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COMMITTEE ON PUBLIC SAFETY

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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February 24, 2025
Start: 10:12 a.m.
Recess: 2:49 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Yusef Salaam,
Chairperson

COUNCIL MEMBERS:

- Joann Ariola
- Diana I. Ayala
- Tiffany Cabàn
- Carmen N. De La Rosa
- Robert F. Holden
- Rita C. Joseph
- Vickie Paladino
- Christopher Marte
- Chi A. Ossè
- Carlina Rivera
- Althea V. Stevens
- Inna Vernikov
- Nantasha Williams

COMMITTEE ON PUBLIC SAFETY

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A P P E A R A N C E S (CONTINUED)

1
2
3 Michael Gerber
4 Deputy Commissioner of Legal Matters, NYPD

5 Jason Savino
6 Commanding Officer of the Detective Bureau
7 Specialty Enforcement Division, NYPD

8 Michael Lipetri
9 Chief of Crime Control Strategies, NYPD

10 Assistant Commissioner Alden Foster, Community
11 Affairs Bureau, NYPD

12 Kraig Lewis
13 Impacted Individual

14 Babe Howell
15 CUNY Law Professor; Author of Bronx 120

16 Vic Dempsey, Community Organizer with G.A.N.G.S.
17 Coalition

18 Anthony Posada
19 Legal Aid Society

20 Aaliyah Guillory-Nickens
21 Youth Represent

22 Yasmine Farhang
23 Immigrant Defense Project

24 Jason Taper
25 S.T.O.P.

David Moss
Legal Defense Fund

COMMITTEE ON PUBLIC SAFETY

3

A P P E A R A N C E S (CONTINUED)

Celine Zhu
Center for Constitutional Rights

Keli Young
Innocence Project

Ashanti Baptise
Legal Aid Society

Talia Kamran
Brooklyn Defender Services

Michael Gross
Neighborhood Defender Services

Scott Foletta
Neighborhood Defender Services

Alex Vitale
Policing and Social Justice Project

David Siffert
Jim Owles Liberal Democratic Club

Pillar Dejesus
Take Root Justice

Christina Chaise
Take Root Justice

Lex Colleen
SRG Campaign

Adam Friedland
Self

Sharon Brown
Self

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COMMITTEE ON PUBLIC SAFETY

A P P E A R A N C E S (CONTINUED)

Emily Yinshing Miller
Self

Lisa Freeman
Self

Tanesha Grant
Self

Christopher Leon Johnson
Self

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2 SERGEANT AT ARMS: This is a microphone check for
3 the Committee on Public Safety. Today's date is
4 February 24, 2025, located in the Chambers.
5 Recording is done by Rocco Mesiti.

6 SERGEANT AT ARMS: Good morning and welcome to
7 today's New York City Council hearing for the
8 Committee on Public Safety. At this time, we ask
9 that you silence all electronic devices and at no
10 time are you to approach the dais. If you would like
11 to sign up for in-person testimony or have any other
12 questions throughout the hearing, please see one of
13 the Sergeant at Arms. Chair Salaam, we're ready to
14 begin.

15 CHAIRPERSON SALAAM: [GAVEL] Thank you. Good
16 morning. I'm Council Member Yusef Salaam, Chair of
17 the Committee on Public Safety. I want to recognize
18 the members of the Public Safety Committee who are
19 here, Deputy Speaker Ayala, Council Member Stevens,
20 Council Member Holden, Council Member Joseph and
21 Council Member De La Rosa. We are here today to
22 examine two critical pieces of legislation that aim
23 to address concerns about how the NYPD engages with
24 the community they serve.
25

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2 First, the Committee will hear Introductions 125,
3 sponsored by Council Member Ayala. Legislation to
4 prohibit the NYPD from collecting DNA from juveniles
5 without the informed consent of a parent, legal
6 guardian or attorney.

7 An individuals DNA is deeply personal and Law
8 Enforcement collection of DNA samples without consent
9 or a judicial warrant raises serious concerns. The
10 NYPD has long engaged in so-called surreptitious DNA
11 collection, which occurs when, for example, an
12 individual in police custody is offered a cigarette
13 or a bottle of water, for detectives to later
14 together and test DNA samples found on those items.

15 This collection can occur without probable cause
16 or even after an individual invokes their right to
17 counsel. The NYPD contends that this is a legal
18 practice underneath the fourth amendment relying on
19 judicial rulings related to abandoned property. Such
20 discarded garbage, which police can search without a
21 warrant. However, critics argue that discarding an
22 item while in police custody is fundamentally
23 different from discarding trash in a dumpster or
24 garbage can on a public street.

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2 Although the NYPD has taken commendable steps to
3 improve transparency and consent regarding its
4 collection of DNA samples from suspects and
5 arrestees. The Department continues to collect DNA
6 samples from minors through deceptive means and
7 without consent. Although I agree that Law
8 Enforcement must have the tools to solve crimes,
9 doing so should not be done at the expense of
10 fundamental rights of individuals. New Yorkers
11 deserve clear protections, transparency and strict
12 limitations on how DNA is collected and used, which
13 is what Intro. 125 seeks to provide.

14 The Committee will also hear Introductions 798,
15 sponsored by Council Member Stevens. Legislation
16 that will abolish the NYPD's criminal group database
17 and prohibit the creation of any successor database
18 with similar functions.

19 The NYPD's criminal group database, commonly
20 known as the Gang Database, is used by law
21 enforcement to track alleged gang affiliations. And
22 criminal networks. The Department maintains that the
23 Gang Database is a vital law enforcement tool that
24 assists criminal investigations and enhances public
25 safety.

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2 However, advocacy groups have long criticized
3 that the database, due to concerns about vague
4 criteria for adding individuals, a lack of
5 notification to those listed, and the absence of an
6 appeals process. These issues disproportionately
7 affect Black and Latino communities. As over 99
8 percent of individuals in the database belong to
9 these groups. Which in turn, can subject these
10 populations to undo surveillance and harmful law
11 enforcement interactions.

12 The 2023 Department Investigation Report
13 confirmed inconsistent data entry practices and
14 inadequate oversight of the gang database,
15 recommending significant reforms, particularly for
16 minors. Although the NYPD has revised some of its
17 policies, key concerns remain. Effective policing
18 must balance crime prevention with fairness.
19 Ensuring no system unfairly targets or stigmatize
20 entire communities.

21 As we will discuss these bills today, we must ask
22 ourselves how do we strike the right balance between
23 public safety and protection of civil liberties?
24 What safeguards must be in place to ensure that
25 policing in New York City is both effective and just?

1
2 Our goal must always be to build a system that
3 upholds fairness, accountability, and trust between
4 Law Enforcement and the people they serve.

5 I look forward to hearing testimony from key
6 stakeholders today including representatives from the
7 NYPD, legal experts, advocates and community members.
8 Thank you for being here and for your engagement in
9 this important conversation.

10 With that I'd like to turn it over to our Public
11 Advocate to make a statement.

12 PUBLIC ADVOCATE WILLIAMS: Thank you Mr. Chair,
13 much appreciated. I also want to note that it is
14 before noon and I'm present. Good morning, my name
15 is Jumaane Williams and I'm Public Advocacy of New
16 York. I want to thank Chair Salaam and the members
17 of the Committee on Public Safety for holding this
18 important hearing.

19 Since 2013, the NYPD has maintained a database of
20 what they characterize as intelligence regarding
21 criminal groups and street gangs. This criminal
22 group database or CGD or as it colloquially called
23 the Gang Database according to the NYPD contains
24 about 16,000 injuries and allows them to discern
25

1 trends, relationships, and patterns to enhance public
2 safety in criminal investigations.

3
4 However, advocates, lawyers, and individuals in
5 the database themselves report that it's largely full
6 of men and boys of more color, many of whom have no
7 gang affiliation at all. It is unclear how or why an
8 individual gets added to the CGD and it is even less
9 clear how someone can get themselves removed from it.
10 Wishing a gang member a happy birthday on social
11 media, being outside late and wearing a certain color
12 and living in the same public housing complex as an
13 excused gang member are all potential reasons for a
14 person to be added to the database.

15 In the last few years, the NYPD has expanded
16 self-admission criteria to including social media
17 postings which can include emoji's or hash tags, all
18 the unclear and undisclosed criteria. This raises
19 questions not only about the interpretation of these
20 posts as admittance of gang membership but also of
21 whether the NYPD can definitively attribute a post to
22 an individual. I think anyone who uses social media
23 can relate to posting something without thinking or
24 something that was misconstrued. It does not mean
25 that they are admitting to being in a gang.

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2 A report from the Office Inspector General for
3 the NYPD, found that 99 percent of those in CGD are
4 Black or Hispanic, 98 percent male and contain kids
5 as young as 13 years old. These demographics are
6 reminiscent of the abuses of stop, question and
7 frisk.

8 In 2023, 59 percent of terry stops were of Black
9 people and 30 percent were Hispanic in a city that is
10 36 percent White. This looks like to a portion of
11 targeting of certain communities. Being labeled as a
12 gang member by the police wrongfully or otherwise,
13 often results in increased police harassments, stops
14 and arrests. This interrupts schooling and
15 employment and even results in incarceration and it's
16 also not the best use of police resources that could
17 otherwise be used to respond or help solve crimes.

18 Individuals are labeled as gang members face
19 obstacles in court as prosecutors can raise alleged
20 dangerousness when judges set bail and claiming gang
21 affiliations can easily color a jury's perception of
22 the defendant. It is damaging allegations that is
23 almost impossible for someone to refute. Contact
24 with the criminal legal system can cost a NYCHA
25 resident their housing, which is especially troubling

1 giving gang takeovers appear to target public housing
2 and the surrounding communities.

3
4 And while we don't know if gang takedowns in New
5 York City have led to deportations, the gang label
6 presents serious and unique legal problems for
7 noncitizens. With President Trump in the office and
8 Mayor Adams collaborating with Immigration
9 Enforcement at the behest of the Administration, it
10 is especially urgent to ensure that we are not
11 mislabeling people as gang members. Today, we are
12 hearing some bills including Intro. 738, sponsored by
13 Council Member Stevens and of which I am a co-
14 sponsor, which would abolish the criminal group
15 database and would prohibit a similar database from
16 being established. It would also require
17 notification to those in the database as well as
18 instruction for how they could request records
19 contained in the database before they're destroyed.
20 It is important to abolish the CGD for a number of
21 reasons, including the fact that the NYPD has
22 violated its database entry and renewal process
23 including renewing inclusion of minors in the
24 database without qualifying police contact and it
25 does not provide sufficient guidance for gang

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2 database entry and lax enforcement in its review
3 process. The NYPD has also historically been
4 resistant to this type of changes.

5 We should instead try to focus our resources in
6 strengthening communities supporting young people who
7 are risk of violence, many of whom have been victims
8 of violence themselves. At a hearing of this
9 Committee this past December, former Chief of
10 Department Manager acknowledged that the NYPD has
11 increased presence in under resourced communities and
12 that he wishes the city would bring more resources to
13 those communities. I agree, we should be using time
14 and money spent on criminalizing youth and young
15 adults of more color on investing education,
16 different violence models, employment programs,
17 affordable housing and health services. We know what
18 does work to prevent crime and violence. We also
19 know that simply trying to arrest the children of the
20 people we arrested 20 years ago will not get there.
21 I just want to also be clear, the issue for me is not
22 necessarily police involvement, it is existing in
23 over policing. Some of the take downs that happen,
24 we have to come back several years later to do the
25 same take down because we haven't done any changes in

1
2 those communities. Often times I see in the news
3 these type of bills that are problems and they
4 present the violence from gangs themselves, even
5 though these bills aren't in effect.

6 And so, what it looks like is some of the things
7 that we're doing aren't working generationally and it
8 doesn't seem like a database like this stops the
9 violence that we want to stop but can cause
10 additional harm to people who now are part of the
11 legal system that now further may fall into more
12 problems with the legal system because they were
13 there in the first place and so, that is the issue
14 that we're trying to fix. I don't want the media to
15 think that people up here are trying to promote
16 violence or want violence in their communities.
17 Quite the opposite, we want it to stop. We also, in
18 my opinion, want to stop asking the police to do
19 everything and try to solve everything. It's unfair
20 to them and it's unfair to the communities that
21 they're asked to solve these problems in. Thank you
22 so much Mr. Chair.

23 CHAIRPERSON SALAAM: Thank you. I'd like to now
24 acknowledge that we've been joined by Council Members
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2 Ariola and Council Member Marte and Council Member
3 Cabàn.

4 I'd now like to turn it over to Council Member
5 Stevens for her opening remarks.

6 COUNCIL MEMBER STEVENS: Good morning. Thank you
7 Chair Salaam and Speaker Adams for us to hold this
8 hearing today and consider bill Intro. 798, which
9 calls for the abolishment of the NYPD's gang database
10 and prohibits the creation of a successor database.

11 I have been on the Public Safety Committee since
12 I've started in Council. One of the things that I've
13 said time and time again is that the NYPD needs to
14 rebuild the trust in Black and Brown communities.
15 And because of the continuously over policing in
16 those communities. In the first place, I believe
17 that they can start by abolishing this database.
18 With the database is having clear racial disparities
19 because 96 percent of the database is made up of
20 Black and Brown people, and we all know those are not
21 the only people in gangs. And I would also like to
22 know, being in a gang is not a crime. I wanted that
23 to be clear.

24 I would also like to highlight, like I said, it's
25 not a crime and it's having them on surveillance.

1
2 For several years prior to Council, I traveled across
3 the city as a member of the gang coalition where I
4 educated communities and young people of the
5 existence of the database and young people would use
6 the Freedom of Information Law, FOIL to see if they
7 were on the database because they were not notified
8 that they were being put under surveillance. And
9 most of those requests still have not been responded
10 to.

11 There is no true data or proof that this database
12 that is solely improving any public safety in their
13 community. The lack of transparency is only prudent
14 that this database is focused on surveillance and
15 racial profiling. This is not just a New York
16 problem. Similar databases across the country, and
17 we have firsthand seen what happens when cities take
18 the rights that fell beneath them. Recent research
19 proved that the elimination of the gang database in
20 Portland and Chicago did not lead to an increase in
21 crime.

22 In fact, it was a clear refute claims that the
23 database prevent - that the prevention of crime or
24 enhanced safety. Instead, we've seen in cities that
25 removed the database is an opportunity to reimagine

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2 public safety. One that is built on investments in
3 communities and not the over policing of our youth.

4 As a long time nonprofit worker, youth developer
5 and now the Chair of Children and Youth Services, I
6 have the answer to what we actually need to drive
7 crimes in our communities. They are investments,
8 investments in affordable housing, education,
9 expanding the workforce opportunities, mental health
10 resources for our young people in community. This is
11 how we're going to create safer communities. Today'
12 legislation is a small step in which NYPD can take in
13 righting some wrongs for many years around creating a
14 true community policing plan, rather than oppressing
15 other communities, and I truly believe that we can
16 work together to restore the trust in these
17 communities that have been over policed and work
18 together to get to a place where we are not seeing
19 such racial disparities. So, thank you.

20 CHAIRPERSON SALAAM: Thank you Council Member
21 Stevens. I'll now introduce our panel of
22 Administration witnesses and turn it over to the
23 Committee Counsel to swear them in. The panel will
24 be Deputy Commissioner Michael Gerber, Assistant
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2 Commissioner Alden Foster, Chief Michael Lipetri,
3 Assistant Chief Jason Savino.

4 COMMITTEE COUNSEL: If you could all please raise
5 your right hands. Do you affirm to tell the truth,
6 the whole truth and nothing but the truth before this
7 Committee and respond honestly to Council Member
8 questions? Noting for the record that all witnesses
9 answered affirmatively. You may begin your
10 testimony.

11 MICHAEL GERBER: Good morning Chair Salaam and
12 members of the Council. My name is Michael Gerber
13 and I am the Deputy Commissioner of Legal Matters for
14 the NYPD. I am joined by Chief of Crime Control
15 Strategies Michael Lipetri, Assistant Chief Jason
16 Savino of the Detective Bureau, and Assistant
17 Commissioner Alden Foster of the Community Affairs
18 Bureau. On behalf of Police Commissioner Jessica
19 Tisch, we thank you for the opportunity to speak with
20 you today about youth and gangs, and about the two
21 bills under consideration.

22 Reducing gun violence is at the heart of the
23 NYPD's public safety mission, and a substantial
24 portion of gun violence in New York City is
25 attributable to gang or crew activity. Those

1 shootings are lives shattered and lives lost,
2 families and communities in pain and grief. The NYPD
3 has a responsibility, a legal mandate and a moral
4 obligation to use the tools at its disposal to solve
5 those shootings and prevent more shootings. One of
6 those tools is the Criminal Group Database, the
7 Department's central repository for intelligence
8 regarding street level gangs and crews. In 2019,
9 there were over 18,000 individuals in the database.
10 That number is now around 13,200, a 27 percent drop.
11 In 2019, there were approximately 440 in the
12 database. There are now approximately 160 juveniles,
13 a 64 percent drop.

14
15 There are just over 500 gangs and crews
16 represented in the database. It is true that 99
17 percent of the individuals in the database are people
18 of color. It is also true that in New York City from
19 2019 to 2024, 96 percent of the individuals arrested
20 for shootings and 96 percent of shooting victims were
21 people of color. Our detectives work tirelessly to
22 investigate these shootings and seek justice for the
23 victims and their families. More broadly, the
24 Department devotes tremendous resources to prevent
25 additional shootings and save lives.

1
2 As part of this effort, the database provides
3 crucial intelligence to NYPD investigators. It
4 contains criminal group names, membership, associated
5 incidents, geographic data, and inter-group rivalries
6 and relationships. By consolidating this
7 information, investigators and executives can
8 identify trends and patterns involving gang activity.
9 This information helps the Department interrupt
10 cycles of violence and prevent acts of violent
11 retaliation. In particular, when an individual is
12 shot or killed, the database allows us to immediately
13 identify whether that person is part of a gang. That
14 raises the possibility that the shooting is gang
15 motivated. This intelligence assists the
16 investigators working to solve the crime, and even
17 more important, helps us prevent retaliatory
18 violence. One of the many tragedies of gang related
19 shootings is that one shooting leads to a retaliatory
20 shooting, which in turn leads to another shooting. A
21 cycle of violence that feeds on itself. The key to
22 preventing the cycle of violence is having accurate,
23 immediate intelligence regarding gang membership,
24 location and rivalries, realizing when gang violence
25 is about to spiral, and intervening quickly to

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2 prevent it. If we know from the database that a
3 shooting victim is a gang member, the identities of
4 rival gang members, and where those gangs are based,
5 we can immediately deploy officers in a way that will
6 help prevent retaliatory shootings. Do we always
7 succeed in that effort? No. But sometimes thanks to
8 the database and the hard work of our officers, we
9 do. Those successes are lives saved, often the lives
10 of young people who would otherwise have become
11 shooting victims.

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

1
2 In 2023, following a multi-year investigation,
3 DOI issued a comprehensive report regarding the
4 database. The report found no evidence that
5 inclusion in the database caused harm to any
6 individual or group of individuals and did not
7 identify a relationship between inclusion in the
8 database and any individual adverse outcomes. At the
9 same time, DOI made various suggestions for how the
10 Department could improve its procedures relating to
11 the database. We have taken the majority of DOI's
12 recommendations and in several instances, we have
13 made changes that go well beyond those
14 recommendations. It is now much harder for someone
15 to be added to the database. It used to be that
16 someone could be added to the database based on a
17 combination of factors such as presence at known gang
18 location or association with gang members. That has
19 been eliminated. If a Detective proposes adding
20 someone to the database on those grounds, the
21 proposal will be rejected.

22 Instead, an individual can only be added to the
23 database if that person has admitted to gang
24 membership, either in speaking with Law Enforcement
25 or thorough the persons own social media posts, or if

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2 over the course of an investigation, detectives
3 believe that individual is a member of a criminal
4 group and two independent and reliable sources have
5 identified that person as a member of the group.
6 Moreover, these grounds for inclusion in the database
7 must be documented. If there is insufficient
8 documentation, the individual will not be included in
9 the database. This strict requirement enables
10 effective supervisory oversight, both through
11 multiple layers of supervisory review, and DOI's
12 ability to audit entries in the database for
13 compliance with our policies.

14 We have also dramatically revised the rules for
15 removing people from the database. There is an
16 automatic review process. For adults, it is every
17 three years and for juveniles, it is every two years.
18 A person can only remain in the database if that
19 person has been arrested for a violent crime, weapons
20 possession or a crime in furtherance of the criminal
21 group, is on parole or probation or is in jail or
22 prison. If none of these criteria are satisfied, the
23 person must be removed from the database.

24 In short, since 2023, we have made it much more
25 difficult to add someone to the database and much

1
2 harder to keep someone in the database, and the data
3 reflect the shift. Over the last two years, 682
4 people were added to the database, while 3,192 people
5 were removed. The ratio of removals to additions is
6 four in a half to one. None of this is to say that
7 our practices and policies involving the database are
8 perfect. We always seek to improve and are open to
9 changes. Intro. 798 would not change the database;
10 it would eliminate it. The Inspector General for the
11 Police Department would be required to notify a
12 person's name to the database and provide additional
13 information regarding how persons may submit requests
14 for records contained in the database.

15 A member of the NYPD who use the database would
16 be subject to financial penalties and to civil
17 litigation including for punitive damages. We urge
18 the Council in the strongest possible terms not to
19 pass Intro. 798 as drafted and more broadly not to
20 eliminate the database. It would be a terrible
21 mistake to take this important public safety tool
22 away from the NYPD and tie the Department's hands
23 when it comes to investigating and preventing gang
24 driven shootings and violence.

1
2 If the database is abolished, gang violence will
3 not cease. Officers will still need to figure out
4 who is in a gang but without the database, this will
5 happen informally in a decentralized fashion, by word
6 of mouth. There will be no checks, no documentation
7 requirements, and no possibility for oversight or
8 controls because we will be barred from tracking this
9 information. The result will be confusion, mistakes,
10 and a much higher likelihood that individuals are
11 incorrectly identified by officers as gang members.

12 In response to a gang related shooting,
13 deployments will be less precise. Investigations
14 will be slower, and the risk of unchecked retaliatory
15 violence will be higher.

16 Of course, we wish that there were no gangs and
17 no gang related violence. Many of the drivers of
18 gang activity and membership are beyond the
19 Departments control but our Community Affairs Bureau
20 has programs designed to meet young people where they
21 are and give them experiences and opportunities that
22 will keep them from street violence. For example,
23 the Options program helps young people build decision
24 making skills through career development
25 opportunities, workshops, and internships. The

1
2 NYPD's Community Center in East New York serves as a
3 haven for local youth offering educational workshops,
4 social activities and recreational programs. The
5 Neighborhood Coordination School Initiative provides
6 tutoring, mentoring and after school activities for
7 at risk youth. Our Summer Youth Employment Program
8 employs young people and various city agencies,
9 while the Higher Education Learning Initiative offers
10 high school students the opportunity to explore
11 higher education resources. These programs are
12 integral to our public safety mission because we know
13 that we cannot stop cycles of violence through
14 arrests alone.

