and cursive.

Alicia Vaichunas
District 30 Resident and City Council Candidate

From: [New York City Council](#)
To: [Testimony](#)
Subject: [EXTERNAL] Mon, Feb 24 2025 @ 10:00 AM - Committee on Public Safety
Date: Tuesday, February 25, 2025 9:50:20 PM
Attachments: [REDACTED]

[REDACTED]

Attendee will be: Submitting written testimony

[REDACTED]

Attendee name (Zoom name): Aliyyah Hamid

[REDACTED]

Hearing: Mon, Feb 24 2025 @ 10:00 AM - Committee on Public Safety
Subject of testimony: Intro 798
Organization: Self
Organization if "Other":
Accommodations: None
Language Translation:
Language Translation, if "Other":
Country of origin, if "Creole":

If a testimony was uploaded, it will be in the attachments.

Thank you so much to the Councilmembers of the Committee of Public Safety as well as the legal experts, community organizers, and advocates who have worked tirelessly to abolish NYPD's Gang Database with Intro 798. I am a student at Columbia University, and I am providing this testimony as not only a legislative fellow with the Columbia University Democrats, but also as a young person, someone who has faced different but still related injustices that stem from a society that continues to exercise racialized surveillance over minorities.

The Gang Database is a toxic, panoptic influence in our policing system. Our political moment seeks to steep us in division, whether that be between law enforcement and the people, men and women, between races and religions and political commitments. Law and law enforcement should be on the side of the people, not against. We know all too well from instances of large and small police brutality that this division does not contribute to the betterment of society in any way. People of color are being held back by all institutions – whether that be in the classroom, the workplace, or even in the neighborhoods in which they live. Passing Int 798 is an important step to alleviate the tension sowed by this division, and is an important step towards unity between the strata that operate in the communities of NYC.

99% of the individuals listed in the database are Black and/or Latino, some are as young as elementary school age – as “criminals” despite the fact that no criminal conduct is required to be added to the database. It tethers the “gang” label to children based on friend group associations or where they live – and only adds fuel to unjust stereotypes that hinder Black and Brown communities from security and safety. The Gang Database is an online, more permanent, and less transparent extension of Stop-and-Frisk searches. The lack of transparency and lifelong consequences of being in the database makes it immensely harmful for the trajectory of Black and Brown youth.

It is important to note that empirical research shows that abolishing the database would not increase crime rates. According to the Legal Defense Fund's Thurgood Marshall Institute, in cities that have abolished their racialized databases, such as Portland and Chicago, there is no significant difference between the rate of change of crime. NYC's criminal gang database is not one of public safety but public control.

The legacy of stop-and-frisk, which was deemed unconstitutional in *Floyd v. City of New York* (2013) lives on in the NYPD's Criminal Group Database. In *Floyd*, the U.S. District Court for the Southern District of New York found that stop-and-frisk was discriminatory and did not meet the standard of “reasonable suspicion” required by the Fourth Amendment, which was instantiated to safeguard individuals against unreasonable search and seizure, against unjust power wielded by so-called “law-enforcers”, who are more so wielding control than protecting the people. It is alarming that an individual must submit a Freedom of Information Law (FOIL) request to see if one is on the gang database, and more so that there exists no process to challenge one's listing on the database. For these reasons, as an article published in the Columbia Undergraduate Law Review three years ago shrewdly points out, NYPD's database may be in violation of the due process clause of the Fourth Amendment, and thus unconstitutional.

Indeed, racialized and discriminatory police surveillance practices mark an undemocratic society. I am surprised and appalled that New York City, of all places, still maintains this violent practice. I have always been proud of being a New Yorker, with a sense that my government has a heightened sense of

justice compared to other cities and jurisdictions. Wrongful arrests and over-policing do not contribute to a society where everyone has an equal chance of success and opportunities for prosperity. Abolishing the database by passing Intro 798 will allow for New York to take the steps necessary towards *true* criminal justice. I strongly urge the Council to pass Int 0798 to ensure a more secure future for Black and Brown New Yorkers.

Thank you again for the opportunity to submit this testimony.

From: [New York City Council](#)
To: [Testimony](#)
Subject: [EXTERNAL] Mon, Feb 24 2025 @ 10:00 AM - Committee on Public Safety
Date: Friday, February 21, 2025 3:38:23 PM
Attachments: [testimony.docx](#)

[REDACTED]

Attendee will be: Submitting written testimony

[REDACTED]

Attendee name (Zoom name): Lynn Lu

[REDACTED]

Hearing: Mon, Feb 24 2025 @ 10:00 AM - Committee on Public Safety
Subject of testimony: abolish NYPD gang database
Organization: Self
Organization if "Other":
Accommodations: None
Language Translation:
Language Translation, if "Other":
Country of origin, if "Creole":

If a testimony was uploaded, it will be in the attachments.