15 I also want to speak briefly about Intro. 125,
16 which prohibits the collection of DNA from a minor
17 prior to an arrest without the consent of a parent,
18 legal guardian or attorney. We appreciate the
19 concerns motivating the bill, and to a large extent,
20 we have no objection to the bill. We would only ask
21 that there be a narrow exception applicable when the
22 juvenile is suspected of committing a Class A or
23 Class B violent felony, and the investigators have
24 received permission from the Chief of Detectives.

1
2 This will be a rare event. But in a situation in
3 which a juvenile is, for example, a suspect in a
4 murder or rape, the Chief of Detectives should be
5 allowed to authorize an otherwise lawful collection
6 of DNA from a juvenile prearrest. We look forward to
7 discussing this legislation further with the Council
8 and working towards a bill that gives additional
9 protection to juveniles, while still allowing for
10 exceptional circumstances in which this investigative
11 step is permissible.

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

15 CHAIRPERSON SALAAM: Thank you for your
16 testimony. I'd like to acknowledge that we've been
17 also joined by Council Member Paladino. I'd like to
18 start by asking some questions about the city's local
19 DNA Database and the NYPD's practices of collecting
20 and storing samples from individuals without
21 obtaining the judicial warrant. How many persons
22 currently have DNA samples in the city's local DNA
23 Database? And how many of these samples have been
24 collected from suspects or arrestees? And what is
25 the racial breakdown of the individuals with samples

1
2 stored in DNA Databases? And how many persons have
3 had DNA collected and stored when they were under the
4 age of 18?

5 MICHAEL GERBER: Alright, so there are a bunch of
6 different questions there, let me try to cover as
7 many as I can. So, there are two different things
8 here right? One is the - the database itself, which
9 is not an NYPD database. I think that's very
10 important. It's OCME's database. They control the
11 database. They are the keepers of the data regarding
12 their own database. There is some information that
13 OCME makes publicly available. There's a dashboard
14 they have on their website. It basically provides
15 essential monthly data, and looking at that, there
16 are - this is as of a day or two ago, 33,221 entries
17 in the OCME Database. And again, this is their sort
18 of suspect database. So, 33,221 searchable in that
19 database.

20 Now, in terms of the breakdown of that database,
21 whether it's demographics or otherwise, we actually
22 don't have that data. It's OCME's data and to the
23 extend there are questions about that, I think they
24 need to be directed to OCME.

1
2 Uhm, now in terms of the NYPD and what we sort of
3 send - so to back up. Uhm, right if we're taking DNA
4 from an individual, it could be through multiple
5 different channels. It could be via a court order.
6 It could be via consent. It could be via an
7 abandonment sample. And if we do that, it will then
8 go to the lab and then it will then go to OCME. Now,
9 I should say on the OCME side of things, they are not
10 going to even sort of process that sample unless it
11 falls under certain categories. Certain felonies,
12 generally they will not do that for misdemeanors.
13 There are some narrow exceptions for example for like
14 sex crime misdemeanors but generally they will not.
15 They also generally will not process it unless we
16 have something to compare it to. So, to the extent
17 you have a DNA sample and there's no object of
18 evidence as a comparator, OCME is going to wait six
19 months and if there's still no comparator, they're
20 going to send it back, right? So, they're actually
21 on the OCME side, and these are their policies which
22 are public, uhm, you know they've imposed all sort of
23 sort of constraints on what they'll even process,
24 which that in and of itself has a significant
25 narrowing effect.

1 Uhm now in terms of our collection, and Chair if
2 I may just in terms of your question, you want it
3 focused on generally or you want it focused on
4 juveniles?
5

6 CHAIRPERSON SALAAM: They question - that
7 particular part of the question was about folks under
8 the age of 18.

9 MICHAEL GERBER: Yeah, so in terms of juveniles,
10 uhm, so for example in 2024, abandonment samples that
11 we took from juveniles, 174. And then consent
12 samples from juveniles in 2024, that number was 7.

13 Now one thing I do want to emphasize, I think
14 this is important. Uhm we don't have good data, pre
15 arrests versus post arrests. Particularly if the
16 arrest happens the same day as the collection and
17 what I mean by that is, you can imagine a scenario
18 which further the abandonment or consent a sample is
19 taken, later that day an arrest is made and then that
20 sample that was taken will be associated with the
21 arrest, even though it was taken prearrest.

22 So, our data can distinguish between samples
23 taken pre-arrest from samples taken post-arrest, if
24 that makes sense. Obviously if the bill passes, we
25 will have to track that going forward. The bill

1
2 distinguishes quite sharply between pre-arrest and
3 post-arrest situations and of course if that becomes
4 the law, we will necessarily track these matters.

5 CHAIRPERSON SALAAM: Just for clarity purposes
6 and I want to ask this question given my ignorance in
7 terms of the actual practice of what the NYPD but
8 what this database; how this stuff is collected. I
9 thought I heard you say that everything essentially
10 is tagged or is collected. This cup thrown in the
11 trash, cigarette thrown in, no matter what or who.

12 MICHAEL GERBER: No, I did not mean to say that.
13 I don't think I said that. That is not our practice
14 at all.

15 CHAIRPERSON SALAAM: Okay, so -

16 MICHAEL GERBER: If I may? So, certainly when
17 you're talking about juveniles, our policy is very
18 strict on this. There's a limited set of situations
19 in which we would even consider taking an advantage
20 sample from a juvenile. I mean this is - in our
21 policy, uhm, so if we're talking about a juvenile who
22 is 12 years of age, it would have to be an A or B
23 felony. 13 years of age or older, it has to be a
24 felony. We also would allow it for sex crimes, hate

1 crimes, and any crime involving a fire arm. That's
2 for juveniles.

3 So, and then for conspiracies to commit these
4 sorts of offenses. So, just to be clear, in terms of
5 even being able to consider doing this in a juvenile
6 situation, again it vary slightly by age but you're
7 talking about either you know a felony or a violent
8 felony and then for misdemeanors, we're talking about
9 sex crimes or hate crimes essentially.

10 So, it's already sort of a narrow field. So,
11 most misdemeanors are totally out and then depending
12 on the age, certain felonies are going to be out.
13 And then, and then in terms of the decision whether
14 or not to - and by the way this is true for consent
15 and for abandonment samples. It's for both. Now,
16 once we're in the realm of where our policy would
17 authorize it and the question becomes do we actually
18 go ahead and either seek consent or seek an
19 abandonment sample and that's going to be a case by
20 case determination.

21 Obviously there are many, many situations,
22 frankly most situations, involving juveniles in which
23 our policy could allow it but we don't do that. So,
24 it's actually you know there's both the sort of
25

1
2 policy piece of this and then there's a discretionary
3 piece.

4 MICHAEL LIPETRI: Can I say something please? I
5 want to make this crystal clear that if you look at
6 the last three years of abandonment samples of
7 juveniles, 99 percent of the abandonment samples or
8 consent are attached to a felony arrest, 99 percent.

9 JASON SAVINO: Yeah, just to put a face on that,
10 you know it's so rare that we collect these
11 abandonment samples from juveniles and when we do,
12 it's for tremendously serious crimes and it's usually
13 used to corroborate an arrest. You know almost three
14 out of four of our incidents are for gun arrests.
15 So, why are we collecting that DNA? Ultimately to
16 corroborate that gun arrest but that that also does,
17 it contradicts also right? So, if there's four
18 individuals arrested on a gun arrest, that could
19 prove that one person had it but also disprove that
20 other individuals have it. So, it works in both
21 fashions but just when we do collect this DNA, it's
22 tremendously uhm it's either a gun arrest or
23 predominantly a violent crime or a violent sex crime.

24 So it's very rare but when we do, we certainly
25 have a purpose. It's far from a fishing expedition.

1
2 MICHAEL GERBER: And if I may just add two more
3 points on that. One, just to crystalize what Chief
4 Lipetri was saying, looking at over the past four
5 years, right? 90 percent of juvenile abandonment
6 samples were associated with a violent felony arrest.
7 99 percent were associated with a felony arrest,
8 which speaks to Chief Lipetri's point. The other
9 thing that I think is really critical, is just to say
10 that when we take a DNA sample right? DNA can be
11 powerful evidence of guilt. It also can be powerful
12 evidence of innocence and it can have a tremendous
13 effect in terms of eliminating someone as a suspect
14 and proving that someone did not commit a crime. I
15 mean and it cuts in both directions. We're talking
16 about incredibly serious crimes. We obviously have
17 an obligation to do what we can to try to achieve
18 justice for victims. To try to figure out who
19 committed sometimes heinous crimes, and sometimes
20 getting that DNA sample, it might implicate someone
21 of having committed or it may exculpate them and
22 that's critical too. So, it does cut in both
23 directions.

24 CHAIRPERSON SALAAM: So, just so that I
25 understand correctly as well, in terms of the length

1 of time that the DNA samples are in the database.

2 When the individual is exculpated, does that sample
3 get immediately discarded?
4

5 MICHAEL GERBER: Right, so there are two
6 different things going on. There's always the option
7 for someone to go get a court order to be removed
8 from the database. That always exists. We also have
9 on top of that, a separate process that we put in
10 place several years ago, basically to be sort of
11 continuously essentially reviewing what's in the
12 database and to see whether there should be removals,
13 right?

14 So, the way it works is we first in 2020 did a
15 review of everything in the database. Then for every
16 sample after that, after two years we review it,
17 right? So there's a sort of a look back in 2020 then
18 every sample that comes in every two years and then
19 in 2024, we did another look back for all samples
20 that had been there more than four years.

21 So, the long way of saying that we are sort of
22 continually, there's a continual review process that
23 is going on, both on a one off basis after a sample
24 has been there two years, and every four years a
25 larger look back. And then what are we looking for?

1
2 So, the vast majority, the overwhelming majority of
3 samples in the local database, are of individuals who
4 have been convicted of a felony or penal law
5 misdemeanor. And in that instance, they otherwise
6 already have a sample in the state database as a
7 matter of state law, right?

8 So, there that's the vast majority of the samples
9 that are in the local database, they're actually also
10 in the state database. They're already there. We
11 just have it in a local database because that search
12 will be quicker. Then you have a much smaller number
13 of individuals where basically the investigation is
14 ongoing or the case is pending, right? So, there are
15 situations where the case just hasn't been resolved.
16 Either the investigation is still happening as we
17 speak or someone has been charged but the case is
18 pending, right? So those samples will be there. And
19 then there is a very small number of situations;
20 there's always in confer with the DA's office where
21 uhm the case has been resolved; the person was not
22 convicted but the resolution of the case happened
23 independent of a determination of guilt or innocence.

24 So, for example, for example, if there was a
25 concern about someone threatening a witness and the

1 witness refused to cooperate going forward,
2 situations in which yes, the case was disposed of but
3 there really was no determination of guilt or
4 innocence. That exception does exist. There are
5 some samples like that in the database. It is an
6 extremely, extremely, extremely small percentage of
7 the samples in the local database.
8

9 CHAIRPERSON SALAAM: And just for the clarity, I
10 think the public would assume that in the example
11 that was given with regards to a gun, you know if
12 somebody touches something, of course if their
13 handprint is on there, there's clear, present
14 indication that that individual touched that gun. If
15 there's gun residue on their hand after their hands
16 are tested and so forth and so on but if we so to
17 speak, just have a dragnet of grabbing individuals
18 and maybe only one of them actually has handprints on
19 that gun, I would think that the public would say
20 that it's a long process for two years to go by for
21 the review of all of those individuals. If I'm
22 understanding correctly.

23 MICHAEL GERBER: I guess what I would say Chair
24 Salaam, is we're not talking about a dragnet here at
25 all. I mean, we're talking about abandonment samples

1
2 last year, 174 that's for the whole city for the
3 whole year. Uhm, I mean every single one of those is
4 a person. I appreciate the significance and the
5 issues that you're raising but that is a remarkably
6 extraordinarily small number for New York City over
7 the course of the year. So, I think to speak in
8 terms of a dragnet, I don't think that's accurate at
9 all. I don't think it's a dragnet at all. It is
10 actually incredibly targeted. We have policies in
11 place. The data supports this. It actually, really
12 when it comes to juveniles, because of the
13 sensitivities, it is actually an incredibly narrow
14 process and an incredibly small number.

15 CHAIRPERSON SALAAM: What guidelines exist
16 relating to the storage of DNA samples collected from
17 suspects and arrestees? Are samples stored
18 indefinitely and how does the NYPD use those samples
19 included in the DNA database? I think that might
20 have been kind of answered a bit but what I'll follow
21 up with is, what policies exist regarding when the
22 NYPD can seek to obtain DNA samples from an
23 individual suspected of a crime but not arrested?

24 MICHAEL GERBER: So, so yeah, there would be,
25 there would be really three different avenues. One

1
2 is a court order, right? One is consent and then one
3 is abandonment. And those are all - I will say,
4 those are all three avenues well established under
5 the law. There's case law about sort of a showing
6 for a court order. There's case law about you know
7 what constitutes valid consent. There's case law
8 about what constitutes abandonment, but those are
9 really the three options.

10 CHAIRPERSON SALAAM: So, in what circumstances
11 would the Department seek to obtain a judicial
12 warrant to collect a DNA sample? And when would the
13 NYPD seek to obtain a DNA sample via an individual
14 consenting to provide such a sample to the Department
15 collecting the sample surreptitiously?

16 MICHAEL LIPETRI: As far as getting DNA from a
17 suspect? I'm sorry, I just want to make sure I
18 understand the question.

19 CHAIRPERSON SALAAM: Yes.

20 MICHAEL LIPETRI: Okay, so I could give you many
21 examples, but I'll give you one example. During a -

22 CHAIRPERSON SALAAM: Just the - uhm I just want
23 to add the clarifying point of suspected of but not
24 arrested.

1
2 MICHAEL LIPETRI: Like I said, there are many
3 examples but I'll start with this. During a cost of
4 an investigation by our Detective Bureau for a
5 serious crime. The video shows that suspect at the
6 time discarding a water bottle, a cigarette, whatever
7 it might be. That would hopefully be collected by
8 our sharp detectives and then ultimately checked
9 against our DNA database. So, that's an example.

10 Another example is somebody arrested for a
11 serious crime and that person is also suspected of
12 other serious crimes, whether it be shots fired,
13 whether it be a shooting incident and that person
14 does not have DNA on file. It is an opportunity to
15 get an abandonment sample when that person is
16 arrested though suspected in other serious crimes to
17 help us solve ultimately that case to probable cause

18 CHAIRPERSON SALAAM: Does the NYPD have
19 statistics on how often DNA samples are collected
20 from suspects by obtaining a judicial warrant? And
21 how many DNA profiles have been obtained via an
22 individual consenting to provide a sample? And how
23 many have been obtained via the NYPD surreptitiously
24 collecting a sample?

1
2 MICHAEL GERBER: Right, so we do have data on
3 that. Let me give you the data for 2024 and this is
4 not juveniles. This is just citywide everybody.
5 2024, we collected 2,751 abandonment samples. We had
6 952 court ordered samples and then 244 consent
7 samples. And these are all suspect situations I
8 should add. So, sometimes we have what's called you
9 know exclusion samples, that's different. I was not
10 including here samples taken from victims. That's
11 very, very different of course and I do want to be
12 clear, these numbers - this is not all going in the
13 database, definitely not. Only a fraction of this
14 will actually end up in the local database but those
15 are the numbers in terms of you know collection from
16 suspects.

17 CHAIRPERSON SALAAM: How are the policies
18 governing the collection of DNA samples from
19 juveniles different from those that relate to
20 gathering samples from adults, and if there are any
21 different policies, why does the NYPD treat those
22 populations differently?

23 MICHAEL GERBER: Our policy definitely
24 distinguishes between juveniles and adults. I mean
25 for obvious reasons, because they are juveniles and

1
2 we are very, very sensitive to the age issue. At the
3 same time, we're trying to solve incredibly serious
4 crimes. We have responsibility to do that with the
5 legal tools at our disposal.

6 I think the two crucial distinctions, there may
7 be more but when it comes to DNA collection, we have
8 a policy that restricts off the bat our ability to
9 seek DNA from juveniles. I sort of gave the criteria
10 earlier. We don't have the same criteria for adults
11 but we have those criteria for juveniles, that's
12 critical. And then also, when it comes to juveniles,
13 we're talking about in the interrogation context, our
14 officers are required to make best efforts to contact
15 parents, legal guardian. They have to do basically
16 everything in their power, reasonably so to have a
17 parent or a guardian present and our policy says that
18 if you have a parent or guardian present and they say
19 that DNA is not to be taken from that juvenile,
20 that's it. We're not allowed to take it. Even if
21 the juvenile says it's fine. You can imagine the
22 situation which a 17 year old says I'm fine with
23 this. If the parent or guardian says no, it's no.
24 So, we do have very different rules and Chair Salaam,
25 there are also a host of other rules when it comes to

1
2 juvenile interrogations more broadly. How they're
3 conducted, rules in terms of recording in the room
4 and there are lots of other things but I think that's
5 the answer to your question in terms of DNA samples.

6 CHAIRPERSON SALAAM: Does the NYPD inform an
7 individual of their rights to refuse consent when the
8 Department is requesting that an individual
9 voluntarily provide a DNA sample?

10 MICHAEL GERBER: Absolutely, we are required to
11 do that. We do that. We have a standard language
12 that we use. There used to be a hard copy form. We
13 now have an electronic form and it's quite fulsome.
14 They are informed of their right to decline. They
15 are informed that the sample could be entered into
16 the local database and compared against other DNA
17 samples. So, the answer to your question is yes,
18 absolutely.

19 And to be blunt if we didn't do that the consent
20 would be no good. There's no question about that.

21 CHAIRPERSON SALAAM: What percentage of DNA
22 samples collected from minors without a warrant have
23 been relied on in an investigation leading to a
24 conviction and does the NYPD have data on the
25 specific types of crimes for which individuals have

1
2 been convicted due to investigations that relied on
3 DNA collecting - DNA samples collected without a
4 judicial warrant?

5 MICHAEL GERBER: I'm not sure - I don't think we
6 have data on that. Uhm, if the question is has DNA
7 collected via abandonment or consent rather than
8 judicial order helped us solve crimes, the answer to
9 that is absolutely. And there definitely have been
10 situations in which that sample has been key and
11 being key for inculcating someone, also key for
12 exonerating people but in terms of data lining that
13 up with convictions, that we don't have.

14 CHAIRPERSON SALAAM: I think I'm going to pass,
15 uhm, I'm going to come back with more questions but
16 I'm going to pass it now to Deputy Speaker Ayala.

17 DEPUTY SPEAKER AYALA: I just want to piggy -
18 good morning. It is still morning.

19 MICHAEL GERBER: Hi, good morning.

20 DEPUTY SPEAKER AYALA: I want to piggyback off of
21 the Chairs question. If you're not tracking how many
22 of the samples are connected to an actual arrest,
23 then how do you know that it's 99 percent of the
24 time?

1
2 MICHAEL LIPETRI: 99 percent of arrestees. So,
3 we get DNA, the DNA samples that we've taken from
4 juveniles, it's 99 percent for felony arrests. So,
5 out of all our DNA samples over the past three years
6 of juveniles, it is connected 99 percent to a
7 juvenile felony arrest.

8 JASON SAVINO: Yeah and the vast majority of the
9 DNA hits are what I spoke about earlier. You know
10 that connection to the gun arrest. That corroborates
11 the arrest that we already have. So, just to bring
12 you to a world, it's approximately 40 or 50 in 2024
13 but that's the world we're in. You have to remember
14 how little, how it's so rare that we collect this.
15 So, to have even that amount of hits that corroborate
16 these arrests and like we said, that also exonerates
17 so many individuals as well.

18 MICHAEL GERBER: Also just if I may, I understood
19 Chair Salaam's question a little bit differently and
20 maybe I misunderstood. I thought he was asking about
21 sort of the link between that DNA sort of resulting
22 in the conviction. That we don't have data on that
23 and it would be a harder thing to have data for. In
24 other words, you have to do sort of a case by case
25 analysis. Did this DNA collection sort of make the

1
2 difference? I'm not saying that's impossible but you
3 can see that would have to be a case by case
4 analysis. It would be much harder to pull data on
5 that.

6 DEPUTY SPEAKER AYALA: So, you mentioned that in
7 2024 there were 174 nonconsensual DNA samples that
8 were taken. Do we know how many of the 174 were
9 actually convicted of a crime?

10 MICHAEL GERBER: That I don't have. Though we
11 may be able to pull that for you. That you know I
12 don't have here but I think we're going to go back
13 and we can see if we can get that.

14 DEPUTY SPEAKER AYALA: That would be really
15 critical information to have.

16 MICHAEL GERBER: Sure, understood.

17 MICHAEL LIPETRI: Convicted of a crime, any crime
18 or the crime from the abandonment?

19 DEPUTY SPEAKER AYALA: From that abandonment.
20 From that particular sample that was taken.

21 MICHAEL LIPETRI: Like the Commissioner said, we
22 could but again, you know a positive DNA result is a
23 lot of times a piece of a puzzle, which means it's
24 part of the arrest process. Ultimately leading to a
25 lengthy court process. It's also a lot of times that

1
2 we will collect DNA from a crime scene, get a
3 profile, get a donor, comes back to an individual and
4 that still has to be investigated with a conferral to
5 an assisted, you know an ADA, things of that nature.
6 It doesn't mean that you know right away we have
7 probable cause because we know who's that DNA.
8 That's not accurate. We actually have to confer with
9 an ADA and then ultimately get probable cause to make
10 that arrest. I just want to make that clear.

11 JASON SAVINO: In that time to crime to
12 conviction, that could vary right? You know that
13 could take anywhere from several months to several
14 years.

15 DEPUTY SPEAKER AYALA: I mean I'm asking because
16 you've stated time and time again that 99 percent of
17 the time that you're collecting a sample, there's an
18 arrest. So, that's why I'm asking these questions.
19 I mean, I've said it before, I don't have a problem
20 and you know I don't want to ever be put in a
21 position where I am getting in your way of being able
22 to solve a crime. I've been on the receiving end.
23 You know, I've been on both sides and I understand
24 how difficult it is to have you know something
25 horrific happen to your family and want justice and I

1
2 respect that. I respect that. What I don't respect
3 is the process, right? Because if you're able to get
4 a court order to get a DNA test, then why not just
5 get the court order. It seems simpler right from the
6 way that I'm looking at it with my untrained eye is
7 that the NYPD is saying eh, I don't feel like going
8 to court to get this because I'm sure if this person
9 did something or not. I'm just going to collect it
10 and I'm going to see if you know when I put it in the
11 database it's a hit. If it isn't, you know, which to
12 me is just when it relates to young people, that
13 bothers me.

14 We had a case here as a matter of fact, I was
15 looking at it from - and interestingly enough, it
16 happened in my district where we had a 22 year old
17 that was riding around with a 17 year old and I guess
18 that the police stopped them and they both ran out of
19 the car but they collected the kids DNA. His mother
20 - why am I on the clock? His mother - the Deputy
21 Speaker can't be on the clock.

22 Uhm, his mother was called. She came to the
23 precinct; she was there and they never allowed her to
24 see her son and he gave consent I guess under what he
25 felt was like you know an obligation. He was

1
2 obligated to do that and the court found that that
3 was against the state uhm protocol right? It
4 violated the state law. So, I'm just a little
5 confused about why we need to collect this way?

6 MICHAEL GERBER: Sure, so a few things. First of
7 all, I do want to say we're going to - we don't have
8 it today but we're going to do a data poll to see if
9 we can answer your question on the data. I
10 understand what you're asking. I'm sure we can get
11 you some data, it may not be - it may not answer all
12 your questions but I think we can at least in part do
13 that. I think it will be helpful. Second, the case
14 you just described, I'm not familiar with it. I
15 can't speak to that in particular but I think as you
16 were observing to the extent you have a juvenile who
17 is being questioned, the detectives are under a legal
18 obligation to make best efforts to contact a parent
19 or guardian. You said the parent or guardian showed
20 up and was kept from a juvenile. That's not supposed
21 to happen. So, if the court recognized that and
22 acted accordingly. Well, I guess the law violates
23 our policy.

24 Now, in terms of your question about why not
25 always get a court order, there are times when we are

1 not yet in a position to say we have probable cause,
2 right? So, a court order requires probable cause and
3 there are times when we don't have it yet. We're
4 investigating and we're seeking consent or we're
5 taking an abandonment sample. An abandonment sample
6 could be from the field. It can be sometimes from a
7 station house and we're doing that because we're
8 trying to solve the crime, and we're trying to
9 achieve justice for victims. And I totally
10 understand what you're saying when we're talking
11 about taking DNA from a juvenile. There is a
12 countervailing concern, which is if you have a
13 victim, someone who is shot or raped or assaulted,
14 and we have an opportunity consistent with the law to
15 solve that crime, potentially solve that crime, it
16 may not work. They may not have done it to your
17 point. We could be wrong. We have a suspect, it
18 doesn't mean we're right. We're not right every time
19 but if our detectives have an opportunity to take an
20 investigative step that might solve the case, you
21 know I think we got to be really careful about saying
22 they can't do that or certainly saying they can't do
23 that in all circumstances. I do think there are
24 countervailing considerations here. There's a
25

1
2 consideration that you're raising about juveniles and
3 privacy. There also are concerns about victims and
4 justice for victims and wanting to solve cases.

5 DEPUTY SPEAKER AYALA: So, we have two kids that
6 come in in a scenario like this one. One you know,
7 maybe one was guilty, one was not. We don't know.
8 You have a kid under the age of 18, is the first step
9 in that process of interrogation and you know data
10 collection to call the parent of that 17 year old?

11 MICHAEL GERBER: Absolutely so again, this is
12 both our policy and it's the law.

13 DEPUTY SPEAKER AYALA: Okay.

14 MICHAEL GERBER: It's the law, state law. Uhm,
15 we are obligated to make best efforts to try to
16 contact a parent or a legal guardian.

17 DEPUTY SPEAKER AYALA: What is the purpose of
18 calling the parent or the legal guardian?

19 MICHAEL GERBER: So they can come and consult
20 with their child.

21 DEPUTY SPEAKER AYALA: So in 99.9 percent of
22 those cases, the parent is allowed to speak to the
23 child?

24 MICHAEL GERBER: Yes, absolutely, absolutely.
25 Uhm, yeah this is not just like - it is our policy

1
2 but also it's also state law. We don't have a
3 choice. Now, there are -

4 DEPUTY SPEAKER AYALA: Because in this case,
5 somebody did, the NYPD did call the parent. The
6 parent came to the police station but the parent was
7 not allowed to talk to the child.

8 MICHAEL GERBER: Yeah and again I can't speak to
9 the particulars of this case. I don't know this
10 case. That sounds all wrong. That sounds all wrong.
11 That is not what is supposed to happen at all and it
12 sounds like because - it sounds like procedures
13 weren't followed. It wasn't in the right way and the
14 judge throughout the case.

15 Now, there are situations; and I should add by
16 the way, one thing were very clear with with the
17 detectives time and again is, you have to document
18 these efforts right? There will be questions after
19 the fact. Did you in fact try to contact the
20 parents? Did you make best efforts?

21 There are situations in which detectives try to
22 do that. They are unsuccessful. Either they can't
23 reach anybody. There are times when they do contact
24 someone and the person doesn't engage, doesn't show
25 up. That does happen and in those situations, if

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2 they have made best efforts and there is still no
3 parent or guardian who is coming to speak with the
4 juvenile, then yes, detective will go ahead and
5 question that person. They will. They will be
6 recorded. It must be recorded. There are no
7 exceptions of that. Absolutely all juvenile
8 interrogations must be recorded, no exceptions. But
9 yes, if best efforts are made, if they are
10 unsuccessful, will detectives go ahead and conduct a
11 recorded interrogation of the juvenile? Yes, they
12 will.

13 DEPUTY SPEAKER AYALA: Okay, so now let me switch
14 it a little bit. So the parent comes in, the parent
15 says no, I'm not consenting. The child says no, I'm
16 not consenting. Would you still collect the
17 abandoned property of that person?

18 MICHAEL GERBER: So, the answer to that is, that
19 should not be happening.

20 DEPUTY SPEAKER AYALA: That's not an answer
21 though.

22 MICHAEL GERBER: No, no, no, but I think it is an
23 answer. I'm saying this, the reality is, in a
24 scenario in which - our policy does not speak to that
25 - that's why I want to answer a question honestly and

1
2 accurately. Does our policy directly speak to that
3 scenario? No it does not but I am telling you right
4 in a situation in which someone has affirmatively
5 said, I am not giving consent, an abandonment sample
6 is not going to work. It is not going to work. If
7 we have gone the consent route and that has failed,
8 then taking an abandonment sample is not going to
9 work. Given that someone has affirmatively said, I
10 do not want my DNA taken, right? An abandonment
11 sample is not going to work in that situation.

12 DEPUTY SPEAKER AYALA: But you can't guarantee
13 that that doesn't happen?

14 MICHAEL GERBER: Well, what I'm telling you is
15 that from a legal perspective and from the
16 Department's perspective, an abandonment sample is
17 inappropriate in that situation. Can I speak to
18 where that has ever happened in the history of time?
19 No, I can't speak to that. What I'm telling you
20 though is what is the Department's position on that
21 issue? And the Department's position is in a
22 situation in which consent was requested and consent
23 was denied, to then after that seek to take an
24 abandonment sample from that person. That
25 abandonment sample is not going to be legally - it's

1
2 not going to work legally when someone has
3 affirmatively said no, and that should not be
4 happening.

5 DEPUTY SPEAKER AYALA: Do you know how many of
6 the 174 non-consensual DNA samples that were
7 collected in 2024 were for minors?

8 MICHAEL GERBER: Were from?

9 DEPUTY SPEAKER AYALA: For minors?

10 MICHAEL GERBER: Yeah, we have -

11 MICHAEL LIPETRI: That is the minor number.

12 DEPUTY SPEAKER AYALA: Those are all minors, the
13 174?

14 MICHAEL LIPETRI: 174 under the age of 18, yes.

15 DEPUTY SPEAKER AYALA: Okay, so -

16 MICHAEL LIPETRI: That's six percent of all the
17 abandonment samples taken in 2024.

18 DEPUTY SPEAKER AYALA: Okay but all the parents
19 for those 174 were called.

20 MICHAEL LIPETRI: I think the Commissioner spoke
21 about it a couple of times. It is mandated through
22 NYPD policy and state law that we have a documented
23 attempt, multiple attempts to get in contact with a
24 parent or legal guardian of a juvenile arrested under
25 the age of 18.

1
2 DEPUTY SPEAKER AYALA: I'm just trying to figure
3 out how - why the need to collect these non-
4 consensually. 174 is 174, still it may be six
5 percent but it's still a substantial number to me.

6 MICHAEL LIPETRI: I think I got to put some data
7 in context into this.

8 DEPUTY SPEAKER AYALA: Yes.

9 MICHAEL LIPETRI: Again, these are 99 percent of
10 these abandonment samples are for felony arrests.
11 Some data, we know a quarter of juveniles arrested
12 would have gone just a few years ago. Within two
13 years, they're going to be involved in a shooting
14 incident in New York City.

15 DEPUTY SPEAKER AYALA: So you hold the DNA test,
16 the DNA sample just in case?

17 MICHAEL LIPETRI: That's not what I said. I'm
18 just giving some -

19 DEPUTY SPEAKER AYALA: That's what it feels like
20 though. That's what it feels like. It feels like
21 lazy policing. It feels like, you know what, I don't
22 have enough information, so I can't go to court and
23 ask for a court order because the judge is going to
24 tell me that they can't give it to me because I don't
25 have any evidence that suggests that this person

1
2 committed a crime but just in case, I'm going to
3 collect it and you know the law, there's a loophole
4 in the law and the law is going to say collect it
5 anyway so I'm going to collect it and I'm going to
6 keep it in storage just in case this person commits a
7 crime.

8 MICHAEL GERBER: It's not lazy policing. It is
9 not lazy policing at all. It's trying to solve
10 crimes and yes, when detectives do not have probable
11 cause, they're using investigative steps to try to
12 figure out who committed very serious offenses. One
13 of the tools at their disposal is to obtain sometimes
14 via consent, sometimes via abandonment, a DNA sample.
15 I don't see what's lazy about that at all. Listen I
16 agree with you, if we have probable cause to arrest
17 someone, we can go arrest them. I don't think our
18 detectives, if they have probable cause to arrest
19 someone for a serious crime, they're not going to
20 hold back. They're going to go make the arrest.

21 DEPUTY SPEAKER AYALA: And if somebody committed
22 a serious crime, I want you to arrest them. I just
23 want to make that clear.

24 MICHAEL GERBER: Right, we have to figure out who
25 did it and we have to figure out -

1
2 DEPUTY SPEAKER AYALA: And I respect that too. I
3 get it, I just want to know what I am trying to do
4 with this bill is to prevent young people - you know,
5 I think that there's a cultural disconnect.

6 The way you know, I was raised in the lower east
7 side in the Lillian Wald Houses. Most of my friends
8 were considered gang members you know. They get
9 labeled because they were affiliated with someone.
10 You know you have kids that you know are looking for
11 to fit in somewhere. Many times I was in an
12 apartment where there were drugs, where there were
13 guns. I never committed a crime. I never committed
14 a crime but that was the environment that I was
15 raised in. That was it. I didn't have you know
16 those choices; I walked in and I walked out. I want
17 to make sure that young people that are not guilty of
18 anything are not having their database stored. I
19 don't - you know I think the Chair asked about how
20 long you know you carry that? How long you store it?
21 And you never said that you throw it away, right?
22 You said in two years we're going to look at it. In
23 four years we're going to look at it.

24

25

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2 MICHAEL GERBER: Every two years there's a review
3 of what's in the data. Any sample that's been in the
4 database for two years gets reviewed.

5 DEPUTY SPEAKER AYALA: Yes.

6 MICHAEL GERBER: It will separate every four
7 years, a larger look back but I just want to go back
8 again, I understand what you're saying in terms of
9 concern for a juvenile's DNA being taken. I get
10 that.

11 DEPUTY SPEAKER AYALA: In innocence.

12 MICHAEL GERBER: But that's the question, is the
13 person innocent or guilty? We don't know. We have a
14 suspect and if we have obviously a homicide right and
15 we think - yes, we think this juvenile, 17 year old
16 committed this homicide, right? We do not have
17 enough to make an arrest. We don't have enough. We
18 don't have probable cause but we think that getting a
19 DNA sample could make the difference. If that sample
20 comes out one way, we're going to have enough to make
21 the arrest. If it comes out a different way, the
22 person may even be exonerated.

23 DEPUTY SPEAKER AYALA: So, let me ask again, out
24 of the 174, all of those 174 were arrested for that
25 crime that the sample -

1
2 MICHAEL GERBER: The vast - almost all. I think
3 we had 99 percent.

4 DEPUTY SPEAKER AYALA: Of the 174?

5 MICHAEL GERBER: Yes, we had 99 percent we had a
6 felony arrest.

7 MICHAEL LIPETRI: It is such a minute, very,
8 very, rare occasion that we would be collecting a
9 juveniles abandonment sample prior to an arrest, very
10 minute.

11 DEPUTY SPEAKER AYALA: Okay so what is your
12 position on the bill?

13 MICHAEL GERBER: Our position on the bill is that
14 there should be a very narrow carveout that it should
15 be only permissible and you know because this is with
16 the bill right? We're talking about prearrest
17 situations, your point. We're not talking about -
18 also we're not talking about DNA sort of from a crime
19 scene but pre-arrest, it would bar collection from
20 juveniles absent consent of you know a parent,
21 guardian except a narrow exception for an A or B
22 violent felonies, which is not a long list and it's
23 incredibly serious crime, we're I'm talking about
24 murder, rape, kidnapping, that sort of thing. So,
25 that's a fall within one of those categories. If the

1 person is a suspect for one of those crimes and
2 authorization from the Chief of Detectives, right?
3 It's not just some detective in the squad decides
4 hey, you have to go to the Chief of Detectives and
5 get permission and we'll track it, right? There will
6 be a record of the Chief of Detectives, him or
7 herself authorized this collection.

8
9 What we're trying to do is really to balance here
10 to a very large extent you know the bill, it will
11 restrict us, right? There will be a universe of
12 felonies where we would otherwise potentially be
13 seeking to take DNA and we won't be able to anymore.
14 But to have a narrow carveout for the most serious
15 violent crimes with authorization from the Chief of
16 Detectives, we think that is an appropriate balance.

17 DEPUTY SPEAKER AYALA: Alright, well there will
18 be some time I guess for further discussion but do
19 you know what the circumstances were that led to the
20 174 cases of abandonment samples from kids?

21 MICHAEL GERBER: I'm sorry, say that again?

22 DEPUTY SPEAKER AYALA: What were the
23 circumstances surrounding the 100 and - that led to
24 the 174 samples of - abandonment samples collected
25 from kids?

1
2 MICHAEL GERBER: When you say circumstances?

3 DEPUTY SPEAKER AYALA: What are the
4 circumstances? Like -

5 JASON SAVINO: I'll reemphasize a point I made
6 earlier. The really to corroborate a crime that an
7 individual was arrested for right? Like a gun
8 arrest. You know the vast majority of those are
9 collected, so this way we can compare it verse that
10 recovery gone. And once again, it not only
11 corroborates the arrest, but may exonerate another
12 individual.

13 MICHAEL LIPETRI: And if I can again last year,
14 there was - and this is just gun arrests. There was
15 almost 500 juveniles arrested with a gun last year in
16 New York City. That's 12 percent of all the gun
17 arrests and we only have 174 abandonment samples.
18 That's just gun arrests; I'm not talking about the
19 100 juveniles that are arrested for shootings last
20 year. I'm not talking about the thousands that were
21 arrested for robberies. So, 174 abandonment samples,
22 500 gun arrest, almost 500 gun arrests. 12 percent
23 of all New York City gun arrests under the age of 18.

24 DEPUTY SPEAKER AYALA: Yeah, I mean I see it in
25 my community all the time. We just want to make sure

1
2 that the process is fair. We're not saying you
3 shouldn't be collecting DNA from a person that
4 committed a crime but we also, I also don't believe
5 that we should be storing DNA samples of a young
6 person who hasn't been you know, convicted or
7 arrested for any you know for a crime. And you know,
8 in the same case, you say it works both ways. Once
9 you know that sample is collected, if you know
10 assuming that it was collected with consent and we
11 find that that person you know is not in fact, that
12 person's DNA should be removed from the database
13 immediately. That's all I'm saying so I'll leave it
14 at that. Thank you Chair.

15 CHAIRPERSON SALAAM: Thank you. I want to turn
16 the next set of questioning over to the Public
17 Advocate.

18 PUBLIC ADVOCATE WILLIAMS: Thank you Mr. Chair.
19 First, I did want to make sure we're clear because I
20 know sometimes people confuse these bills and these
21 questions as people not wanting safety in their
22 community or sometimes being opposed simply to the
23 police. When actually, there's just a false binary
24 that's put in place that the way to solve this is
25 simply just trying to arrest and use law enforcement

1
2 and one of the reasons I do this work is because when
3 I was younger, there's a number of people that can
4 name who are no longer here because they were shot
5 and killed. Unfortunately, when I speak to young
6 people now, they also have a list of people that are
7 no longer here because they were shot and killed.
8 And so if the type of policing that we're talking now
9 was supposed to have worked, they should no longer
10 know those names. And so, it is frustrating to me
11 that we still have these generational issues that
12 don't seem to be addressed even as we talk about
13 these things.

14 I did want to add a statistic that we discussed.
15 To the statistic we discussed about the percentage of
16 individuals who are arrested for shootings and
17 victims, 96 percent people of more color. 84 percent
18 of the people who are released, wrongfully convicted
19 are also Black and Brown, which means the system is
20 not working that way either. I did want to also
21 point out because I heard the words, the police would
22 be - their hands will be tied. I've heard that a lot
23 of times for bills that have come out of the Council.
24 I just never seen it happen, so when we passed the
25 Community Safety Act when I was in the Council, I

1
2 heard the same thing. We went on about an eight year
3 trend of becoming the safest we had ever been in the
4 city. If you remember a few months ago, all hell
5 broke loose World War III when we were trying to pass
6 How Many Stops Act. The world would crumble then and
7 I'm now hearing about numbers getting better and
8 becoming safer even with the How Many Stops Act.
9 We've even had reports that have come out that no one
10 is talking about. So, those - I hate those terms
11 because they always make people think we're trying to
12 do things that we're not and they never have come to
13 fruition.

14 But with that, I did want to ask if you had data
15 on your clearance rates for murders and shootings
16 before and after the database?

17 MICHAEL LIPETRI: Which database? The gang
18 database?

19 PUBLIC ADVOCATE WILLIAMS: The gang database.

20 MICHAEL GERBER: Or the criminal database?

21 PUBLIC ADVOCATE WILLIAMS: The clearance rates of
22 solving murders and shootings before and after the
23 database.

24 MICHAEL GERBER: Are you referring to the DNA
25 database or the criminal?

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2 PUBLIC ADVOCATE WILLIAMS: The gang - well we
3 heard the gang database.

4 MICHAEL LIPETRI: Well, it's consistently been
5 approximately 65 percent to 70 percent clearance
6 rates for murders and it's consistently about 45
7 percent on shooting incidents.

8 JASON SAVINO: Yeah, we're on pace. Last year
9 was our second best year and the year prior was our
10 best year ever with clearances. So, clearing those
11 motives certainly contribute to that.

12 PUBLIC ADVOCATE WILLIAMS: And do you have
13 similar data for prevention of retaliating shootings?

14 MICHAEL LIPETRI: Yes, I mean, so we're shifting
15 to the criminal database?

16 PUBLIC ADVOCATE WILLIAMS: No, this is the same
17 gang database.

18 MICHAEL LIPETRI: You want day and night shift?
19 Okay, let me just start with this. You know last
20 year was the safest year in the history of the 30
21 years of CompStat where we started accurately
22 recording crime statistics in Brooklyn. Brooklyn,
23 safest year in 30 year history.

24 PUBLIC ADVOCATE WILLIAMS: Does the database only
25 exist in Brooklyn?

1
2 MICHAEL LIPETRI: No and I'm going to - if I can
3 finish, I would appreciate it. Thank you. A large
4 part of that was precision policing, using our
5 investigative precision and our deployment precision
6 in neighborhoods such as East New York, Brownsville,
7 Bedford Stuyvesant, Crown Heights, East Flatbush, and
8 the Criminal Group Database was a part of that.
9 Knowing instantaneously where a shooting was in the
10 Vandivier's in East Flatbush and moving resources as
11 far as Far Rockaway and Southern Queens, moving
12 resources to Brownsville Brooklyn, East New York
13 Brooklyn. And how do I know that? Because I'm a
14 large part of that. It's about deployment. It's
15 about precision. It's about looking at the trigger
16 pullers in New York City and putting it all together.
17 Link into analysis, connecting guns, connecting
18 crews, connecting territories. Long and hard work
19 for our investigators.

20 PUBLIC ADVOCATE WILLIAMS: So, I'm running out of
21 time that's the only reason why I interrupt but it
22 sounds like you're able to do that even with the bail
23 laws and How Many Stops Act.

24 MICHAEL LIPETRI: Your question was not -
25

1
2 PUBLIC ADVOCATE WILLIAMS: No, I was asking but
3 that's happening at the same time as the How Many
4 Stops Act and the Bail Laws and Discovery, correct?

5 MICHAEL LIPETRI: Sir, you know what's happening

6 -

7 PUBLIC ADVOCATE WILLIAMS: Wait, no, no, is that
8 correct?

9 MICHAEL LIPETRI: If I can answer the question.

10 PUBLIC ADVOCATE WILLIAMS: Yeah but I'm out of
11 time. I just want to know if that's correct.

12 MICHAEL LIPETRI: 26 year high in index crime
13 arrests.

14 PUBLIC ADVOCATE WILLIAMS: Got it, okay so but so

15 -

16 MICHAEL LIPETRI: 4,000 gun arrests.

17 PUBLIC ADVOCATE WILLIAMS: I will say if you ask
18 the Brooklyn DA, he will talk about the programs that
19 he had that was Precision as well that directly spoke
20 to the people who will most likely be shooting and
21 were put in the programs that prevented that.

22 And so but I'm just saying that's why I asked you
23 if it was happening only in Brooklyn but apparently
24 it's happening in all five boroughs but you haven't
25 had the same results in all the five boroughs.

1
2 MICHAEL LIPETRI: We have and I'll give you
3 another example.

4 PUBLIC ADVOCATE WILLIAMS: Okay but so -

5 MICHAEL LIPETRI: Do you want me to give you
6 another example?

7 PUBLIC ADVOCATE WILLIAMS: I don't have time is
8 the only problem but the only thing I want to ask was
9 this, because we agree I think that people who or
10 likely, who have been arrested for shooting are
11 likely to be shot or be involved in shootings, which
12 we all agree.

13 MICHAEL LIPETRI: Wait, I'm sorry, I didn't hear
14 that. People likely to be shot -

15 PUBLIC ADVOCATE WILLIAMS: Young people who are
16 arrested with guns are likely to be involved in a
17 shooting at some point.

18 MICHAEL LIPETRI: Yes, that is accurate.

19 PUBLIC ADVOCATE WILLIAMS: So those are the folks
20 we want to focus on but my question was, does any of
21 this information get shared with other - do you have
22 other agencies that you speak to? We have some folks
23 that might be in some problems. If we can get
24 involved sooner, then we might be able to help them.

1
2 MICHAEL LIPETRI: Absolutely. Commissioner
3 Gerber spoke about the community aspect of it.

4 PUBLIC ADVOCATE WILLIAMS: No, I didn't hear that
5 being talked about, so maybe you talk about it.

6 MICHAEL GERBER: I'm sorry, I just want to make
7 clear the question. Are you asking about the
8 criminal group database information in particular or
9 broadly youths at risk?

10 PUBLIC ADVOCATE WILLIAMS: So, I mean the
11 database specifically but I had more questions and
12 I'm out of time, so I'll wait for the second round.
13 But I did want to know in that group, are we talking
14 with other agencies about how we cannot use law
15 enforcement as arrests to -

16 MICHAEL GERBER: So, I want to try to get to your
17 question. Part of which really maybe go to
18 Commissioner Foster's work but there are two separate
19 things. So if you're asking about, is there work
20 that we do with various city agencies in connection
21 with young people who we think are at risk, the
22 answer to that is yes, absolutely. And our Community
23 Affairs Bureau and Commissioner Foster's team does a
24 tremendous amount of work in this space. When it
25 comes to the criminal group database and who is in

1
2 the database, it's very, very different and for
3 reasons I hope you can appreciate, we actually do not
4 just share with other city agencies, oh here are the
5 members of our Criminal Group Database. We don't do
6 that and you know why.