I submit this comment in full support of ABOLISHING the NYPD gang database as contrary to public safety. As a longtime resident of NYC (newly arrived just before 9/11) and as a survivor of gun violence near my home, I have experienced physical harm but also benefitted from city measures that genuinely protect public safety, such as support for public schools, quality childcare, gun violence interruptor programs, access to public assistance, and access to legal counsel. Maintenance of the NYPD gang database is NOT a public safety measure; to the contrary, it subjects my neighbors and fellow residents to illegitimate racial profiling, surveillance, and deprivation of due process. Far from supporting community strengths, it promotes distrust and discord. I thank the Committee for its attention to this important matter, and I urge you to pass Intro 798.

Written Testimony of Tamika Mapp, District Leader, 68th AD Part D
City Council Public Safety Committee
New York City

February 24, 2025

Good afternoon, Council Members and esteemed colleagues. My name is Tamika Mapp, and I proudly serve as the District Leader for the 68th Assembly District, Part D. I appreciate the opportunity to submit my written testimony before you today regarding a critical issue that affects the heart and future of our communities: the gang database. I am writing to urge the City Council to take decisive action to dismantle this harmful system—a system that not only misidentifies innocent individuals, particularly our youth, but also imposes long-lasting, unjust consequences that hinder their ability to flourish.

I. Introduction and Overview

For too long, the gang database has been a tool that, while designed to assist in public safety, has inadvertently created a mechanism of exclusion and marginalization. The database, intended to identify individuals with alleged ties to gang activity, has instead become a catch-all system that wrongly labels our children. This misidentification has severe ramifications on their education, employment prospects, and overall well-being. When a young person is mistakenly flagged as gang-affiliated, they are burdened with a stigma that precedes them into every facet of life, from school admissions to job opportunities, and even housing prospects.

As a District Leader deeply committed to the welfare of our community, I have witnessed firsthand the transformative potential of youth when they are nurtured and supported. Yet, this potential is systematically undermined when our children are branded before they even have a chance to develop and demonstrate their true character. The time has come to critically assess and ultimately eliminate the gang database, ensuring that our children are given a fair chance at a promising future.

II. The Impact on Our Youth

Every day, I meet families who are grappling with the repercussions of this flawed system. The gang database's broad criteria and opaque processes mean that many young individuals are erroneously categorized as potential gang members based on circumstantial evidence or mere association. This misclassification is not just a bureaucratic error—it is a profound injustice that inflicts lifelong damage.

Consider the story of a young person in our district, who, despite excellent grades and a commitment to community service, was flagged in the database due to a misinterpreted association. This label followed the child into adolescence, affecting college admissions and leading to discriminatory treatment in internship and job applications. The mental and emotional toll of such a label is immeasurable. Our children are not born criminals; they are born with the

potential to lead, innovate, and inspire. Yet, by embedding a presumption of guilt into their records, we deny them the opportunity to shine based on their merits.

The database not only affects individuals but also sends a harmful message to the broader community. It implies that certain neighborhoods and the young people who reside there are predisposed to criminal behavior—a message that is both damaging and self-fulfilling. When children internalize these expectations, it becomes far more challenging for them to break free from the cycle of disadvantage and disenfranchisement. It is incumbent upon us to ensure that our public safety measures do not undermine the very communities they are meant to protect.

III. Why We Must Eliminate the Gang Database

The primary purpose of any public safety initiative should be to protect and uplift the community, not to cast an irreversible shadow over the lives of our most vulnerable members. The gang database, in its current form, fails to do this. Instead, it creates a permanent record that often inaccurately reflects an individual's involvement or intentions. Here are several reasons why this database must be abolished:

1. **Injustice Through Misidentification:** The criteria used to determine gang affiliation are overly broad and frequently subjective. Many innocent individuals, especially young people, are caught in the crosshairs of an algorithmic or anecdotal system that does not account for context or redemption. This leads to a situation where an error in judgment early in life can lead to a lifetime of diminished opportunities.
2. **Long-Term Societal Consequences:** The label of gang affiliation can stigmatize a person for life. This stigma creates barriers in education, employment, and housing, effectively curtailing the potential of individuals who might otherwise contribute positively to society. Our community cannot afford to waste the talents of our young people by branding them before they have had the chance to demonstrate their true potential.
3. **Erosion of Trust in Public Institutions:** The use of the gang database without rigorous safeguards or opportunities for redress erodes public trust in law enforcement and government institutions. When citizens believe that they are being unfairly targeted and labeled, they are less likely to cooperate with public safety initiatives and more likely to view their government with skepticism. Restoring faith in our institutions requires us to dismantle systems that contribute to these perceptions.
4. **Alternative Solutions Exist:** There are more nuanced and equitable methods to ensure public safety that do not involve broad-brush labels. Community-based interventions, increased oversight, and restorative justice programs can serve as effective alternatives. These approaches not only address the root causes of gang involvement but also provide pathways for rehabilitation and growth.

IV. Call to Action

Our commitment to public safety must be balanced with a commitment to justice and opportunity. As a community leader and advocate for our children, I am writing you with a simple yet powerful message: we must eliminate the gang database. By doing so, we are not only

correcting a system that unjustly penalizes our youth—we are affirming our belief in the potential of every child to grow, learn, and become a contributing member of society.

I urge the City Council Public Safety Committee to take immediate steps toward reviewing and ultimately abolishing the gang database. Let us redirect our efforts and resources toward initiatives that foster true community engagement, support at-risk youth, and provide avenues for personal and professional growth without the burden of a wrongful label.

In closing, I would like to reiterate that the current gang database does not serve the interests of our community. It undermines public safety by perpetuating stigma and hindering the development of our future leaders. Our children deserve the opportunity to flourish free from the shadow of misidentification and the lasting consequences that follow.

I respectfully ask the Council to join me in advocating for a safer, more just, and more equitable system—one that upholds the dignity of every individual and ensures that our community's future is bright and full of promise. Let us work together to transform our approach to public safety and create an environment where every child has the opportunity to thrive.

Thank you for your time and consideration.

Respectfully submitted,

Tamika Mapp
District Leader, 68th AD Part D
[REDACTED]
tmapp@cc68ad.com

From: [New York City Council](#)
To: [Testimony](#)
Subject: [EXTERNAL] Mon, Feb 24 2025 @ 10:00 AM - Committee on Public Safety
Date: Thursday, February 27, 2025 12:09:10 AM
Attachments: [Gang-Database-Dissolution-Testimony.pdf](#)

[REDACTED]

Attendee will be: Submitting written testimony

[REDACTED]

Attendee name (Zoom name): Brian Bowen Guan

[REDACTED]

Hearing: Mon, Feb 24 2025 @ 10:00 AM - Committee on Public Safety
Subject of testimony: Int 0798-2024
Organization: Other
Organization if "Other": Columbia University Democrats
Accommodations: None
Language Translation:
Language Translation, if "Other":
Country of origin, if "Creole":

If a testimony was uploaded, it will be in the attachments.

To the Committee of Public Safety Councilmembers:

Before I begin, I would like to thank the committee for listening to my testimony and your constituents at-large regarding an issue as vital as this one for the well-being of New Yorkers. As a Columbia student, New York has only recently become my physical place of residence, but I have to admit that, like many before me, the promise of the melting pot at the center of the world became a resonant, emotional home long before I moved to Morningside Heights. Broadway shows and awe-inspiring museums aside, what I loved—and still love—most about New York was its promise of opportunity and change for the better. A touchstone of almost every major social movement in American history, I'm proud to live in a city that has centered the well-being of its people in its tradition of progressivism. The city that never sleeps never stops moving forward, either.

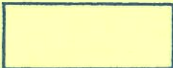
It is because of this unwavering belief in New York that I am so appalled by the continued existence of a “gang database,” one which claims to reduce crime in theory but, in actuality, disproportionately targets vulnerable Black and Brown communities. It is unfathomable that the New York Police Department has recorded around sixteen thousand New Yorkers, almost entirely Black and Hispanic, in a database with no clear exit for actions as minor as staying out late or choosing a specific color of clothing. These are privileges regularly afforded without second thought to residents from less disadvantaged backgrounds; in punishing a select few for these actions, the NYPD reveals their biased hand. I am particularly astounded by the system's persistence because of how other major American cities have already abolished their iterations of such an index. According to analyses by the [Thurgood Marshall Institute](#), Portland and Chicago abandoned their databases in 2017 and 2023 respectively with no

statistically significant impacts on the rate at which total crime changed. Why is New York, a city which prides itself on its history of innovation, so behind on such a crucial front?