7 PUBLIC ADVOCATE WILLIAMS: Yes, but I was going
8 to say you can share without saying that this is
9 where they came from. But I don't have any more
10 time, so I don't want to take up but I want to be
11 clear that when we talk about precision policing or
12 others, nothing has shown that this particular
13 database has helped us get to where we want to go.
14 So, I do hopefully in the next round be able to talk
15 about that a little bit more specifically.

16 MICHAEL LIPETRI: I would love to do that, thank
17 you.

18 CHAIRPERSON SALAAM: Thank you Public Advocate.
19 I'd now like to turn it over to Council Member
20 Stevens for her questions.

21 COUNCIL MEMBER STEVENS: Hello. How are you guys
22 doing? Good afternoon.

23 MICHAEL GERBER: Good afternoon.

24 COUNCIL MEMBER STEVENS: I mean you guys have
25 made it very clear that you guys don't like my bill

1
2 unfortunately but there was something that you even
3 said in your testimony and even the Public Advocate
4 just mentioned it because you said 96 percent of the
5 individuals arrested for shooting were African
6 American, which is why it's reflective of the
7 database, which is why the data is more looking at
8 African Americans, especially in the database.
9 That's why because that's where all the shootings are
10 happening, correct?

11 MICHAEL GERBER: No, actually I said just people
12 of color.

13 COUNCIL MEMBER STEVENS: Alright but mostly
14 because we know that the numbers are even skewed
15 there but mostly, correct? And African American,
16 people of color but it's mostly Black and Brown
17 correct?

18 MICHAEL GERBER: In the database?

19 COUNCIL MEMBER STEVENS: Yes.

20 MICHAEL GERBER: Yes, that is correct.

21 COUNCIL MEMBER STEVENS: And most of the people
22 are doing - those individuals you are saying are
23 doing the shootings correct? Because you said 96
24 percent.

25

1
2 MICHAEL GERBER: No, two separate things. I gave
3 the data about the racial demographics in the
4 database. Separately, I gave data about the racial
5 breakdown of people arrested for shootings and
6 shooting victims in New York City over the last
7 several years.

8 COUNCIL MEMBER STEVENS: And but you said it was
9 like 96 percent because it's here.

10 MICHAEL GERBER: Yeah, yes, no I did say that 100
11 percent.

12 COUNCIL MEMBER STEVENS: So then my question is
13 how is this working because that to me shows that if
14 you're saying you are profiling these people because
15 it's racial profiling and then still those same
16 people are still doing the shootings, how is this
17 working?

18 MICHAEL GERBER: Council Member, first of all, it
19 is not racial profiling and that is very unfair. The
20 data I gave you is about individuals arrested for
21 shootings and shooting victims.

22 COUNCIL MEMBER STEVENS: Hmm, hmm.

23 MICHAEL GERBER: There is nothing racial
24 profiling about that.

25 COUNCIL MEMBER STEVENS: No, no, no, I'm asking -

1 MICHAEL GERBER: It's not.

2 COUNCIL MEMBER STEVENS: No, no listen to me.
3
4 I'm not talking about the shootings, I'm asking you,
5 the folks that you're observing if the people that
6 you're watching and have on the database are still
7 you're saying are mostly people of color and all this
8 is happening. How is this working? Can you give me
9 data on how many shootings this has stopped in those
10 communities.

11 MICHAEL GERBER: So, we're going to give examples
12 of a situation in which the Criminal Group Database -

13 COUNCIL MEMBER STEVENS: No, I want numbers. I
14 want the numbers around how - what percentage of
15 shootings that this has stopped, because my issue is
16 around if we are saying that this is about making
17 things safer and you're using it for CompStat and all
18 these things. How is it making it safer if these
19 shootings are still happening and like how?

20 MICHEAL LIPETRI: First of all, I would love to
21 stop every shooting in New York City but we know
22 that's impossible unfortunately.

23 COUNCIL MEMBER STEVENS: Well, that's going to be
24 our goal. Let's work together on doing that.

1
2 MICHAEL LIPETRI: I would love to. I would love
3 to. So, you're talking about - give me an example.
4 So let's take, again, we'll go back to Brooklyn,
5 right?

6 COUNCIL MEMBER STEVENS: I don't care about
7 Brooklyn. I'm in the Bronx, go to Bronx.

8 MICHAEL LIPETRI: I'm going to go -

9 COUNCIL MEMBER STEVENS: No, go to Bronx because
10 I'm not in Brooklyn.

11 MICHAEL LIPETRI: We'll go to the Bronx. Okay,
12 so we'll go the Bronx. I'll give you an example of
13 the Bronx.

14 COUNCIL MEMBER STEVENS: And you guys know I have
15 time, so while you're going -

16 MICHAEL LIPETRI: Then I'll go to Southeast
17 Queens. We'll go -

18 COUNCIL MEMBER STEVENS: Alright, get to the
19 story please because I don't want you to eat up my
20 time because I actually have some more questions.

21 MICHAEL LIPETRI: So there - I'm going to give
22 you an example of the Criminal Group Database and
23 basically how it works.

24 COUNCIL MEMBER STEVENS: But could you give an
25 example.

1 MICHAEL LIPETRI: So I am giving you an example.

2 COUNCIL MEMBER STEVENS: Yes please.

3 MICHAEL LIPETRI: 19 incidents of violence in the
4 40 Precinct connected to multiple crews. One of the
5 crews, which I will not name, has documented 45
6 members in the Criminal Group Database. 19 acts of
7 violence, that's either shootings, people shot, shots
8 fired or gun arrests in a two months frame, right?

9 We noticed the younger individuals that were tied
10 to older individuals that were -

11 COUNCIL MEMBER STEVENS: But - so, no, I'm going
12 to stop you because I didn't ask for that. I asked
13 for the numbers in the data. I didn't ask for a
14 story or an anecdote because if we are saying and I'm
15 asking you how is this - what's the data that you
16 have? Because this is about data and making sure
17 we're using percentages and things like that. So,
18 how is this data stopping crime? What is the
19 percentage of crimes that this database has stopped?

20 MICHAEL GERBER: Council Member Stevens, you know
21 that it's not possible.

22 COUNCIL MEMBER STEVENS: Exactly.

23 MICHAEL GERBER: Hold on, hold on.

24 MICHAEL LIPETRI: Hold on.
25

1
2 COUNCIL MEMBER STEVENS: No, no because I have
3 another question.

4 MICHAEL GERBER: You're asking for data by the
5 negative. You're asking for data of shootings that
6 didn't happen.

7 COUNCIL MEMBER STEVENS: So just say you don't
8 have it.

9 MICHAEL GERBER: No, no, no because that's not
10 the case. It's that you're asking for data that you
11 know could not possibly generate it. You're talking
12 about interventions that will prevent shootings, that
13 do prevent shootings but there's literally it's not
14 possible to track a shooting that didn't happen.

15 COUNCIL MEMBER STEVENS: Could I just interject
16 there because there's no interventions that's being
17 done because it's one thing if you were saying that
18 you were using this data working with DYCD and all
19 these people. You also said you're not sharing this
20 information. There's no interventions being done to
21 stop anything. So, no, no, no, because that's true
22 because I asked you that offline. You're not doing
23 interventions and so, if there's a difference, if
24 it's like, we're using this information to actually
25 bring resources to those communities, meet with those

1
2 individuals and find the things that those families
3 need, that is very different. There's no
4 interventions and let's also be clear, when you're
5 saying resources, you're saying cops. That is not
6 going to get us out of the situation we're in. I
7 don't want to stay there because I have some other
8 questions.

9 So, have you ever heard of the Ghost Shadows?
10 Have you ever heard of the Ghost Shadows because
11 that's a well-known Chinese gang American gang that's
12 in New York City. Are they part of the gang
13 database? Because I know you have 500 and what 60
14 something crews in there.

15 MICHAEL LIPETRI: 500.

16 COUNCIL MEMBER STEVENS: Uh, huh have you heard
17 of the Five Families? Are they part of the database?

18 MICHAEL GERBER: Council Member, as you know,
19 there is a separate database.

20 COUNCIL MEMBER STEVENS: No, no, no -

21 MICHAEL GERBER: No, no, no, hold on, I'm
22 answering your question. I'm answering your
23 question. There is an organized crime database.

24 COUNCIL MEMBER STEVENS: No, no, this is not
25 organized crime. The ones I'm asking -

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2 MICHAEL GERBER: You asked about Five Families,
3 that is organized crime.

4 COUNCIL MEMBER STEVENS: No, Ghost Shadows,
5 that's not organized crime. That is a New York based
6 gang that is in China Town. Are they in the
7 database?

8 MICHAEL GERBER: Council Member, there is, there
9 is, there is - look at the database. There was also
10 an FBI database which are TFO's are able to and
11 working with the FBI and drawing them.

12 COUNCIL MEMBER STEVENS: I'm asking you about a
13 New York based Chinese gang that's in New York.
14 Because in your database, there are only what? I
15 think, I have the numbers . What is it like? There's
16 only like 70 of them. So, is that the gang that's in
17 there because I'm asking you a real question because
18 again, I am saying and why I get so upset and
19 passionate because you guys are willing to go so hard
20 around something that I do not feel like is moving
21 the needle. But it would move the needle in changing
22 your relationship with my community. It's not and I
23 think that when you're in other communities, you're
24 able to not have databases because crime is going on
25 in other communities and so, how are you solving

1
2 those crimes? Those crimes are happening but you
3 don't have to have a database to say like oh, let me
4 go in here and see if they're in there.

5 No, you're solving those crimes. So, even if you
6 don't believe that you could do the work, I know you
7 could do the work.

8 MICHAEL GERBER: Council Member -

9 COUNCIL MEMBER STEVENS: And it will fix the
10 relationship, I promise you.

11 MICHAEL GERBER: Two points in response to your
12 questions and your statements. First, do we share
13 information about membership in the Criminal Group
14 Database with other city agencies? We don't and you
15 know why we don't because if we did, the City Council
16 would be outraged and you would be upset with us and
17 you would say that it is stigmatizing. So, to
18 suggest that we should be sharing -

19 COUNCIL MEMBER STEVENS: No, I want to be clear.

20 MICHAEL GERBER: Wait, hold on, hold on, hold on.

21 COUNCIL MEMBER STEVENS: No, no, no because I
22 didn't suggest it. I said, there's no intervention.
23 So, you're collecting the information because here's
24 the thing, this is not stopping anything because if
25 we were getting these young people off the street and

1
2 putting resources there, that's how we stop the
3 crime.

4 MICHAEL GERBER: I want to give an example of
5 where we save lives by intervening.

6 MICHAEL LIPETRI: These are lives.

7 MICHAEL GERBER: Lives saved.

8 MICHAEL LIPETRI: I'm going to give you an
9 example. On January 13th, members of the NYPD were
10 deployed in a specific area, precinct in Northern
11 Manhattan, the 30 Precinct in regards to an uptick of
12 crew violence.

13 With that deployment built on intelligence some
14 from the Criminal Group Database, officers are
15 deployed. Officers were able to effect the arrest of
16 eight individuals with five firearms. Two of those
17 individuals arrested with the five firearms, one of
18 them was an identified crew member from a housing
19 development in the 24 Precincts. Another individual
20 identified crew member in the Criminal Group
21 Database, crew member in the 2A Precinct in a housing
22 development. One of those guns was previously fired
23 just a day prior in the 32 Precinct. So, what is
24 that tell senior leaders of the NYPD? It tells us
25 where to deploy. Hence -

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2 COUNCIL MEMBER STEVENS: So you're saying that
3 that -

4 MICHAEL GERBER: Wait, let him finish.

5 COUNCIL MEMBER STEVENS: No, I'm asking the
6 questions. I'm asking the point of clarity.

7 MICHAEL GERBER: Please let him finish.

8 MICHAEL LIPETRI: I'm not -

9 COUNCIL MEMBER STEVENS: No, I'm asking because
10 you said that the - let me finish because I'm asking
11 the questions. Don't do that. I'm asking a question
12 because I'm going to forget. So you're saying that
13 they were deployed specifically in that area because
14 of the gang database?

15 MICHAEL LIPETRI: Absolute - part of it,
16 absolutely.

17 COUNCIL MEMBER STEVENS: Part of it or is that
18 the reason why?

19 MICHAEL LIPETRI: Part of the reason.

20 COUNCIL MEMBER STEVENS: Exactly.

21 MICHAEL LIPETRI: Its -

22 COUNCIL MEMBER STEVENS: You have other means to
23 get to those places. You know where the violence is.
24 You know where they are and that's all I'm saying.
25 That is one piece that is not necessary, so please do

1
2 not sit here and make it seem like if this is not
3 here, the sky is falling because guess what? Like
4 you said, there is other parts of it and intelligence
5 that you are using because you know where the crime
6 is happening. You know, you do.

7 MICHAEL LIPETRI: You're missing the point again.
8 Again, you're not listening to my answer. My answer
9 is that two of the individuals were documented crew
10 members in two different precincts that we would have
11 not known to deploy that. And if you let me finish
12 my statement, I'll continue giving you more examples.

13 So, what does that tell us? That tells us where
14 to deploy and what crews are beefing. Then what do
15 we do? Then we continue to analyze the intelligence
16 like the five guns that we were able to recover
17 because of our deployment. What do those five guns
18 tell us? They were fired four different times in
19 different locations in New York City. So now, we can
20 start connecting. That gun belongs to this crew.
21 That gun belongs to that crew. So then now there's
22 four more commands. Four more commands that we
23 deploy to. Fact, the 28, the 24, the 32 and another
24 command in Manhattan, I'm sorry the three are. So,
25 four commands. Since we moved deployment, since

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2 January 13th, one shooting. One shooting in those
3 four commands, one. That is because of intelligence
4 precision. So, a part of it, the hits on the guns
5 are part of it. Who we are arresting is part of it.
6 The crew alliance is a part of it. The crew
7 identifications are part of it. Moving officers real
8 time, not waiting and that's how we save lives. Part
9 of it is using the Criminal Group Database.

10 COUNCIL MEMBER STEVENS: Part of it and that's
11 what I'm saying. You guys have a lot of other tools
12 that could be used and that's what I'm saying. We're
13 saying the same thing. I know you have other tools
14 and I know that you use other investigatory ways
15 obviously if there is a shooting but what I am saying
16 is there are other tools that you should be using,
17 especially when this is - it's clear evidence that
18 this is racial profiling when 99 percent.

19 MICHAEL GERBER: It is not racial profiling.

20 MICHAEL LIPETRI: It's precision. This is
21 precision.

22 COUNCIL MEMBER STEVENS: We can just change -

23 MICHAEL LIPETRI: We're able to give you data
24 because of the database. That's how you get your
25 data. If we didn't have a database, you wouldn't be

1
2 able to get data. We do have a database and we give
3 you data.

4 JASON SAVINO: With your permission, I'll just go
5 just because I think it's worth telling, just going
6 to the culture of gang shootings right? We know
7 they're contagious in nature and they rarely stop at
8 one. They become contagious and we need to stop that
9 shooting cycle. How do we do it with rapid
10 deployment? Now, what a gang shooting does, it
11 create an onsite environment. Now, what is that?
12 When you have a gang shooting, you have both teams
13 now that are carrying a multitude of guns. You have
14 the oppositions carrying guns and you have the
15 aggressors carrying guns. All are expecting violence
16 and they'll shoot at each other the moment they see
17 them. What does that mean? Onsite, that hence the
18 term.

19 Now, that creates such a dangerous atmosphere and
20 it's just so time sensitive. Why especially now?
21 Because of social media right?

22 COUNCIL MEMBER STEVENS: My time is up and I
23 don't want to be disrespectful to the Chair but we'll
24 continue to talk but I just want to be clear and just
25 say the last thing is like, there are other tools

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2 that you guys are using that are actually solving the
3 crimes and you guys are being clear about that. And
4 so, the sky isn't falling and I think Jumaane, our
5 Public Advocate said it, every time there's a
6 situation that you guys don't like, you push back so
7 hard and make it seem like the sky is falling.

8 I actually have faith that the other tools that
9 you're using is going to be better than this because
10 it's about restoring the trust that needs to happen
11 in the community because I live in this community
12 still currently. Like I didn't move away. I live in
13 the community where we have some of the highest
14 shootings in the city. I live there. I see it.
15 I've worked with kids who have had to bury their
16 friends. We are not doing the real work and to me,
17 this is a place where we could actually recreate how
18 we are community policing and this isn't it. There's
19 other tools and so we'll continue to talk. Thank you
20 Chair.

21 CHAIRPERSON SALAAM: You're welcome. I just want
22 to make sure some of the stuff I heard so far is
23 concerning beyond the subject matter of what we're
24 talking about today and it's concerning because
25 without the introduction of studies like what happens

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2 when you add abject poverty to abject poverty and
3 what conditions it creates.

4 We know that when people are in desperate
5 situations, of course you know as they say in the
6 streets, if you got food on your plate, I'm going to
7 find out how to get that food off of your plate
8 right? And so, the challenge of being able to
9 restore balance in a society where there's a great
10 amount of people who do not have because they're in
11 abject poverty, causes the situations that we're
12 trying to fight with tools that might not necessarily
13 be fully adequate according to what I'm understanding
14 Council Member Stevens to be saying.

15 I'd like to also recognize that we've been joined
16 by Council Member Vernikov and I want to pass the
17 next set of questions over to Council Member Cabàn.

18 COUNCIL MEMBER CABÀN: Thank you. I just want to
19 start with a couple of comments. One on Deputy
20 Speaker Ayala's bill. I keep hearing about these
21 exceptions for alleged serious crimes and
22 constitutional rights are constitutional rights are
23 constitutional rights and especially when we're
24 talking about young people. I don't care if you
25 charged with jump in a turn style or charged with

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2 murder, those constitutional rights should be
3 protected and they are not of the right mind set or
4 mind frame to give consent to these different things.
5 There should not be that exception.

6 For DNA, I'm talking about the need to collect
7 this. I just want to point out as an experienced
8 public defender who litigated many, many cases
9 including cases that involved DNA evidence. DNA is
10 not the only way to secure a conviction. There are
11 lots of ways to prove a case beyond a reasonable
12 doubt and DNA often times is just one of them or
13 supplemental to. And in fact, I have tried cases
14 where the DNA evidence that is presented by the
15 prosecution is used, the type of DNA evidence, the
16 technology is used to say this person did it beyond a
17 reasonable doubt and then two, three months later
18 I'll try a case and that same DNA evidence and that
19 same technology, the defense finds exculpatory and
20 the prosecution will be able to make an argument
21 about how that DNA evidence is wrong or off or is
22 over - offset by these other circumstances.

23 So, I also just want to point out to people that
24 these sciences, the sciences that we put in front of
25 our courts, they're not 1,000 accurate. They're not

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2 bullet proof. I mean there's plenty of - I'm not
3 saying DNA is junk science. It is not but there also
4 is plenty of junk science that we allow into the
5 court room. So, it should not be the only thing.

6 Moving into my questions, I want to ask and this
7 is about the gang database. Are you aware of any
8 independent peer reviewed evidence that shows that
9 the database directly contributes to reductions in
10 violent crime? And it's a yes or no question.

11 MICHAEL GERBER: Your question is whether we've
12 had sort of for the NYPD database in particular,
13 where we've done some sort of peer review or academic
14 analysis?

15 COUNCIL MEMBER CABÀN: Are you aware of any
16 independent peer reviewed evidence that shows that
17 the database directly contributes to reductions in
18 violent crime?

19 MICHAEL GERBER: I don't think we've done any
20 study of that sort, no.

21 COUNCIL MEMBER CABÀN: Okay so that's because
22 there isn't any. There is not an independent peer
23 reviewed evidence that has the results that shows
24 that it reduces?

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2 MICHAEL GERBER: No, we just haven't done that
3 analysis either way.

4 COUNCIL MEMBER CABÀN: Have you made any effort
5 to calculate the cost of maintaining the database,
6 including computing costs in staff time to process
7 and review entries? What's it costing?

8 MICHAEL LIPETRI: It's within our Enterprise Case
9 Management System. There's not a separate - it's
10 within the Enterprise Case Management.

11 COUNCIL MEMBER CABÀN: Okay.

12 MICHAEL GERBER: If your question is it a
13 significant financial cost to the Department, I think
14 the answer to that is no.

15 COUNCIL MEMBER CABÀN: Great, moving on. That's
16 not that hard. Is it true that people in the
17 database are more likely to be subjected to
18 surveillance including their social media. So like,
19 if you're on the database, you're going to be watched
20 more closely right? You're going to look at their
21 social media.

22 MICHAEL GERBER: No.

23 COUNCIL MEMBER CABÀN: No?

24 MICHAEL GERBER: No, that's not the case at all.

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2 COUNCIL MEMBER CABÀN: Okay, so you're saying
3 that if they're on the database, you're not - I mean
4 that's contrary to what you testified to earlier
5 saying that you look at the database.

6 MICHAEL GERBER: No it's not. No it's not what
7 we said, was that in situations in which we are for
8 example, there's been a shooting, we're trying to
9 figure out a motive for the shooting, trying to
10 deploy effectively, investigate effectively. Do we
11 utilize database in that situation? Absolutely. The
12 database is a very, very important intelligence tool.

13 Your question as I understood it was, a question
14 about sort of generalized surveillance. Do we have
15 some sort of surveillance program of the people in
16 the database and the answer to that question is no.

17 COUNCIL MEMBER CABÀN: But you are checking into
18 these people even if there is - even though evidence
19 of criminal activity is not required to be entered
20 into the database. Like, you do not have to have
21 evidence of criminal activity to be placed into the
22 database, correct?

23 MICHAEL GERBER: Your question is, if your
24 question is, does someone have to have committed a
25

1
2 crime in order to be in the database, the answer to
3 that question is no.

4 COUNCIL MEMBER CABÀN: Okay.

5 MICHAEL LIPETRI: Let me just add to that.
6 That's one percent of the database, one percent.

7 COUNCIL MEMBER CABÀN: Okay.

8 JASON SAVINO: Yeah, the vast majority of the
9 individuals in the database have committed a
10 multitude of crimes and a multitude of violent crimes
11 and that one percent -

12 COUNCIL MEMBER CABÀN: Have been convicted of?

13 JASON SAVINO: I'm sorry, arrested of.

14 COUNCIL MEMBER CABÀN: Okay, so they have not
15 been convicted of? They have not be proven beyond a
16 reasonable doubt to be guilty of a crime they have
17 only been - so 99 percent of people have been accused
18 of a crime on that list?

19 JASON SAVINO: A multitude of arrests, in fact, a
20 very large percentage -

21 COUNCIL MEMBER CABÀN: No, I think you've
22 answered my question. If there is a difference
23 between accused and arrested and convicted. I'm
24 going to move on. Thank you for answering my
25 question. I have two more Chair. What role excuse

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2 me, what role do School Safety Officers play in
3 recommending that young people be added to the
4 database?

5 JASON SAVINO: That could be one of the
6 independent sources that uhm - we consider them an
7 expert of the subjects right? Like, nobody knows our
8 kids better than our school safety. That could be
9 one of the independent sources.

10 COUNCIL MEMBER CABÀN: And so School Safety
11 Officers are saying, I'm around the school, I think
12 this kid is in a gang?

13 MICHAEL GERBER: That would not be enough in and
14 of itself.

15 MICHAEL LIPETRI: Not accurate.

16 MICHAEL GERBER: One second. We have as you
17 know, we've tightened up significantly the rules for
18 someone being entered into the database. If two
19 independent sources, independent individuals, say
20 that someone is in the criminal database and as far
21 as -

22 COUNCIL MEMBER CABÀN: So, two School Safety
23 Agents?

24 MICHAEL GERBER: Hold on a second. It's two
25 separate independent sources and -

1 COUNCIL MEMBER CABÀN: So, it could be two -

2 MICHAEL GERBER: And -

3 COUNCIL MEMBER CABÀN: I'm clarifying it could be
4 two School Safety Agents right?

5 MICHAEL GERBER: Two independent -

6 COUNCIL MEMBER CABÀN: Yes or no?

7 MICHAEL GERBER: No, no, no, but there's more to
8 it.

9 COUNCIL MEMBER CABÀN: You can continue on, just
10 answer my question.

11 MICHAEL GERBER: I'm trying to answer your
12 question.

13 COUNCIL MEMBER CABÀN: Yes or no? Could it
14 include two Social Safety?

15 MICHAEL GERBER: And other things as well. That
16 alone will not do it.

17 COUNCIL MEMBER CABÀN: That was not my question.

18 MICHAEL GERBER: It was your question.

19 COUNCIL MEMBER CABÀN: It's really - It's really
20 -

21 MICHAEL GERBER: It was your question.

22 COUNCIL MEMBER CABÀN: I asked, could those two
23 independent people be School Safety Agents? That's
24 it.
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2 MICHAEL GERBER: That's not sufficient. You're
3 making it out like -

4 COUNCIL MEMBER CABÀN: That's not my question.

5 MICHAEL GERBER: If the question is if two School
6 Safety Agents separately -

7 COUNCIL MEMBER CABÀN: Do they count as
8 independent sources?

9 MICHAEL GERBER: Is that a sufficient, the answer
10 is no. Does that contribute? -

11 COUNCIL MEMBER CABÀN: That's not what I said. I
12 am talking - okay, you listed out a few requirements
13 for getting on the list. I am asking you about one
14 of the requirements, the independent corroborations
15 and I said, would two separate School Safety Agents
16 be that?

17 MICHAEL GERBER: You are misstating, you are
18 misstating a criteria. It's not -

19 COUNCIL MEMBER CABÀN: I'm asking about one part
20 of the criteria.

21 MICHAEL GERBER: Okay, so I want to be crystal
22 clear for the record. There is - if someone has been
23 identified as part of an ongoing investigation and,
24 and there are two separate independent reliable
25

1 sources, that person is eligible to be entered
2 potentially -

3 COUNCIL MEMBER CABÀN: Okay and my question is -

4 MICHAEL GERBER: Yes.

5 COUNCIL MEMBER CABÀN: For that part of it, that
6 eligibility, can it be two School Safety Agents?

7 MICHAEL GERBER: Two - separately yes. Yes.

8 COUNCIL MEMBER CABÀN: How, how hard was that?

9 MICHAEL GERBER: Council Member, you are missing
10 the criteria.

11 COUNCIL MEMBER CABÀN: No, I am asking you -

12 MICHAEL GERBER: Yes you are.

13 COUNCIL MEMBER CABÀN: The criteria is this big
14 and I'm choosing to ask you about one part of the
15 criteria. It's not missing anything.

16 MICHAEL GERBER: Yes it was.

17 COUNCIL MEMBER CABÀN: I'm asking you about one
18 part. It's real simple. By the way, I don't know if
19 you know this but you guys make yourself look a lot
20 worse when you play games with the most simple of
21 questions.

22 MICHAEL GERBER: We are not playing games. We
23 are asking your questions to the best of our ability.
24

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2 COUNCIL MEMBER CABÀN: I'm going to wait for a
3 second round Chair. Thank you.

4 CHAIRPERSON SALAAM: Thank you. Thank you, we
5 will now hear from Council Member Ariola.

6 COUNCIL MEMBER ARIOLA: Thank you Chair. I want
7 to start with a statement. I just want to say that
8 the fact that we're having a hearing on these bills
9 proves how far off the rails we've gone in public
10 safety in this city. Any DNA evidence that is
11 collected is subject to admission in court, correct?
12 Correct so it does not in and of itself convict
13 anyone and if the police cannot collect info on
14 criminal activity and that would seriously impede
15 your investigation, a prosecution, a conviction in
16 getting a violent criminal off the street.

17 So, I understand why you would be in partial
18 support of Intro. 125. I get that completely but
19 with the carveout that you've asked for. So, you're
20 not being, you're not being an impediment to
21 improvement. You want to improve.

22 On the Gang Database or as our Public Advocate
23 said, we should be focusing on preventing violence
24 and target at risk youth with programs etc.. How
25 would we know who these at risk youth are if we could

1
2 not identify them and collect information about them
3 and what should the list be called? If we gave it a
4 new name, would it have a different meaning to the
5 people on this panel? And I would like to give you a
6 chance to answer a question fully because you've not
7 been given that chance yet.

8 MICHAEL GERBER: And I think actually I'll turn
9 it over to Commissioner Foster because I think there
10 really are - you know we're talking here today about
11 the Criminal Group Database; we're talking about
12 enforcement efforts. There is a tremendous amount of
13 work, an extraordinary amount of work and great work
14 that Mr. Foster and his team do to try to help young
15 people arrests. So, I'll turn it over to him.

16 ALDEN FOSTER: Yes, thank you Commissioner and I
17 thank you Council Member. In the Community Affairs
18 Bureau, we oversee all the Community Affairs Officers
19 around the city in all your 78 Precincts that you
20 guys all represent. We have a number of different
21 programs working with the Department of Education,
22 the Department of Youth and Community Development.
23 The New York City Police Department, we have one of
24 the largest city agencies Summer Youth Employment
25 programs where we hire over 1,000 young people in all

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2 of our 78 precincts, 9 housing commands, 12 transit
3 districts and from the police commissioners office
4 down. And we have a number of different programs
5 that we do to try to keep young people from ever
6 getting into the database but also getting into any
7 type of trouble. This past Friday, we just uhm, in
8 the Chair's district up in the polar grounds, we just
9 opened up with DYCD and also PL the police
10 athletically our first aviation program, where we
11 took a pilot from our aviation unit and he's from the
12 community. He wants to get back to the community and
13 he's running a program where he's teaching the young
14 people in Harlem the skills and a life career of
15 being a pilot. So, we have a number of different
16 programs. We take young people partnered with SUNY.
17 We have over 20 school visits where we partner. We
18 take young people from all over the city to different
19 colleges, building that relationship. A lot of
20 people say, how come the police should be into
21 program? It's very important for us because we want
22 to be able to build those relationships with the
23 young people and my men and women of this department
24 have a lot of different resources, talents, sort of
25 like that officer that's running this aviation

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2 program and we also want to show people that the
3 police officers is from the communities that they
4 represent.

5 COUNCIL MEMBER ARIOLA: Thank you and in your
6 testimony Commissioner Gerber, you've said how these
7 lists have been purged and the numbers have
8 significantly decreased with the names that are on
9 these lists.

10 MICHAEL GERBER: Yeah, we've made very
11 significant changes. The DOI report came out in
12 2023. We took the majority of the recommendations
13 and there were very fair critiques in the DOI report.
14 Ways that we could do better, where our policies
15 weren't clear, where our documentation rules were not
16 sufficient and we really have made very significant
17 changes, both in terms of how someone can or cannot
18 be entered in the database and obviously for removal.
19 Making it clear, making it tighter. I think that's
20 very important. I mean it's actually crucial. We
21 want the database. It has to be accurate. It has to
22 be precise. If we don't have the documentation, that
23 person should not be entered. If the removal
24 criteria are not satisfied, of course it needs to be
25 out. And as I said, that's played out in the data.

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2 You've seen the size of the database you know
3 shrinking significantly over time.

4 COUNCIL MEMBER ARIOLA: And in Intro. 798, part
5 of that bill is if a member of the NYPD who use the
6 database would be subject to financial penalties, to
7 civil litigation, including punitive damages. Now,
8 that would be another reason why people would not
9 want to become police officers.

10 MICHAEL GERBER: Right, so to be clear, I mean
11 obviously we think the database should not be
12 eliminated full stop, full stop. We feel very
13 strongly about it for all the reasons that we've
14 said. On top of that, I will say this idea of you
15 know punitive damages against the police officers, I
16 mean, again, it's completely unnecessary, completely
17 unwarranted. If a database is eliminated, we will
18 follow the law. If we are barred from using it, we
19 will not use it. I think it would be a terrible
20 mistake. I think it will have I think really harmful
21 consequences as a public safety matter and also as a
22 matter in terms of who is flagged as a gang member.
23 Because as I said, as I said, without the database,
24 you're going to have a situation where there are no
25 checks, there's no oversight, there's no

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2 documentation. It's word of mouth. It's someone
3 saying well, I can't - there's no database but I
4 heard from somebody. I think this person might be a
5 gang member, maybe someone said something about that
6 and that's terrible. We don't want that. Whatever
7 concerns you may have about the database, the
8 alternative of no database, no rules, no oversight,
9 no DOI auditing, just word of mouth in the precinct
10 among cops, that is 100 times worse and I really
11 would urge the critiques of the Department and the
12 critiques of the database really to think about that.
13 In a world in which the database ceases to exist.
14 What does that world look like in a public safety
15 perspective but also, what does that world look like
16 in terms of cops flagging people as gang members?
17 Because the way it works now, right we have these
18 rules, we have this oversight. We have this
19 documentation and if the person is not in the
20 database, someone says oh, that person is a gang
21 member. No, no, no, we have rules. There's
22 oversight here. You can't just throw that around
23 right, executives will not accept that.

24 COUNCIL MEMBER ARIOLA: Right and -

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2 MICHAEL GERBER: In a world in which we get rid
3 of the database, that goes all out the window.

4 COUNCIL MEMBER ARIOLA: Right, getting rid of the
5 database is just insanity. It would cause chaos in
6 this city and Chief, to speak to your statistics,
7 which I think are really compelling is that you know
8 the amount of people, one percent when you know such
9 a large number of perpetrators of crimes who have
10 been arrested are you know under age. So, I just
11 want you to add one, just answer this again. I know
12 you've answered it before but how many safeguards are
13 in place on the database to make sure only people who
14 need to be listed are there and what triggers it?

15 MICHAEL GERBER: Right and so, we got rid of some
16 of the things that could have gotten someone in
17 before. Now, the only way it could happen is either
18 someone self admits, either there you know saying it
19 let's say in an interview with a police officer or
20 via their own social media posts, not someone else's.
21 Their own social media posts.

22 They are in a variety of ways admitting to gang
23 membership. It has to be documented. I don't know
24 if it comes, some cop just says so. If we're relying
25 on social media, we need the actual screen captures,

1
2 right for a supervisory oversight and for DOI, if
3 they're doing an audit. So, anyway and that's one
4 path. The other path is if as part of an ongoing
5 investigation, they've been identified as a gang
6 member and on top of that, there are two independent
7 individuals, reliable individuals who have said, yes,
8 this person is in that gang.

9 So, those are the only two paths. It's really
10 important because I know there's been some confusion
11 about this. You know this idea that you could get in
12 the Gang Database because of who you associate with
13 or where you live and I will say, I think this was a
14 critiqued idea why. It was a fair critique under the
15 old system. There was a piece of that that existed
16 out there and we have totally eliminated that and
17 that's really important. And then if you meet those
18 criteria, we have the documentation, there's multiple
19 levers of supervisory oversight. Only certain teams
20 within detective or intelligence bureaus can nominate
21 someone for the database. Their immediate supervisor
22 has to sign off. It then goes to a separate
23 supervisor in real time crime and that supervisor, I
24 will note, they're not involved in this
25 investigation, right? They're separate. They're not

1
2 invested in this. Their job is to apply these rules
3 and I will tell you we have lots of situations in
4 which people, a detective says hey this person should
5 be in the database and it gets rejected. And the
6 real time crime says no, we're not going to do it.
7 Sometimes the detectives frustration right. Like,
8 hold on, I'm really sure this person's in the gang
9 and we say, no, we have these rules. We have
10 documentation requirements. No documentation, not
11 going in. So, we really have tightened that up
12 tremendously and then on the back end, with the
13 removals, again, I really - I think DOI had a fair
14 critique before about sort of that the removal
15 criteria being too kind of a morphos or unclear, we
16 have tightened that up tremendously, right and you
17 know I listed the criteria before, there's no wiggle
18 room in that, right? If those criteria, if one of
19 them is not satisfied, the person is out period.

20 MICHAEL LIPETRI: Just if I can add some data to
21 this. So, in 2023, 201, 201 individuals were
22 inputted into the criminal group database. 1,633
23 were removed. Last year, 481 were put into the
24 database, 1,559 were removed.

25

1
2 COUNCIL MEMBER ARIOLA: Thank you for that data
3 and I'll just conclude with saying the reduction in
4 crime that you are testifying to here today is in
5 spite of actions that were taken by this body like
6 the All Stops Act and trying to get rid of the gang
7 database and impeding DNA collection. So, I really
8 want to commend you on the work that you do to get
9 violent offenders off our streets and keep our public
10 safe. Thank you.

11 MICHAEL LIPETRI: I do want to apologize to the
12 Borough of Staten Island because they also had the
13 lowest shootings in the CompStat era, so it was
14 Brooklyn and Staten Island. Can't forget about
15 Staten Island, sorry about that.

16 COUNCIL MEMBER ARIOLA: Thank you Chair and I'd
17 like to be put in for a second round.

18 CHAIRPERSON SALAAM: Sure, thank you as well.
19 Just for clarification, can you give me those numbers
20 again? The input and then the removed?

21 MICHAEL LIPETRI: Sure, so in 2023, it was 201
22 were added. 201 individuals were added into the
23 Criminal Group Database and 1,633 were removed. And
24 last year, 481 added 1,559, and it's the same going
25 back to well - almost the same going back to 2022

1
2 more removed than added. Same thing in 2021, more
3 removed than added and same in 2020.

4 CHAIRPERSON SALAAM: Thank you. We'll now hear
5 from Council Member Holden for his questions.

6 COUNCIL MEMBER HOLDEN: Thank you Chair and thank
7 you Commissioner again for an outstanding testimony.
8 As always you came prepared, your team is very
9 prepared and you know we heard about the benefits of
10 the Gang Database today but sometimes that just goes
11 in one ear and out the other because it serves a key
12 function for NYPD, for any law enforcement agency,
13 you have to know who you're looking for, what area to
14 start. You just can't say well, let's look over the
15 eight and a half million people in New York City and
16 let's start from there.

17 So, crime prevention, you talked about that, you
18 catalogue individuals suspected of gang involvement.
19 That's where you start, basic, basic police work.
20 They want to take that away from you with this. It's
21 ridiculous. It's totally ridiculous. It's against
22 common sense. You know the way you identify patterns
23 of violence is police work, drug trafficking, police
24 work, other criminal activity. You have to know
25 where you're looking, who you're looking for.

1
2 Resource allocation, like you mentioned is driven by
3 policing. It relies on tools like the gang, one tool
4 like the gang database. It's not the only tool.
5 It's good detective work. It's asking questions.
6 It's talking about individuals and understanding
7 where to deploy officers? Because you know if
8 there's a gang shooting, they're going to retaliate
9 most likely. So, you know where to look.

10 Also, in the case resolution, database aids in
11 solving crimes by linking suspects to gang networks.
12 Take that away from NYPD, you're going to have more
13 gun violence and just violence.

14 MICHAEL GERBER: And if I may, I just an
15 additional point. It hasn't really come up yet but I
16 think it's actually really important, is you know one
17 of the many phenomenon with gang violence is, we have
18 some long standing gangs but unfortunately, we have
19 new emerging gangs. Tren de Aragua being the most
20 prominent example. Here you have, it's a new gang,
21 incredibly violent, incredibly dangerous and it's
22 new, and precisely in those situations where you have
23 a new emerging threat to public safety, you need
24 intelligence. We desperately need intelligence.

1
2 COUNCIL MEMBER HOLDEN: And you have a database
3 on those gang members too. So we should take that
4 away and not know who they are. I mean that's what
5 this bill does.

6 MICHAEL GERBER: And that's the thing that Chief
7 Lipetri was saying before that it's a piece. Of
8 course intelligence is only going to be a piece.
9 It's intelligence and then using that intelligence
10 soundly, carefully, precisely, with the expertise
11 that our Chiefs have, the Executives have. Right, so
12 sure it's not intelligence alone but intelligence is
13 a crucial part and the notion that you would simply
14 like remove the intelligence piece, that makes no
15 sense.

16 JASON SAVINO: Yeah and if I could just piggyback
17 that Tren de Aragua portion. We spoke, it's really
18 hard to get into that database. We spoke to that.
19 You know even in the world of gang members, you know
20 there's very few individuals that go into - not every
21 gang member is in the database. It's truly the worst
22 of the worst.

23 COUNCIL MEMBER HOLDEN: Right.

24 JASON SAVINO: But we spoke about arrest history
25 and how many arrests individuals had Tren de Aragua

1 right? If there's ever a time we need this, it's
2 now.
3

4 Now, I want to speak to - we spoke to the 99
5 percent of individuals in the database that have
6 somewhat a very robust arrest history but then
7 there's that one percent right? There's that one
8 percent which really has no arrest history and that's
9 our Tren de Aragua individuals. That we need to
10 really monitor it now more than ever. Now I want to
11 paint a picture for you. In the month of January, we
12 had three, three Tren de Aragua gang takedowns. Now,
13 embedded in those gang takedowns, we had several
14 members that had zero criminal history. You know
15 what we took from those gang takedowns, an excess of
16 70 firearms, several ghost guns, an AR15 ghost gun, a
17 switch, which essentially makes a 9 millimeter, fully
18 automatic. These are the individuals that need to be
19 tracked more than ever and if we give that up, we
20 cannot track it.

21 I also just want to speak very, very briefly to
22 how time sensitive this is right for the rapid
23 deployment. I'm just going to give you two quick
24 scenarios. The first is just and it's because of
25 social media. Individuals go, they post themselves

1 on the oppositions block, right? We have to respond
2 to that immediately because the world is watching.
3 We had individuals out there, especially in the world
4 that drills that have an excess of 40 million
5 followers and what do they do? They're actually
6 enticing and encouraging violence, so now you need
7 that quick response right and you're going to get it
8 almost immediately. You need that response
9 immediately and if we don't have this gang database,
10 we just painted a picture on how challenging, how
11 difficult it is just to get into the database.
12 Imagine starting from scratch each and every time
13 we're faced with those scenarios.

14 COUNCIL MEMBER HOLDEN: Yeah but still with a
15 limited and I know detectives in my precinct. It's
16 about half the size of what it used to be and then we
17 have more cases now but talking about Tren de Aragua,
18 they were trained to shoot at police officers in
19 their home countries, right. I mean you have to know
20 all this stuff when you go after these guys but more
21 often than not, let's just talk about general gang
22 activity. When they shoot and they don't go up to
23 the person usually. They're shooting from distance
24 many times and they're hitting innocent bystanders.
25

1
2 We had children that were killed, shot, mothers with
3 babies that were shot. This is what you are going to
4 see happen more often if you take away the Gang
5 Database. It's a key police tool.

6 MICHAEL LIPETRI: Couldn't agree with you more
7 and I'll give you three examples. In six days in
8 Southeast Queens on September 12th, a 75 year old man
9 was shot in the jaw while pushing a shopping cart.
10 On January 16th, a 66 year old man was killed while
11 driving on Baisley Boulevard. On 09/17, a 74 year
12 old was shot on Farmers Boulevard. All three
13 innocent, unintended victims, all three crew
14 motivated shootings. One of the individuals arrested
15 in the Criminal Group Database.

16 COUNCIL MEMBER HOLDEN: And again, we have to
17 hear about the victims of these gangs, which you
18 rarely see here or on the steps of City Hall
19 screaming and yelling. What you need to do is get
20 the victims and have them come to these hearings and
21 testify the impact of their families losing a loved
22 one and we're not hearing that part of it. Thank
23 you.

24 CHAIRPERSON SALAAM: Thank you. I'd like to turn
25 the questioning over to Council Member Paladino.

1
2 COUNCIL MEMBER PALADINO: Good morning and thank
3 you so very much for being here. I'm kind of
4 doubling down on my colleagues but first I want to
5 say kudos to each and every one of you. Kudos to the
6 fact and figures that you delivered here for us
7 today.

8 I want to say the truth is a very tough pill for
9 people to swallow and that's what you're giving us
10 all today. You're giving us precise information that
11 everybody needs to digest and understand the reality
12 of what is going on in New York City today. What you
13 did today for me was educate me on your actual
14 numbers and how you have purged the gang database
15 already. Asking somebody or having somebody in the
16 gang database for a lousy three years, come on, give
17 me a break. Okay, everything has been followed to
18 the letter. This is not a racially motivated
19 anything. These are facts that we have to deal with
20 and you guys are left to do the dirty work.

21 The fact that we have got cops retiring and
22 leaving service before their time is due is because
23 of the way they're treated here in New York City, and
24 sadly by this Council. This has become a war on you
25 once again. You know and people's memories are

1 short, real short because when we got our illegal
2 immigrants in here and they come here in large
3 numbers and as gang members, TDA as they shortened
4 their acronym to. The fact that they use social
5 media in the way that they do. The fact that you all
6 left with the burden to carry and try to prosecute is
7 almost impossible. But let me say this, I've watched
8 here today your words get jumbled up, once again get
9 prosecuted for what you're saying or they rearrange
10 what you're saying. Let's be very clear here, the
11 Gang Database is an essential tool for Law
12 Enforcement in combating gang related violence, which
13 constitutes a significant portion of the criminal
14 activity in many communities. By maintaining a
15 comprehensive and up to date database, authorities
16 can effectively identify known gang members, track
17 their associations and monitor their movements. This
18 intelligence is a crucial tool for understanding the
19 structure of dangerous gang networks, predicting
20 potential conflicts and preventing violent crimes
21 before they occur.

23 If such a database were to be eliminated, Lauren
24 Foster would lose crucial historical data and
25 intelligence forcing them to start from scratch in

1 mapping out gang activity. This loss of
2 institutional knowledge would severely hinder
3 investigations, disrupt ongoing efforts to dismantle
4 criminal organizations and to allow gangs to operate
5 anonymously.
6

7 Maintaining a gang database ensures continually
8 in the intelligence gathering, enhances public safety
9 and provides offices with the necessary tools to
10 combat organized crime effectively. Illegal migrants
11 committing some of the most violent crimes in New
12 York City are part of our gangs, and removing the
13 database seems like a tactic to help protect the
14 illegal criminal element we have now invading our
15 city.

16 I made this statement because you have been
17 interrupted countless times. This is for the record,
18 for everybody to understand how crucial and how
19 ludicrous, ludicrous the idea is of this passing in
20 Council. Absolutely ludicrous. It just hits you
21 with another blow, another young guy, young girl,
22 will no longer want to become a police officer or
23 they will be dragged here with New York City skills,
24 the best in the world and take it elsewhere to make a
25 living.

1
2 So, thank you very, very much. I don't have a
3 question for you. You cleared it up beautifully.
4 Thank you.

5 CHAIRPERSON SALAAM: Thank you. We'll now pass
6 it to Council Member Vernikov.

7 COUNCIL MEMBER VERNIKOV: Thank you very much.
8 Can you hear me? Is this working? Thank you very
9 much Chair. First question for Mr. Gerber. Mr.
10 Gerber is DNA collection brought for minors prior to
11 arrest constitutional?

12 MICHAEL GERBER: Right, so certainly, it
13 certainly can be. It can be done consistent with the
14 constitution. There are you know juveniles can give
15 consent. And obviously a court will look at that of
16 course and analyze whether the consent wasn't that
17 given. Did they have the ability to do it? Did they
18 understand what was happening? There are number of
19 factors that will go into that always, including the
20 persons age which is irrelevant considering -

21 COUNCIL MEMBER VERNIKOV: But generally we've
22 been doing this for years.

23 MICHAEL GERBER: Right and I just want to be
24 clear, while it's a multifactor analysis, the answer
25 is yes, juveniles certainly can give consent and

1 juveniles certainly can give abandonment samples.

2 That does happen. It's not particular in New York.

3 It's across the country as a matter of constitutional
4 law and New York Law. There is nothing prohibited in
5 that regard, no.

6
7 COUNCIL MEMBER VERNIKOV: Thank you and Chief, my
8 colleague mentioned earlier that DNA is not the only
9 piece of evidence that could help you secure a
10 conviction but can you talk a little bit about how
11 crucial DNA is to securing a conviction?

12 MICHAEL LIPETRI: Sure, I mean in a lot of cases,
13 you know DNA helps substantially in securing a
14 conviction. A lot of our gun arrests, you know a DNA
15 sample, will either be requested by an ADA or
16 obviously an abandonment sample to put a you know a
17 profile on that DNA and ultimately see you know the
18 percentage of that person saw DNA on the firearm.
19 Obviously in other cases, sex offenses, burglaries,
20 violent crimes, violent crimes and you know obviously
21 it definitely helps us securing a conviction.

22 COUNCIL MEMBER VERNIKOV: So, you would say it's
23 crucial, yes?

24 MICHAEL LIPETRI: Yes.
25

1
2 COUNCIL MEMBER VERNIKOV: Thank you and on Intro.
3 125, based on your experience, how willing to you
4 think parents or attorney's would be to cooperate
5 with DNA collection of their children or their
6 clients?

7 MICHAEL LIPETRI: I can't speak to data behind it
8 but you know that's why we have strict guidelines in
9 place to have a parent or guardian present when a
10 juvenile gets arrested.

11 COUNCIL MEMBER VERNIKOV: But just in your
12 opinion based on your experience, do you think they
13 would be willing? Do you think parents would be
14 willing to give consent for their children to give
15 DNA?

16 MICHAEL LIPETRI: I can't speculate on that, I'm
17 sorry.

18 COUNCIL MEMBER VERNIKOV: Okay and can you talk a
19 little bit about how these bills will impact your
20 ability to combat gun violence in the city?

21 MICHAEL LIPETRI: The Criminal Group Database is
22 crucial in gang violence in New York City and you
23 know just to remind everybody, 65 percent,
24 approximately 65 percent of all our shootings have a
25 gang or crew nexus, 65 percent. And that's the low

1 number. I feel you know doing this for a long time,
2 I feel it's close to 275 to 80 percent but
3 documented, it's approximately 65 percent. We have
4 to move speed, deployment, precision, both on the
5 operational side and the investigative side has to be
6 very, very fast. We're not talking about precinct to
7 precinct feuds anymore. That's gone. We talking
8 borough to borough. We're talking about the southern
9 tip of Queens to the northern part of Brooklyn, over
10 to Brooklyn South. When you talk about the Bronx,
11 you got to talk about Manhattan North. We have to
12 move to three bridges whether their mode of operation
13 could be a city bike. That mode of operation could
14 be motor vehicles, whatever it might be. It could be
15 transit. It's a multiborough approach and the
16 intelligence has to be analyzed and a part of that is
17 the Criminal Group Database.

18
19 COUNCIL MEMBER VERNIKOV: Thank you.

20 MICHAEL LIPETRI: You're welcome.

21 COUNCIL MEMBER VERNIKOV: Will these two bills if
22 passed, will they hurt the ability of the federal
23 government to prosecute criminal gangs under recall?

24 MICHAEL LIPETRI: It could. It could. I don't
25 want to give you know a definite answer to that but I

1 will tell you that one program that will cease
2 because of not having a Criminal Group Database and
3 that's the Cease Fire program. We talk about
4 connecting gang members to social services, well you
5 have to be in the Criminal Group Database to be part
6 of a Cease Fire enforcement action and the larger
7 part of that is the social services that are being
8 offered to the crew members. So, no Criminal Group
9 Database, no cease fire. Cease Fire enforcement
10 action, Lafayette Gardens, Bedford Stuyvesant started
11 in December, eight shooting incidents. Since, zero.
12 Again part of it is the Criminal Group Database.

14 COUNCIL MEMBER VERNIKOV: Thank you and just one
15 last question. Would Intro. 798 and I know we
16 discussed this earlier, would Intro. 798 also
17 eliminate every illegal migrant on the Gang Database?
18 For instance, like the Tren de Aragua? I don't know
19 if I'm pronouncing it right. It's a Venezuelan
20 Prison Gang Trans National Criminal Organization.

21 MICHAEL GERBER: If Intro. 798 becomes law, the
22 database will be completely shut down. We will not
23 be able to use it in any way for any purpose in
24 connection with any member of the database period.

25 COUNCIL MEMBER VERNIKOV: So yes?

1
2 MICHAEL GERBER: Everybody, everything in the
3 database. There are no exceptions in the bill.

4 MICHAEL LIPETRI: And no more data.

5 COUNCIL MEMBER VERNIKOV: Thank you very much and
6 thank you for your service.

7 CHAIRPERSON SALAAM: Thank you. We will now hear
8 from Council Member Joseph for her questions.

9 COUNCIL MEMBER JOSEPH: Thank you Chair. Good
10 morning. How many individuals under 21 are included
11 in the Gang Database?

12 MICHAEL LIPETRI: Under 21, so it's 162 which is
13 one percent under 17. So, 18-24 is 17 percent.
14 That's how I have it.

15 COUNCIL MEMBER JOSEPH: How many times has the
16 Department notified a parent of their child's
17 inclusion into the Gang Database? And since you're
18 implemented, what recommendation - since you
19 implemented the recommendations from DOI?

20 MICHAEL GERBER: Right, so one of the things, one
21 of the recommendations that we accepted was this idea
22 of notifying parents when a child, a juvenile has
23 entered into the database. We agreed to do that with
24 a carveout if it's going to compromise an ongoing
25 investigation. There are certain circumstance in

1 which it would be wildly inappropriate to do that.
2 Some situations where it would be fine. In full
3 candor, we have not yet done a good job of
4 implementing that and I'll just - I'll tell you why.
5 I think we thought about it on a reflection the wrong
6 way. We sort of had a system in place where you know
7 we said we're going to have the YCO's make the
8 notifications. There was you know good reasoning
9 behind that. I think that was an error because you
10 know you have the detectives working on
11 investigations and you have the YCO's supposed to
12 make notifications but no one really owns it if that
13 makes sense or no one has owned it and that's been a
14 problem.
15

16 So, on the one hand, I want to be clear we are
17 committed to what we said we would do, which is to
18 have a system in place where appropriate to make
19 these notifications. We actually sort of as we speak
20 are revamping the system because it's not been
21 working well and I think the plan going forward is to
22 actually have the detective borough own this piece as
23 well. That way there's no question of whose
24 responsible for this. And quite frankly, quite
25

1
2 frankly, you know if you're making notification to
3 parents, parents are going to have questions.

4 COUNCIL MEMBER JOSEPH: Absolutely.

5 MICHAEL GERBER: Right and we need people to make
6 notifications who actually can answer the questions.
7 I think one of the many problems in what we come up
8 with, which again, we're totally revamping was, you
9 know having YCO's make notifications and of course
10 the YCO's know nothing about the investigation of the
11 case. So, I totally understand the question. We are
12 working on that as we speak. We are revamping that
13 whole process.

14 COUNCIL MEMBER JOSEPH: And have you ever gotten
15 a parent that objected to that child being placed in
16 the Gang Database?

17 MICHAEL GERBER: So, one of the many problems
18 that we don't have good data on this because no one
19 had ownership, no one was tracking this.

20 COUNCIL MEMBER JOSEPH: So, who is going to own
21 it now? Now that we're here now.

22 MICHAEL GERBER: It's going to be the Protective
23 Bureau. The Detective Bureau is going to own this
24 and they're going to have to be you know, again I
25 want to be clear, if we have an active investigation,

1
2 in some circumstances, in some circumstances we can't
3 go tell the parents. We can't do it always. I will
4 be very clear about that and I think we were fair
5 with that when we respond to DOI but if it's not
6 going to compromise an investigation, we do want the
7 parents notified for all the reasons.

8 COUNCIL MEMBER JOSEPH: Because I'm very concerns
9 as a parent.

10 MICHAEL GERBER: Yeah, I know 100 percent.

11 COUNCIL MEMBER JOSEPH: I'm a parent and I'm very
12 concerned with that.

13 MICHAEL GERBER: 100 percent and so, we are going
14 to going forward is a better system with the
15 Detective Bureau owning this and frankly, we'll have
16 data on what we're doing and tracking that but that's
17 something we're working on as we speak.

18 COUNCIL MEMBER JOSEPH: Right, in our business,
19 data drives everything we do, right? Data drives the
20 policy. Data keeps us informed, so -

21 MICHAEL GERBER: Yes.

22 COUNCIL MEMBER JOSEPH: So, your next step is to
23 capture data? When is that going to happen?

24 MICHAEL GERBER: Yeah, so we're going to put out
25 a new policy, right because again, policy at this

1
2 point has not been working well. We're fixing that
3 and we're going to put a new policy into the
4 Detective Bureau in terms of detectives owning this
5 and then look, in candor we're supposed to figure
6 this part out. The data piece, we have to be
7 capturing accurately, accurately, accurately when
8 we're making notifications and when we're not. And
9 if we're not, we need to just be documenting why.

10 COUNCIL MEMBER JOSEPH: But how long has this
11 database been in place that this work hasn't happened
12 before that it's happening? I kind of feel like
13 we're building this plane as we're flying.

14 MICHAEL GERBER: No, I disagree with that. I
15 think what happened was in 2023 DOI issued its
16 report, made its recommendations. Late 2023, we
17 adopted the majority of them, put in place new
18 policies, new procedures, new documentation
19 requirements. I think in most respects that has gone
20 very well and you see that in the data. You've seen
21 the additions to the database drop pretty
22 dramatically. You've seen the removals go up pretty
23 dramatically. As you say, so I think good data
24 reflecting some pretty significant policy changes and
25 some pretty significant practical changes.

1
2 COUNCIL MEMBER JOSEPH: For the record again,
3 could you remind me how many people were taken off
4 that database?

5 MICHAEL GERBER: Yeah, so in 2024, 1559 were
6 removed. In 2023, 1,633 were removed.

7 COUNCIL MEMBER JOSEPH: So, what percentage does
8 that represent that was on the database?

9 MICHAEL GERBER: So, well, I don't want to do the
10 math on the fly. Right now in the database, we have
11 a little over 13,000. Yeah, so it's - so we're
12 talking about roughly 3,000 out over the last two
13 years down to 13,000. So, let's say that's a 3,000
14 reduction off of 16,000. We're talking what 20-

15 COUNCIL MEMBER JOSEPH: Would you be able to get
16 that data to that Council? Would you be able to
17 share that data with the Council?

18 MICHAEL GERBER: 100 percent.

19 COUNCIL MEMBER JOSEPH: We would love to see what
20 that looks like.

21 MICHAEL GERBER: Yes, we'll do.

22 COUNCIL MEMBER JOSEPH: I have another question
23 for you. Does the NYPD have any intervention
24 programs to support youth that have previously
25 experienced gun violence? You spoke about that

1
2 earlier in your Community Cease Fires. Are young
3 people also part of this conversation as you're
4 putting out these programs?

5 ALDEN FOSTER: Absolutely and what we do during
6 the summer with that 1,000 young people that we hire
7 in the police department through DYCD, that
8 partnership, we do a number of different focus groups
9 to find out what kind of program that they look for.
10 What we did with the Aviation program, the one we
11 just started on the Polo Grounds, the young people
12 want that type of programming and we working with
13 Commissioner Keith Howard and his team at DYCD. We
14 was able to get that off the ground.

15 COUNCIL MEMBER JOSEPH: So do you find that these
16 programming, does it deter young people from going
17 back to the life of crime you're trying to save them
18 from?

19 ALDEN FOSTER: Absolutely and I want to shine a
20 light on some of the success stories with that
21 because a lot of I mean, when you talk about school
22 safety agents, which the Community Affairs Bureau -

23 COUNCIL MEMBER JOSEPH: And what role does School
24 Safety Agent play in this? I'd like to know.

1
2 ALDEN FOSTER: School Safety is a big component
3 of that. So, the Community Affairs Bureau, we
4 oversee School Safety Division. The School Safety
5 agents, no one knows our kids better than the School
6 Safety Agents and my community affairs offices in all
7 78 precincts, they work very closely with School
8 Safety and that partnership has been phenomenal as
9 far finding different programming and building those
10 relations. When we talk about trust, we want our
11 School Safety Agents, our Police Officers to have
12 those relationships with those young people and the
13 best way to do that is sometimes working with Keith
14 Howard in DYCD but also creating some of the programs
15 because the men and women of this department have a
16 lot of expertise and that summer youth employment
17 opportunity that we do with DYCD is so important
18 because young people are placed in all of the
19 different areas of the police department from our
20 aviation unit, harbor, electricians, we have people
21 on this job employed in the police department that
22 has a number of expertise that we're able to put
23 those young people. So, it's not all about joining
24 the police department. We would love that for them
25 to take the test and come on a job but it's about

1
2 young people staying out of trouble and learning more
3 about the human side of what we do every day.

4 COUNCIL MEMBER JOSEPH: You got to trust the
5 messenger. So, what role - does that play any role
6 in discipline? Do you follow that? Do you track
7 that? The interaction with you guys in school
8 discipline and school safety and all of that?

9 ALDEN FOSTER: In some of our program we do. So
10 some of our programs, it's a constant, the same
11 officers that are working with the same students,
12 with our Neighborhood Coordination program. We have
13 a location up in Harlem, Brooklyn and Far Rockaway.
14 Those officers are in the same schools, in those
15 programs mentoring with the DOE. That's a close
16 partnership, so the officers do follow up if the
17 young people are actually doing better or having
18 issues in school.

19 COUNCIL MEMBER JOSEPH: Do you capture that data
20 to see what's working and what's not working?

21 ALDEN FOSTER: I can check on that for you and
22 see but a lot of those programs are built around that
23 data and that information, so I can get back to you
24 on that.

1
2 COUNCIL MEMBER JOSEPH: Thank you. Thank you
3 Chair.

4 CHAIRPERSON SALAAM: Thank you. We will - we're
5 going to start second round of questioning. I'm
6 going to relinquish my first term to the Public
7 Advocate and then I'll follow up after the Public
8 Advocate.

9 PUBLIC ADVOCATE WILLIAMS: Thank you Mr. Chair.
10 One, I did want to just give credit when I was doing
11 the work in SYEP. NYPD is consistently one of the
12 highest agencies that hired some of these employees.
13 I'm not sure if it's still the same, but I just
14 wanted to give some credit there.

15 Just really quickly, for folks in the audience,
16 how many people either have a family member or friend
17 who was effected by gun violence or a violent crime?
18 Raise your hand. And of those, how many people want
19 us to get rid of the database? I wanted to say that
20 because very often victims are brought up in a way
21 that's meant to harm the communities that victims
22 came from, and quite frankly, if you speak to the
23 victims, all they really wanted is to be prevented
24 and they want it to stop. They also don't want the
25 over policing that often comes with it. And so, if

1
2 we want to talk about victims, I think we should
3 speak to victims and bring up what they're really
4 struggling with.

5 I also am always interested in the
6 representatives of communities that don't deal with
7 this violence and how loudly they speak about or
8 against the communities and the organizations and the
9 leaders that actually live with this violence daily,
10 go the funerals and console the families. Who for
11 whatever reason are thought to be, I don't know if
12 it's genetically or socially designed to not have an
13 understanding of what's going on in the community and
14 what they need to stop it. Things that they've been
15 asking for a very, very long time and have not
16 happened but continually get law enforcement arrests
17 and generationally the violence is still occurring.

18 I believe sir, you thought that about 75 percent
19 of the shootings were gang related?

20 MICHAEL LIPETRI: 65. It's my feeling yes that
21 is actually higher, yes.

22 PUBLIC ADVOCATE WILLIAMS: And that's because of
23 your history working on it for how long?

24 MICHAEL LIPETRI: Yeah.

25 PUBLIC ADVOCATE WILLIAMS: For about how long?

1 MICHAEL LIPETRI: 31 years.

2 PUBLIC ADVOCATE WILLIAMS: And so has the Gang
3 Database changed that percentage?
4

5 MICHAEL LIPETRI: I don't understand.

6 PUBLIC ADVOCATE WILLIAMS: Has the Gang Database
7 changed the percentage of the shootings that are
8 occurring in gang-less crews?

9 MICHAEL LIPETRI: It fluctuates.

10 PUBLIC ADVOCATE WILLIAMS: Okay but you just said
11 that because of your history, you believe 75 percent
12 of it was and over that time period the Gang Database
13 has existed so it hasn't really done what we want it
14 to do.

15 MICHAEL LIPETRI: No, I could not - I'm sorry. I
16 cannot agree - sorry. I cannot disagree with you
17 more about the use of the Criminal -

18 PUBLIC ADVOCATE WILLIAMS: Wait stop. I don't
19 have no time. I was going by what you said. I just
20 repeated what you said and the percentage of the
21 shootings and where they come from. That's all. My
22 other question.

23 MICHAEL LIPETRI: Just one second.

24 PUBLIC ADVOCATE WILLIAMS: You can answer this in
25 my next question.

1
2 MICHAEL LIPETRI: We're talking about - let's
3 remember the victims.

4 PUBLIC ADVOCATE WILLIAMS: Sure, yes, I am
5 remembering the victims more than you.

6 MICHAEL LIPETRI: No, that's not-

7 PUBLIC ADVOCATE WILLIAMS: I have been to more
8 funerals than you, I guarantee and they look like me
9 and their mothers look like mine.

10 MICHAEL LIPETRI: Okay.

11 PUBLIC ADVOCATE WILLIAMS: Do not believe that
12 you care about this violence more than I do or the
13 people who are here or the people who are there.
14 Don't do that.

15 MICHAEL LIPETRI: I -

16 PUBLIC ADVOCATE WILLIAMS: Do not do that.

17 MICHAEL LIPETRI: First of all -

18 PUBLIC ADVOCATE WILLIAMS: No, no stop. Do not
19 do that.

20 COUNCIL MEMBER PALADINO: No, no, no.

21 MICHAEL LIPETRI: Don't talk to me like that.

22 PUBLIC ADVOCATE WILLIAMS: No, you will not do
23 that. You don't know about this violence the way
24 these people do. You just don't. You just don't.

25 MICHAEL LIPETRI: First of all -

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2 PUBLIC ADVOCATE WILLIAMS: You just don't. Don't
3 do that.

4 MICHAEL LIPETRI: Do not talk to me like that.

5 PUBLIC ADVOCATE WILLIAMS: Don't talk to me like
6 that.

7 MICHAEL LIPETRI: Then I'll talk to you like
8 that.

9 PUBLIC ADVOCATE WILLIAMS: No, this is the
10 problem you have with the community.

11 MICHAEL LIPETRI: No, I don't-

12 PUBLIC ADVOCATE WILLIAMS: That is being shown
13 right now.

14 CHAIRPERSON SALAAM: We're going to - we're going
15 to -

16 COUNCIL MEMBER PALADINO: This is a hearing.

17 CHAIRPERSON SALAAM: We're just going to
18 maintain-

19 MICHAEL LIPETRI: I'm not going to be talked to
20 that way.

21 PUBLIC ADVOCATE WILLIAMS: You spoke to me that
22 way first.

23 MICHAEL LIPETRI: No, I did not.

24 PUBLIC ADVOCATE WILLIAMS: You absolutely did.

25 MICHAEL LIPETRI: No, I did not.

1
2 CHAIRPERSON SALAAM: Listen, let's level set and
3 make sure that we provide and allow decorum in the
4 Chambers.

5 PUBLIC ADVOCATE WILLIAMS: We are dealing with
6 communities that have generational traumas of
7 violence that have been asking for certain things and
8 all they keep getting is arrest and more arrests. I
9 am very clear that there are people behind 911 calls
10 that respond to things, they are also dealing with
11 trauma and they are human beings that want to go
12 home. And what I keep trying to say is let's stop
13 putting everybody in these situations when it's not
14 addressing the causes of what we're asking. What
15 we're trying to deal with.

16 My next question is, I believe you said that if
17 the database is taken down, the good work of the
18 collaborative policing around cease fire would have
19 to stop. Is that correct?

20 MICHAEL LIPETRI: As it is presently built, yes.

21 PUBLIC ADVOCATE WILLIAMS: Okay, I believe Deputy
22 Commissioner Gerber testified that we don't share
23 information from that database, so how would it stop
24 if the information is not shared?

25 MICHAEL LIPETRI: We do not share.

1
2 PUBLIC ADVOCATE WILLIAMS: So, is that impacting
3 collaborative policing of cease fire?

4 MICHAEL LIPETRI: It's who the Department, the
5 NYPD will actually put into a cease fire action,
6 which means -

7 PUBLIC ADVOCATE WILLIAMS: Yes, but wait, wait,
8 wait..

9 MICHAEL LIPETRI: I didn't finish.

10 PUBLIC ADVOCATE WILLIAMS: So, but no, no,
11 because you said they don't share but they are still
12 able to put them into those programs. So my question
13 before was, why are we not able to do that in many
14 different ways? You don't have to necessarily share
15 it in the way that you're talking about to be able to
16 get the resources to the individuals. And just so
17 I'm clear, the DA and Project Restore, actually
18 shared information about who they thought would be
19 the most violent folks and they shared them into
20 programs that were not led by Law Enforcement and had
21 a precipitous drop in gun violence.

22 MICHAEL GERBER: So, just so we're clear so
23 there's a little confusion right, so for reasons I
24 think everyone here appreciates, we do not share like
25 with other city agencies who is or is not in the gang

1 database, the Criminal Group Database and there are
2 good reasons for that. When it comes to cease fire,
3 I think that was what Chief Lipetri was referring to,
4 he was part of Cease Fire, is figuring out and
5 knowing who was in particular crews, right? Cease
6 Fire is done a crew or gang basis, breaking up a
7 particular group at the same time and how do we know
8 who is in a particular crew and a gang. We have
9 intelligence in our Criminal Group Database. That is
10 a starting point, not the end point but the starting
11 point for that. In a world - so it is really - it is
12 separate from sharing with outside entities. They
13 really are two different things and I think the
14 larger point here is that in a world in which we are
15 required by law to eliminate the database and we are
16 not - and if the law also says as the proposed bill
17 does, that we can't have any sort of substitute.
18 What that is saying is that the Department cannot, in
19 a centralized way, track gang or crew membership.
20 And that creates a host of challenges and one of them
21 that Chief Lipetri was referring to was in something
22 like a cease fire program, when we're saying okay,
23 who is in this crew or in this gang, in a world in
24

1
2 which we have been barred by law from tracking that,
3 it becomes much more challenging.

4 PUBLIC ADVOCATE WILLIAMS: So, officers didn't
5 know who was in these crews or gangs before the
6 database?

7 MICHAEL GERBER: So, I agree with you. So I want
8 to be very clear. I agree that cops who are local in
9 the community, who work in the community every day,
10 are going to have all sorts of ideas about who is in
11 a gang or a crew. No question about that but two
12 important points, one, as Chief Lipetri was saying,
13 some of what we see in gang and crew violence cuts
14 across precincts and cuts across boroughs and
15 frankly, a detective in the Bronx may know in a
16 certain area, he may know the crew very well. He may
17 not know the crews in Brooklyn well at all and say
18 you have cross cutting gang rivalry shootings and
19 alike. That's a huge issue.

20 And then second, and I said this before, I really
21 do want to come back to this. I think this is
22 really, really important. Whatever limitations you
23 may see in the database or flaws you see, at least it
24 is - there are rules. It can be audited. It can be
25 - there's oversight. Oversight by DOI, oversight by

1 the City Council. There is data that can be pulled.
2 There are rules in place. In a world where stats are
3 eliminated and there can be no substitute, what's
4 going to happen is, you know the local cop in good
5 faith. I'm not saying anything bad, in good faith,
6 saying like, well, okay who is in this crew? Well,
7 if there's no database, I can't check that. There's
8 no centralized system, can't check that. Alright but
9 I still want to try to do my job effectively, okay
10 well, I think I remember somebody said last year that
11 this guy -

12 PUBLIC ADVOCATE WILLIAMS: I understand.

13 MICHAEL GERBER: I think that's a real concern.

14 PUBLIC ADVOCATE WILLIAMS: I understand, the only
15 thing and I do want to say sometimes a context in
16 which I hear the responses of these things is that
17 these communities, what they need mostly more of is
18 punishment. And the reason that's frustrating, like
19 when I heard growing up, I heard about crackheads
20 that were arrested and we had to lock them up. Now,
21 we talk about substance use disorder and just that
22 difference in naming, how we address communities, are
23 different depending who the community we think of.
24

25

1
2 When I think of organized crimes, even in
3 different communities, I don't hear them being solved
4 by abuses of stop, question and frisk. I hear good
5 police work. When I hear about mass shootings, I
6 hear about people who are otherwise all American
7 children. Those things are not said about the
8 communities that I represent and need the most
9 assistance. And when we don't have that view, what
10 we push forward are things that we are saying cause
11 more harm than they're actually fixing and that's a
12 discussion that I think is important because we all -
13 I hope you believe me Chief, want this violence to
14 stop. We really, really do and the things that we're
15 pushing for are not to coddle criminals. They are
16 because what we have done in the past has not stopped
17 these victims from coming more and more. And so, I
18 believe that there is a law enforcement component
19 that's very important here but we have to use it
20 wisely because it does not fix the trust that is
21 going on and even more importantly, it's not even
22 addressing the violence the way that we said. Even
23 some of the examples that were given of shootings
24 that occurred while this database is existing.

1
2 I know that community groups that I hear also
3 know who these true crews are and who these members
4 are and collectively I just think there's something
5 better that we can do even with your resources to try
6 to address this that doesn't have concurrent harms
7 that occur.

8 The only thing I'll end with is I think someone
9 mentioned the cops that are leaving and it is
10 definitely a problem but from my conversations, a lot
11 of them are leaving because of overtime being
12 checked, not because of some of the other things that
13 were going on and all I've always said about overtime
14 is if it's so baked in, I don't know why we can't
15 share with other organizations like the Department of
16 Mental Health and other agencies that can assist with
17 what it is we're trying to figure out. So, I hope
18 that you will understand what I'm saying. You will
19 understand the passion because unlike some of the
20 folks, I know people who have been dealing with this
21 and continue to deal with this and I've lost count of
22 the funerals and the constellations. It's really
23 hard because these have really impacted people and
24 you talk to the victims about what they want and they
25 get sandwiched between violence in the street and

1 over policing that doesn't help no one on the street.
2 And that's all that we're trying to fix and I don't
3 think the database is doing that. Thank you.

4 CHAIRPERSON SALAAM: Thank you. Let's
5 acknowledge that we've been joined by Council Member
6 Williams. I want to ask a question, maybe
7 interesting question. Given the current political
8 climate, I think it's worth asking if ICE or another
9 federal immigration authority requested information
10 from the Criminal Group Database. How would the NYPD
11 handle that you know like - would they try any other
12 legal processes to get this information I'm sure.

13 MICHAEL GERBER: So, if you're talking about a
14 request for information from the database in
15 connection with anything related to civil immigration
16 enforcement, the answer is no. We can't do that
17 period full stop. We just can't under city law.

18 Obviously you know in connection with criminal
19 investigations, if we're working with our federal
20 partners, if they were working with the FBI, FBI Safe
21 Streets Taskforce on a gang or crew case. We're
22 going to share information with them. I think it's
23 actually not so much like who's in the database but
24 like the underlying information, right?
25

1
2 If we're doing a joint investigation with the
3 FBI, a criminal case on some violent crew; they're
4 looking at a crew and catch you with a murder,
5 shootings, robberies, the whole point as part of the
6 taskforce is in the criminal investigation, it will
7 be a sharing of information across the board. The
8 expectation is they're going to share with us and
9 we're going to share with them. That's what it means
10 to do a criminal case as part of a taskforce and
11 jointly, but in terms of civil immigration
12 enforcement, no absolutely not. The Police
13 Commissioner has been very, very clear about this,
14 right? The Department is going to follow the law
15 full stop. We are not allowed to assist in
16 connection with civil immigration enforcement and
17 we're not going to do that and that includes anything
18 related to the Criminal Group Database.

19 CHAIRPERSON SALAAM: Does ICE investigations into
20 illegal border crossings count?

21 MICHAEL GERBER: I'm not sure what you mean by
22 that. Again, anything related that's civil in
23 nature, when it comes to immigration stuff, we
24 obviously, we can't be involved in. When you say
25 illegal border crossings, if you mean criminal

1 investigations of border crossings and I'll tell you
2 for example, in Texas, we have no, we have nothing to
3 do with that. I mean I'm not sure I totally
4 understand the question. Again, as part of
5 taskforces here in New York City, we are involved in
6 a multitude of criminal investigations with federal
7 partners, and in connection with those
8 investigations, we share information. Anything civil
9 in nature, civil immigration enforcement, the answer
10 is absolutely not.

12 CHAIRPERSON SALAAM: And just to follow up, how
13 does the NYPD define criminal group for the purposes
14 of database inclusion? And just for clarity as well,
15 what criteria distinguish involvement as an alleged
16 criminal group as compared to other forms of social
17 associations or friendships?

18 MICHAEL GERBER: You mean, like how we say
19 something is a criminal group for purposes of the
20 database?

21 CHAIRPERSON SALAAM: Yes.

22 MICHAEL LIPETRI: Okay, so I guess the best way
23 for me to explain it is these are street level crews.
24 So, I'll give you an example. In the Bronx, we
25 identified a group of individuals that were not in

1
2 the database and as our investigations continued, we
3 saw that this small group at the time was involved in
4 organized street violence, meaning built on
5 geography, feuding with another housing development
6 within the Southern Bronx and once we started
7 identifying them and they fit our criteria to be put
8 into the criminal group database, they then were
9 slowly entered into it. Again, it starts with a few
10 and then it could grow or it could stay at a few.

11 JASON SAVINO: And I just want to note, we're
12 talking over 500 criminal groups in our database
13 right now where in as little as a decade ago, it was
14 predominantly Blood and Crip, now super precise, next
15 level precision policing. We need to know why for
16 that rapid deployment that we spoke about.

17 CHAIRPERSON SALAAM: And you mentioned uhm - you
18 mentioned the criteria. What is the criteria?
19 Meaning like that differentiation between a social
20 association or a friendship?

21 MICHAEL LIPETRI: Alright, so as described
22 before, it's somebody who self admits being in a
23 crew. Self admits and that's then documented when
24 that person self admits or their own social media
25 site with the URL has to be documented and the actual

1 post has to be uploaded into the Criminal Group
2 Database. Obviously aligning themselves with a
3 specific crew. And then the third way is during a
4 course of a criminal investigation, which could be a
5 shooting, it could be a shots fired, it could be a
6 robbery pattern, the investigator identifies that
7 person as possibly being in a crew. And then two
8 independent individuals like we said before, could be
9 School Safety, could be a detective in the squad,
10 could be you know a police officer in a precinct and
11 that's the third way and then ultimately it's two
12 supervisory approvals. One with the original
13 documentation in the Criminal Group Database by a
14 supervisor, then it's sent to very experienced
15 investigators that have a background in crew
16 investigations and that ultimately has to be signed
17 off by an investigator also. I'm sorry, a supervisor
18 also of an investigative unit.

20 CHAIRPERSON SALAAM: Are individuals ever added
21 to the database solely based on where they live?

22 MICHAEL LIPETRI: Absolutely not.

23 MICHAEL GERBER: No and I want to be very clear
24 about this. It used to be that there was a way that
25 someone could be added. Basically there was like a

1
2 list of various factors and if you had at least two
3 of those factors were satisfied, then the person
4 could be added and I think we took a hard look at
5 that and we were actually not comfortable with that
6 list of factors because Chair, to your point, some of
7 those factors seem to go to association and residents
8 and it never would have been like one factor alone
9 but we got rid of that entire thing. We got rid of
10 that entirely. So if the question is, could someone
11 be added to the database now because of where they
12 live or even who they associate with, the answer to
13 that is today, absolutely not.

14 MICHAEL LIPETRI: Absolutely not and actually we
15 work backwards. So, we look nowhere where that
16 person lives. They fit that criteria and then what I
17 mean by working backwards, we then look to see where
18 the majority of those individuals. I mean, that's
19 just again going back to precision policing, right?
20 We want to know where retaliatory shootings can
21 happen. We want to know where the retaliatory crew
22 frequents. Things of that nature.

23 MICHAEL GERBER: Right, in terms of the analysis,
24 what Chief Lipetri and others look at, the geography
25 does matter but not when it comes to admitting

1
2 someone into the database. Absolutely not, I want to
3 be really clear about that. That was something -
4 that was a consideration back in the day and we have
5 eliminated that. That's very important, we've gotten
6 rid of that entirely.

7 MICHAEL LIPETRI: There's only three ways
8 described by myself and Commissioner Gerber.

9 CHAIRPERSON SALAAM: What percentage of
10 individuals entered into the database have no
11 criminal record at the time of entry and were never
12 later arrested or convicted of a crime?

13 MICHAEL LIPETRI: So all - so Mr. Chair I can
14 answer it this way. One percent of the database have
15 no arrests. I mean I have other data points. I
16 could tell you that a quarter of the individuals on
17 the database or almost a quarter are convicted
18 felons. I can tell you that one-third, approximately
19 one-third of the database has either previously been
20 on parole or presently on parole. 45 percent of the
21 Criminal Group Database, 45 percent of the
22 individuals have been arrested with a firearm. One-
23 third have 20 or more arrests almost and almost one-
24 third have been a shooting perpetrator or suspect.

1
2 CHAIRPERSON SALAAM: To what extent is
3 information contained in the Criminal Group Database
4 shared with external agencies for the purpose of
5 federal - I think we asked this one already, yeah.

6 So that being said, what I'm going to do is pass
7 it to for a second round to Council Member Williams.

8 COUNCIL MEMBER WILLIAMS: Thank you Chair. I
9 just was reading your testimony and you talk about
10 the Community Affairs Unit and programs designed to
11 meet young people where they are. Can you talk a
12 little bit more about the programs? I mean you
13 referenced specific programs but if you can talk at a
14 macro level, the array of programs that the Community
15 Affairs Bureau is engaged in?

16 ALDEN FOSTER: Yes, thank you Council Member for
17 that question. The Community Affairs Bureau we
18 oversee a lot of different programs that I spoke
19 about today but I think something that you're going
20 to be very familiar is going to be our Explores
21 program. Currently in NYPD all of our 78 precincts,
22 our 9 housing commands and 12 districts and we have
23 some ran out of schools. We have over 1,400 young
24 people that are in those programs.

1
2 Also in the Community Affairs Bureau, every
3 summer we do the Summer Youth Employment program that
4 I talked about earlier, 1,000 young people. And then
5 we have our Summer Youth Police Academy for ages 10-
6 15 where we do that program with the Department of
7 Education. That is a program partnered with them
8 that we do. It is run out of schools. It is with
9 our School Safety agents, our officers and those are
10 really the three biggest programs that we have but we
11 have hundreds of programs that we do in collaboration
12 with city agencies including DYCD.

13 COUNCIL MEMBER WILLIAMS: Okay, I'm happy you
14 clarified because our Chair here noted that and that
15 those programs are technically within the NYPD. I
16 think my biggest thing that I wanted to say I guess
17 and maybe I have another question is that what I have
18 found is that the Community Affairs Bureau is sort of
19 what we want to see from policing, especially in
20 communities of color and what I have also experienced
21 is that the Community Affairs Unit has the least
22 amount of money. Tons of times and I will continue
23 to say this, tons of times Community Affairs Officers
24 are coming to me for water, for snacks, to host
25 different events and that to me underscores that they

1 don't have the resources needed to actually do the
2 work we want to see them do. So, if you're talking
3 about preventative work and why you know our young
4 folks even potentially may end up in the gang
5 database is because there's another need that's not
6 being served. And so, if you are going to
7 essentially tout what the Community Affairs Bureau is
8 doing like I hope that you are like adequately
9 funding that bureau to do the work because I have not
10 seen that. And I know there is targeted precincts
11 that maybe have a little bit more resources and have
12 different programs and other precincts. It's just -
13 it's another issue I have. There's no congruent
14 across the city and maybe not each community needs
15 the same level of youth development programming but
16 it's just - there's just no consistency and I think
17 that's like the biggest issue that I have and the
18 fact that they like, don't have - they have like one
19 of the lowest budgets out of all the different units
20 in the NYPD and you guys spend tons of money on like
21 other things that I don't think are necessary but
22 then spend very little amount of money on like the
23 very unit that you're like essentially saying is
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25

1
2 like, here's how we're trying to address this issue
3 proactively.

4 ALDEN FOSTER: Yes, Council Member and I can get
5 back to you on the actual funding and the budget,
6 that's not my area but I will say to you, working
7 with community partners, DYCD, the community based
8 organizations and also local elected officials, the
9 support that we get to run those youth programs have
10 been very helpful.

11 COUNCIL MEMBER WILLIAMS: I know but the
12 Department and the Police Foundation, like to also
13 demonstrate that you care about the community, like
14 you should assess the budgets appropriately.

15 You know like I just have a conversation with one
16 of my community affairs officers the other day and
17 I'm going to try to see if I can help them, even with
18 a vehicle. Like, they don't even have a vehicle to
19 get around. They're sharing vehicles in the
20 precinct.

21 Another example is Saturday Night Lights, that
22 DYCD funds, I've seen police officers literally just
23 chilling on the side. The kids are like doing
24 whatever and so, it's just like you have these
25 initiative and programs that are supposed to be

1
2 proactive but it just seems like you're trying to
3 like preverbally like check a box and not actually
4 trying to do the necessary proactive work.

5 Essentially, like you'd rather use the resources,
6 money and time to upkeep a gang database or other
7 types of like precision policing models but then the
8 policing models, I actually appreciate. Like, I
9 actually appreciate my - that's like my favorite unit
10 in the NYPD except the aviation unit, they're pretty
11 cool too. But outside of that like, the Community
12 Affairs Unit, it's like my favorite unit in the
13 Department and I have seen historically how this
14 Department is underfunded.

15 ALDEN FOSTER: So Council Member, I would love to
16 schedule a meeting with you and we could talk further
17 about your Community Affairs Officers needs and I
18 would definitely like to continue this conversation
19 about the different resources that we can work
20 together on.

21 COUNCIL MEMBER WILLIAMS: Okay, thank you and
22 more consistency across the city. Like there's a
23 dance program one place in the city and then you have
24 boxing - it's just no consistency within that unit at
25 all.

1
2 ALDEN FOSTER: I would love to sit with you, talk
3 further and explain the plan and how this all works
4 together.

5 COUNCIL MEMBER WILLIAMS: And then lastly, I feel
6 like even with the Explorers Program, you tend to
7 like get the cream of the crop in the community that
8 actually interact with the Police Department. Like,
9 you're not getting the kid innocent on a block.
10 That's not who is in the Explorers Program. These
11 are like cream of the crop and so, just another
12 thing, like it's helpful if you're like recruiting
13 diversity of young people, not just cream of the crop
14 because I love the Explorers as well. They volunteer
15 at all my programs. Every event that I have in the
16 district, I always have the Explorers and these are
17 like cream of the crop students. These are not again
18 the students hanging on the block.

19 ALDEN FOSTER: So Council Member, we do have over
20 1,000 young people citywide. I would definitely like
21 to sit with you and really talk about that program as
22 well and the young people that we have in that
23 program. Thank you.

24 CHAIRPERSON SALAAM: Thank you. I would actually
25 also like to sit with you as well because at large, I

1 think that the same sentiments that are being
2 discussed, I have heard those same things as well and
3 we desperately need that. So, I'd like to also pass
4 it for a second round to Council Member Ariola.
5

6 COUNCIL MEMBER ARIOLA: Thank you so much Chair.
7 I know the Public Advocate left but I just need to
8 speak to something that he said and I want to clarify
9 that community - the community does not equal
10 criminals; the gang members are who the criminals are
11 and they are not members of the community. They prey
12 on the community and that's who you're looking to
13 identify. And I've gone to thousands of community
14 meetings and it doesn't matter what the makeup, the
15 demographic is of that community meeting. I've never
16 heard one community member say, I want less cops,
17 more guns on the streets, a gang database to be
18 dissolved. I want no more investigations. I want
19 people to just run through chaos while our young
20 people are being recruited into gangs and people are
21 being killed. So, it's just - it's Lala land
22 thinking that that's what any person in any community
23 would want, and that's what this would give it. And
24 that's just, that's just, I can't imagine.
25

1 Commissioner Foster, we've talked a lot about and
2 I agree with my colleague Nantasha that the police
3 could use more money and we're always fighting for
4 more money but we're part of a body that wants to
5 defund all the time in all the different programs.
6 But there are programs that we overly fund that are
7 community based organizations that are supposed to be
8 interrupting violence, working with gangs, working
9 with all at risk youth. Do you find that those
10 groups reach out to you or your divisions at all?
11 Because you're getting a lot of money from this
12 Council.
13

14 ALDEN FOSTER: Commissioner, my Community Affairs
15 Offices around the city. Again I have hundreds of
16 them around the city. They work with everybody. I
17 can't speak specific to the work that they do with
18 that organization but I can get back to you on that.

19 COUNCIL MEMBER ARIOLA: Well, I can give you a
20 list of those community based organizations that
21 should be doing all these interventions and hopefully
22 they are working with you and if they're not, they
23 should start, and we should be notified because we're
24 giving them the funding, this body is funding and
25

1
2 they should be doing the work that they're being
3 funded to do. Thank you so much.

4 ALDEN FOSTER: No problem, thank you.

5 CHAIRPERSON SALAAM: Thank you. I'd like to now
6 pass it to Council Member Stevens.

7 COUNCIL MEMBER STEVENS: Hi guys I'm back. Did
8 you guys miss me? No, I mean I think one - I know
9 our colleagues have said that some of this is like
10 being in Lala land. I am in Lala land because I
11 actually do believe that community policing takes two
12 sets of people and it's not saying that NYPD is not
13 part of the conversation, which is why I'm always
14 open to meeting and talking and thinking about
15 solutions and that is who I really am. Nobody cares
16 and fights harder for young people than me and no one
17 in this Council could say that because I'm always on
18 the frontline. I've worked in the youth development
19 for 20 years. I've worked in this work and did the
20 actual work. I've stopped gang sites. I've actually
21 stopped beef and so, I know some of the answers and
22 so, for me it's just thinking about how do we work
23 together to get to the solution. I am not your enemy
24 and I say that all the time. Yes, people in my
25 community ask for more cops because they don't know

1
2 other solutions. And so, for me, I am about how do
3 we come together and think about solutions that
4 benefit everyone and not just some. I am not trying
5 to handcuff you and take your work away because even
6 in your testimony, you keep saying that this is one
7 part of multiple things that you're doing. And the
8 reality is I believe the other things that you're
9 doing are actually much more effective. That's all
10 I'm saying.

11 MICHAEL LIPETRI: I just, I want to be crystal
12 clear, crystal clear on this. The Criminal Group
13 Database intelligence is what we do and it's about
14 precision deployment and precision investigations.
15 Without that database, it would be hampering both our
16 deployment and our investigations. And the number
17 one, the absolute number one crime strategy of the
18 NYPD is field deployment, and if you look at the data
19 -

20 COUNCIL MEMBER STEVENS: And we could look at the
21 data and we could talk about that but I do actually
22 have some questions but I think that that's where we
23 differ on it because the reality is when I sat and
24 met with you guys, we talked that this isn't the only
25 thing that you use and a lot of times, even when

1
2 you're saying the deployments, they typically happen
3 after a shooting.

4 MICHAEL LIPETRI: But ma'am, it's really not a
5 fair question.

6 COUNCIL MEMBER STEVENS: I didn't ask a question
7 though.

8 MICHAEL LIPETRI: No but policing is it's never
9 one part of - there's never one part of it.

10 COUNCIL MEMBER STEVENS: But I didn't ask a
11 question, I made a statement.

12 MICHAEL LIPETRI: There never will be one part of
13 policing at any time.

14 COUNCIL MEMBER STEVENS: And I hear you but what
15 I'm telling you is I believe that you guys could be
16 much more creative because the way this is set up, it
17 seems like racial profiling and you're not saying
18 that's not what you're doing but the breakdown of it,
19 it comes off as racial profiling.

20 MICHAEL LIPETRI: Absolutely not.

21 COUNCIL MEMBER STEVENS: So, for me it's a hard
22 stop but I do want to ask an actual question.

23 MICHAEL LIPETRI: Precision, precision.

24 COUNCIL MEMBER STEVENS: We can't just use - no,
25 we're not just going to use language.

1 MICHAEL LIPETRI: It is.

2 COUNCIL MEMBER STEVENS: Because to just say it's
3 precision, that's a problem for me.

4 MICHAEL LIPETRI: It's a fact.

5 COUNCIL MEMBER STEVENS: So, my question is how
6 does the NYPD conduct social media reviews? Because
7 I know that was one of the criteria. How are those
8 specific accounts identified and reviewed and what
9 policies govern this online monitoring?

10 MICHAEL GERBER: So, we'd have a public facing
11 accounts.

12 COUNCIL MEMBER STEVENS: Hmm, hmm.

13 MICHAEL GERBER: That come in a number of ways,
14 right? I mean sometimes it will be detectives who
15 are investigating a particular crew, right? And as
16 part of that investigation, yes, they are going to
17 look at social media posts from individuals who are
18 involved in crew activity. FIO's, Field Intelligence
19 Officers, again looking at crews or gangs in a
20 particular precinct.

21 COUNCIL MEMBER STEVENS: No but I'm asking how
22 are they identified and like do you have any policies
23 that's governing how this is monitored, what this is
24 like.
25

1
2 MICHAEL GERBER: Well, we have very strict rules.
3 We have all sorts of rules in terms of if we have - I
4 mean that's not what you're referring to like an
5 undercover, that's one thing but in terms of - in
6 terms of the ability of as part of a criminal
7 investigation to look at public facing social media
8 posts, that's just part of what it means to conduct
9 an investigation. If you are looking at particular
10 individuals as part of a criminal organization,
11 you're going to take various steps. One of them is
12 going to be to look at what social media post they
13 may or may not have.

14 MICHAEL LIPETRI: And the URL and the actual post
15 has to be put into the Criminal Group Database for it
16 to be active, you know for it to stay in there and be
17 okayed by the supervisor.

18 COUNCIL MEMBER STEVENS: But I'm asking just
19 around social media because again, you know I think
20 we as that is growing, I have bills on social media
21 but things need to be monitored and things like that
22 and I'm talking about even on the parental side in
23 young people and I'm asking do you guys have like a
24 policy around this and how it should be governed.
25 What does it look like or that's not something you've

1
2 done? It's okay to say no because that's something
3 we can work on.

4 MICHAEL GERBER: No, no and I just want to be
5 clear, there are certain areas for example undercover
6 activity or for example, anything that went into like
7 political activity, we got all sorts of rules hence
8 you. I'm just saying that when it comes to you know
9 if we don't have undercover activity and we don't
10 have a political activity, we're talking about sort
11 of your run of the mill sort of criminal
12 investigation, I'm not sure what rules you're really
13 kind of what you're envisioning. I would expect, we
14 would expect detectives as part of that work to look
15 at public facing social media posts.

16 MICHAEL LIPETRI: And if it's not public, then we
17 get a subpoena.

18 COUNCIL MEMBER STEVENS: Alright, so there are
19 some rules. But I just have one more question. Can
20 you explain the difference between active and
21 inactive in the database? Like is there active and
22 inactive parts of the databases? I know like you
23 know you review it every three years and so, do they
24 - are they just taking off? Are they inactive?

1
2 MICHAEL GERBER: Okay, so I think this is what
3 you're getting at. I think so, so if when someone is
4 removed from the database, it is inaccessible to
5 anyone, right? In other words, they're not in the
6 database. It won't come up. There is - it's
7 inactive in the sense that there is a record that
8 they were once there. It's important for auditing
9 purposes, right? If DOI for example is part of their
10 audit work and their oversight work, we need to have
11 some record of what was removed, right? But I want
12 to be very, very clear that that - so when someone is
13 taken out of the database, there's a member of
14 service would not be able to get at that information,
15 they've been taken out and if they were going to be
16 let's say new evidence came to light and they were
17 going to be added in, the process would start over.

18 It's not like, oh you just go back to someone who
19 was previously removed and sort of bring that back.
20 It's not like that. You have to start from scratch.
21 I think that - maybe that answers your question. I
22 hope it does.

23 COUNCIL MEMBER STEVENS: Not really but I'll
24 leave it there but I just also want to have a point
25 of clarity. Council Member Williams, she was saying

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2 that you guys have a lot of resources and we're not
3 saying we want to give you all more money, we're
4 saying we need to shift some of this stuff around and
5 the rock wall is broke and so we would like to get it
6 fixed. So, that's another thing that the Chair needs
7 to get fixed with the community affairs. It's only
8 one rock wall for the whole city and we've already
9 been getting requests for that as well.

10 CHAIRPERSON SALAAM: Thank you. Seeing no more
11 questions for this panel. I thank you for your
12 testimony.

13 PANEL: Thank you.

14 CHAIRPERSON SALAAM: I now open the hearing for
15 public testimony. I remind members of the public
16 that this is a government proceeding and that decorum
17 shall be observed at all times. As such, members of
18 the public shall remain silent at all times. The
19 witness table is reserved for people who wish to
20 testify. No video recording or photography is
21 allowed from the witness table. Further, members of
22 the public may not present audio or video recordings
23 as testimony but they may submit transcripts of such
24 recordings to the Sergeant at Arms for inclusion in
25 the hearing record.

1
2 If you wish to speak at today's hearing, please
3 fill out an appearance card with the Sergeant at Arms
4 and then wait to be recognized. When recognized, you
5 will have two minutes to speak. Again, that's two
6 minutes to speak on today's topic, which is
7 Introduction 125 and 798.

8 If you have a written statement or additional
9 written testimony and you wish to submit that for
10 the record, please provide a copy of it to the
11 Sergeant at Arms so that you - please provide a copy
12 of that testimony to the Sergeant at Arms. You also
13 may email written testimony to
14 testimony@council.nyc.gov within 72 hours at the
15 close of this hearing. Audio and video recordings
16 will not be accepted.

17 For in person panelists, please come up to the
18 table once your name has been called. I will now
19 like to call our first panel Kraig Lewis, Impacted
20 individual, Babe Howell, CUNY Law Professor, Author
21 of Bronx 120, Vic Dempsey, Community Organizer with
22 G.A.N.G.S. Coalition, Anthony Posada, Legal Aid
23 Society, and Aaliyah Guillory-Nickens, Youth
24 Represent.
25

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2 And once you're settled, you can start in any
3 order you would like, just make sure that you press
4 the microphone button in there that's red.

5 KRAIG LEWIS: Can you hear me alright? I also
6 want to repeat what Ms. Althea Stevens said but being
7 part of a gang isn't the initial crime. I believe
8 when you commit a crime, you should do the time of
9 course but being friends of friends of friends that
10 can make crime should not be the reason why you're in
11 jail. On the Gang Database, yes, it is a tool that
12 the NYPD uses but it might be a tool that makes it a
13 lot more easier for you to do your job. So to speak,
14 if I go to take an SAT test and I have a cheat sheet
15 next to me, I might be able to cheat unless I get
16 caught. Now, the Gang Database, it leaves it open
17 for a lot of people that may not be committing crime
18 to be persecuted and I am one of those people from
19 the Bronx 120 that I can honestly say I copped out to
20 a crime that I didn't do just so I could come home.
21 I would hate for that to continue to happen to my
22 community because it's the backbreaker and how will
23 the youth become anybody that could sit in these
24 chairs if they continuously get persecuted for
25 crimes. Quilty by association isn't a crime in the

1 law. It's not in the law book, not the law that I
2 studied when I was in school and I feel like the Gang
3 Database ultimately leaves a lot of the youth
4 susceptible to being in prison for just being from a
5 neighborhood or being in a music video. Socializing
6 with a music video. I heard someone up here speak on
7 the influence of these rappers and we can't like
8 ignore the fact that that helps them make their case.
9 A significant rapper from a significant neighborhood
10 who may have fans and yeah they might be influential
11 but maybe there's another way to attack this other
12 than just basing it on a tool.

14 So, they said they could use other ways to get
15 rid of these problems or they could use other ways to
16 find the criminals but they're basing it on the
17 database and if that's the easy way out, everything
18 easy isn't always good. Thank you.

19 CHAIRPERSON SALAAM: Thank you.

20 BABE HOWELL: I'm Babe Howell, Professor at CUNY
21 School of Law and I have studied gang databases for
22 15 years. Labeling people as gang members based
23 entirely on lawful behavior, wrong. Labeling groups
24 of three or more a gang, wrong. Labeling only Black
25 and Latino New Yorkers as gang members morally wrong.

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2 If the database is 99 percent Black and Latino, there
3 are no White Supremacist, no mafia, no proud boys,
4 almost no White people in the gang database. Worse
5 than wrong, it's dangerous. The dangers cannot be
6 overstated. Gang labeled individuals are targeted
7 for harassment. They are over policed, dragged
8 unnecessarily into the criminal system, losing jobs
9 or falling behind in school. They are denied off
10 ramps and second chances. They are held pre-trial
11 which can lead to gang membership and like Kraig
12 said, wrongful convictions.

13 The database endangers the communities as well.
14 Gang suppression increases gang membership and
15 cohesion. Over policing so-called gangs contributes
16 to the very problems it purports to solve.
17 Communities need programming and jobs for youth, not
18 labels. Gang labeled individuals have been targeted
19 by ICE and are now being transported in chains to get
20 Gitmo and other countries. Looking forward,
21 authoritarian leaders have locked up alleged gang
22 members by the tens of thousands in Central America.
23 This terrifyingly is a very real possibility for our
24 citizens in the near future.

25

1
2 All these dangers because of a label that can be
3 based on wishing someone a happy birthday or unlawful
4 activities on your social media. We must erase this
5 dangerous database before the day comes when we wish
6 we had. Now is a moment to protect New Yorkers, to
7 protect our rights, civil and human to associate with
8 friends and to express ourselves. Now is the moment
9 to pass Intro. 798. We cannot afford to wait.

10 CHAIRPERSON SALAAM: Thank you.

11 ANTHONY POSADA: Good afternoon. Thank you
12 Chair. Thank you sponsor for bringing this bill to
13 this hearing. My name is Anthony Posada, I am a
14 Supervising Attorney in the Legal Aid Societies
15 Community Justice Unit. I have submitted written
16 testimony and I want to reserve this time to address
17 some of the misstatements and the myths that were
18 made earlier by the previous panel.

19 To begin with this database does not produce any
20 public safety at all. We know that the city has an
21 actual program, an evidence based program, the crisis
22 management system that is tasked of looking at gun
23 violence through the lens of public health with
24 credible messengers. Working with people who are
25 part of the community and instead of approaching

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2 Black and Latino youth and throwing them up against
3 the wall or demanding to know where the drugs are in
4 their community, we have community members that are
5 working with them, that are leading them to services
6 and to real connections that can help their lives.
7 That database does not do any of that. It only leads
8 our communities and funnels them to Rikers Island.
9 It exposes them to an increased stop and frisk, which
10 is even more dangerous.

11 There have been alleged improvements to the
12 database. What I know and I have seen is helping
13 people who right now have been labeled and have
14 remained on the database even when they hit that
15 level of review and were kept on the database for
16 arrests that were dismissed and sealed.

17 For things that other people right now are not
18 even getting arrested for. They were kept on the
19 database as a result of that. So, this statement of
20 improvements or how the database has gotten better is
21 not accurate and if anything, it shows that the
22 police do not need this database. That they can
23 continue investigating. That nothing will stop them
24 from investigating.

25

1
2 So, having a list of 99 percent Black and Latino
3 people of a system that is already compromised is not
4 helping our communities. It's not making them any
5 stronger. We need to abolish the database, invest in
6 programs that are already creating meaningful changes
7 in our community by connecting people to services.
8 That's how we really change this. Thank you.

9 CHAIRPERSON SALAAM: Thank you.

10 AALIYAH GUILLORY-NICKENS: Good afternoon. My
11 name is Aaliyah Guillory-Nickens, I'm the Campaign
12 Organizer at Youth Represent. I want to start off by
13 saying the Gang Database has not been proven to help
14 decrease crime or promote public safety, which we
15 understood during NYPD's questioning. What has been
16 proven about this secret database is that it can be
17 harmful and very dangerous for Black and Latinx New
18 Yorkers that already walk around with targets on
19 their back just for existing. 99 percent of
20 individuals on this database are Black and/or Latino,
21 mostly young New Yorkers. Gangs are not 99 percent
22 Black and Latino at all bringing us to the point that
23 this is indeed racial profiling and not a tool in
24 actually deterring crime.

1
2 It is hypocritical for the NYPD to claim to be
3 concerned about young people's livelihood, when they
4 are at the same time taking it away. With this
5 database, young people's culture and their childhood
6 is being criminalized. Being raised in poverty is
7 being criminalized simply because it's not
8 understood. Public safety in its database are two
9 things that are incompatible. Today I want to focus
10 on how detrimental this is to the youth that we claim
11 to be our future. The basis of this data, of being
12 on this database is merely where you live, who you
13 know, who you socialize with, what you listen to or
14 even where you get a bacon, egg and cheese from.
15 None of those things are crimes. This practice
16 heightens the risk of hostile police encounters and
17 wrongful arrests. It further breaks the trust
18 between police and communities causing a disconnect
19 that makes their jobs way harder for no apparent
20 reason. To address public safety when dealing with
21 our young people, we need to double down on the
22 investments we continue to ask for.

23 The initiatives that the community affairs person
24 for NYPD offered such as SYEP and programs that are
25 usually hosted by the same cops that terrorize

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2 community members are not enough. First and
3 foremost, summer is one season, so saying SYEP is
4 going to help decrease crime is not enough because
5 people, young people specifically need to make money
6 all year around, not just in the summer time.

7 The young people need jobs, resume booting,
8 interview preparation, financial literacy and other
9 things all year round and what we're asking for is
10 that and for more funding for ATI programs, CMS sites
11 and mentoring programs. We're asking for affordable
12 housing and mental health services. This will lead
13 to less shootings and interrupt the cycles of
14 violence that we see.

15 In conclusion, the basis of this database and who
16 is targeted, discredits the morality of what it's
17 claimed to be. It's not police work; it's police not
18 wanting to work.

19 Thank you City Council Member Althea Stevens for
20 being a leader and passing Intro. 798 forever
21 speaking for the communities and never leaving our
22 young people. Hopefully we can abolish this
23 database.

24 CHAIRPERSON SALAAM: Thank you.
25

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2 VICTOR DEMPSEY: Good afternoon. My name is
3 Victor Dempsey and I'm a Community Organizer, an
4 advocate and a concerns New Yorker urging the full
5 abolition of NYPD's Gang Database. I stand before
6 you to ask in the system that disproportionately
7 targets Black and Brown youth, criminalizes our
8 communities and perpetuates a cycle of harm under the
9 guides of public safety.

10 I want to be clear, this database is not
11 preventative, it's reactive. There has been no time
12 since the database has been in existence where NYPD
13 was able to come in and give testimony to preventing
14 any measures of making a safer community.

15 Over eight years ago, we sat in these same City
16 Council Chambers and introduced the issues around a
17 gang database when no one knew about it and since
18 that time, we've seen time and time again where NYPD
19 only responds to advocates cries for transparency,
20 cries for accountability, and time and time again,
21 they come in and they obscure numbers and act like
22 that they are addressing the issues with it. We have
23 not seen those things be addressed. Yes, we know DOI
24 OIG released a report and they claim that they have
25 again upset their recommendations. Except their

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2 recommendation to abolish the database that's dis
3 inherently racist. The NYPD's Gang Database is a
4 deeply flawed that lacks transparency, due process,
5 and oversight. Thousands of young people
6 predominantly Black and Brown are added to this list
7 on vague criteria's, social associations, or even the
8 way they dress.

9 Again, in the stated Council Chamber, the
10 previous Public Safety Commissioner who sat here
11 before Donovan Richards, he asked NYPD in the
12 previous one, "if I went and got a bacon, egg and
13 cheese and had on blue jeans and a white shirt on the
14 corner of Far Rockaway, would I be added to the
15 Database?" Then Chief Dermot Shea said to him right
16 in his face, "yes you would be if you were
17 associated."

18 I don't take lightly to NYPD continuously lying
19 about their advocacy or what they say is a lack of
20 advocacy of Black and Brown communities, so I do
21 appreciate the Council today standing up for those
22 communities that they serve themselves.

23 Intro. 798 is a critical step in addressing these
24 injustices but we must be clear, the database should
25 not be reformed. It should be abolished. The NYPD

1
2 so called inactive list is proof of their continued
3 lack of accountability. And I think this is a big
4 thing here today that they won't even themselves
5 admit to having an active versus an inactive list.
6 So, the numbers that we were given today also could
7 be obscured and we still have thousands and thousands
8 of New Yorkers being surveilled every single day. As
9 we know because we are the advocates of New York.

10 Thank you again for your time.

11 CHAIRPERSON SALAAM: Thank you as well. I have a
12 question and this is to the panel, what alternative
13 methods would be appropriate for the NYPD to use for
14 tracking criminal associations or organized criminal
15 activity?

16 VICTOR DEMPSEY: I could start. Uhm, I'll start
17 and give a piece of it. You've heard a few of our
18 panelists say you even heard some of our Council
19 Members even talk about it, that there are
20 alternatives out here. We have like myself, being
21 formerly gang involved, being formerly incarcerated
22 and still being of community.

23 The alternative is direct services. That's the
24 alternatives. It's not criminalization and we say it
25 time and time again that criminalization about youth

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2 because it what's happening a lot of times is, they
3 might see a few kids playing basketball in the court
4 and maybe that got out of control. It might be a
5 fight, it might end soon but before they've committed
6 a criminal act, they're being criminalized.

7 So, when we talk about alternatives, I don't
8 think that it's a catchment to one thing that's going
9 to change everything. I think when we have Council
10 Members like Althea Stevens that say, hey, we speak
11 directly to this group and they are actually giving
12 us the information of what they need to succeed in
13 their own communities. This is not a cookie cutter
14 issue. I think every community, even though we
15 continue to say Black and Brown. Every Black and
16 Brown community is very unique to their own needs and
17 I also think we don't - I'm not - I'm a 40 year old
18 man whose done my own stuff in the streets but now
19 I'm a youth advocate that I can reach out and call
20 and say, hey Aailyah, what's going on up there? What
21 do you guys need? And I hear directly from those
22 voices.

23 So, again I can sit here and say oh, it's
24 alternatives, oh it's credible messengers, oh it's a
25 lack of gyms. Every community is completely

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2 different. But what I do know is when our young kids
3 see law enforcement turn their lights on and run up
4 to them and ask them where they're coming and where
5 they're going from, that has not been the answer and
6 it actually perpetuates a lack of trust. So, while I
7 would love to give you some framework that makes a
8 lot of sense to us today, I think I want to come to
9 you and ask, don't just allow us that sit at the
10 table, allow our youth and their voice that have to
11 sit at the table to tell us what their needs are.

12 BABE HOWEL: Just to echo that point, I think
13 that it's hard for us to talk about alternatives
14 because the trust is broken and there's a huge gap in
15 between police and communities and police can't
16 police right because of the fact that the trust is
17 broken. So, we can't really get to the alternatives
18 in terms of how our police are supposed to figure out
19 who is on the gang or how our police are supposed to
20 figure out how to address the issue of gun violence
21 because they can't do their jobs because there's no
22 trust because they're not doing their jobs right.
23 So, I believe if we I guess get to that root of the
24 issue first and restore that relationship and that
25 trust and hold them accountable to the point where

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2 communities see that they're being held accountable
3 and they're not just being targeted all the time and
4 be brutalized and terrorized, then maybe we can get
5 somewhere where we figure out what each specific
6 community needs and they'll be more open to talking
7 because right now, they're not going to feel
8 comfortable talking because all they do is get
9 disrespected and they get treated like nothing in
10 their communities. So it's not going to be easy for
11 them to want to come and sit at the table and speak
12 about what the alternatives are if they don't feel
13 like there's any trust and if they don't feel like
14 it's going to work.

15 ANTHONY POSADA: I would just add to that that
16 one of the examples that was given by the previous
17 panel of a supposed program that does feed this
18 information from the database is Cease Fire, right?
19 And I can't tell you how many people I have helped
20 that have told me they have been intimidated by
21 officers, approached in their neighborhoods, by
22 having detectives knocking on their door to tell them
23 if you or any of your friends engage in anything, any
24 crimes, we're going to come at you with all the
25 charges possible under law. And I have had no

1
2 community member say that they like the program or
3 that they actually got services that helped them
4 progress with their lives as a result of that
5 program, right? It was just straight intimidation
6 and we know that you are part of another group and
7 therefore we will come for all of you. That's real,
8 that shows up in peoples life and that makes people
9 change the way they behave in their own neighborhood.
10 So, I don't have the way my other fellow panelists
11 are saying an actual proposal or method, but I do
12 know this, without the database, the police can still
13 do what the police do. They can still investigate.
14 It doesn't mean that they stop investigating, right?
15 In fact, we are now experiencing the lowest levels of
16 shootings in the city ever and that's a
17 collaboration. It's an effort that takes place among
18 very different groups. It's not just the police but
19 we have started to believe in credible messengers and
20 in groups that are not tied to the police to resolve
21 these problems and what we're saying by that, is that
22 we believe that the communities can also police
23 themselves and we're starting to give them that
24 resource and benefits to do that and they are showing

1 results. I would say we need to come back and double
2 down on that.
3

4 VICTOR DEMPSEY: As Anthony said, they can
5 investigate. The materials that they are talking
6 about like social media posts, aren't disappearing
7 either. If you want to know who so and so is that
8 might have an argument with, great. Nothing has
9 disappeared, maintaining a database of 13,000
10 individuals is not productive and what they're doing
11 to those individuals is having a situation where they
12 say one-third of them have been arrested 20 or more
13 times. They are picking these guys up for littering,
14 for smoking on the you know it's harassment. They
15 are talking to them and guilt by association can lead
16 to the wrong conclusion. They are looking at the
17 social groups they mapped and jumping to conclusions.
18 They use cooperators and let out the people who are
19 the worst offenders and I've read transcript after
20 transcript of shooters cooperating and walking out
21 while someone for whom there is insufficient evidence
22 is convicted.

23 Simultaneously, the Bronx 120 half of them not
24 even alleged to be in either of the crews and we're
25 not talking gangs, we're talking crews, 500 of them,

1
2 they are talking community neighborhood groups,
3 friendship groups. So, how can they investigate?
4 When a crime happens, they should get out there.
5 They should talk to be people if they need to. If
6 they think social media of the particular victim
7 would be helpful, check it out but do not database
8 tens of thousands of kids for their friendship
9 groups.

10 So A, what they should do is investigate and B
11 what they should not do is create a huge database
12 that can mislead and end up with wrongful
13 convictions.

14 KRAIG LEWIS: The reason I'm here to speak is
15 because I'm one of from as you can see directly
16 impacted individual from the Bronx 120 and I could
17 state the facts that 60 people out of the 120 weren't
18 even in a gang and nine times out of ten, those
19 people were on that database. I got sat there with
20 everyone. I was the only one away at school, a full
21 time student. I was about to get my master's to come
22 back to [INAUDIBLE 03:23:59] and develop a law firm.
23 All of that was stopped. If a database for me could
24 do that, I'm sure out of the 30 people that's been
25 getting rated, there's probably five that didn't do

1
2 anything without the money to pay for a lawyer, to
3 even get their voice heard. They're not blessed
4 enough to have people like this advocate or even
5 educated enough to articulate there selves to you.
6 They didn't make it that far. My alternative would
7 be for cops to just do their job. Uhm, Facebook and
8 Instagram, they're not going to get you doubt - you
9 might hear about what happened but do your
10 investigations. If you did your investigations, I
11 wouldn't have went through what I went through and I
12 wouldn't be in all these communities