We must enact change. It is unacceptable that a database which systematically targets New Yorkers of color is still in place—Intro 798 is the only means through which it and any future replacements can truly be dismantled. By championing this bill, we can move closer to the vision of New York we all want: a city that is equal for all, where every resident can thrive.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 998/125 Res. No. _____

in favor in opposition

Date: 2/24/25

(PLEASE PRINT)

Name: Assistant Chief Jason Savino

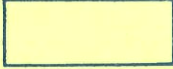
Address: Debtors Bureau

I represent: NYPD

Address: 1 P.P.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 998/125 Res. No. _____

in favor in opposition

Date: 2/24/25

(PLEASE PRINT)

Name: Assistant Commissioner Alder Foster

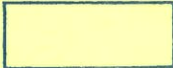
Address: Community Affairs Bureau

I represent: NYPD

Address: 1 P.P.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 998/125 Res. No. _____

in favor in opposition

Date: 2/24/25

(PLEASE PRINT)

Name: Chief of Game Control Strategies

Address: Michael Lepore

I represent: NYPD

Address: 1 P.P.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 798/125 Res. No. _____

in favor in opposition

Date: 2/24/25

(PLEASE PRINT)

Name: Deputy Commissioner Legal Affairs

Address: Michael Gorbete

I represent: NYPD

Address: 1 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Adam Friedland

Address: Brooklyn

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 798 Res. No. _____

in favor in opposition

Date: 2/24/25

(PLEASE PRINT)

Name: Bob Howell

Address: _____

I represent: self / [unclear]

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Christina Chaise

Address: _____ Astoria 11106

I represent: Take Root Justice

Address: 123 Williams St #4th Fl

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 798 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jayoni Taper

Address: _____ Ridgewood NY 11385

I represent: Surveillance Technology Oversight Project

Address: 40 Rector St Floor 6

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 798 Res. No. _____

in favor in opposition

Date: 7/21/25

(PLEASE PRINT)

Name: David Siffert

Address: _____ NY, NY

I represent: Jim Ouler Liberal Democrats Club

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

22

I intend to appear and speak on Int. No. 798 Res. No. _____

in favor in opposition

Date: 2/24/25

(PLEASE PRINT)

Name: Michal Gross

Address: _____ New York NY

I represent: Neighborhood Defender Service of Harlem

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

24

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: YVONNE D JENNINGS

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

23

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Larry M Nickens

Address: 41 CENTRAL N-Y NY

I represent: HEIR BEST & BRIGHTEST

Address: SAME ACADEM

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

21

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Aaltjah Guillory-Nickens

Address: 11 Park Place New York, NY 10007

I represent: Youth Represent

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 798 Res. No. _____

in favor in opposition

Date: 2/24/05

(PLEASE PRINT)

Name: DAVID MOSS

Address: 40 RECTOR ST, NY, NY

I represent: LEGAL DEFENSE FUND

Address: ABOVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

19

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Emily Sue Kim Miller

Address: 315 W 36th Street % Relatives during Healing of Injury

I represent: Self & Communities

Address: as a 1990 uniquely limited Leadership Specialist

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

16

I intend to appear and speak on Int. No. 798 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Yasmine Farhang

Address: _____

I represent: Immigrant Defense Project

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

17

I intend to appear and speak on Int. No. 798 Res. No. _____

in favor in opposition

Date: 2/24/25

(PLEASE PRINT)

Name: Victor Dempsey

Address: 40 recter ST

I represent: GANGS Coalition

Address: [Redacted] Jamaica N.Y.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/24/2025

(PLEASE PRINT)

Name: Sharon Brown

Address: [Redacted] Jamaica NY 11436

I represent: Rose or Sharon Enterprises

Address: [Redacted] Bklyn NY 11238

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 798 + 274 Res. No. _____

in favor in opposition

Date: 2/24/25

(PLEASE PRINT)

Name: Scott Foleta

Address: 317 Leroy Ave. 10th Fl. New York, NY 10027

I represent: Neighborhood Defense Service of Harlem

Address: 317 Leroy Ave. 10th Fl. New York, NY 10027

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 798 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Marquis Jenkins

Address: _____

I represent: Me

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 798 + 25 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Pilar DeJesus

Address: _____

I represent: Take ROOT Justice

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 7796 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Anthony Posady

Address: 49 Thomas St

I represent: THE UGA AND SUEWY

Address: 49 Thomas Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0798 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Keli Young

Address: _____

I represent: Innocence Project

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kraig Lewis

Address: 3058 Grace Ave Bronx, NY

I represent: LDF

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/24/2025

(PLEASE PRINT)
Name: Ashanti Baptiste

Address: _____

I represent: Legal Aid Society

Address: 48 Thomas Street

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 125 & 798 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Talia Kamran

Address: _____

I represent: Brooklyn Defenders Services

Address: 117 Livingston St. Brooklyn 11201

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 798 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Celine Zhu

Address: _____ Brooklyn

I represent: Center for Constitutional Rights

Address: 666 Broadway

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lewis St. erier

Address: _____

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms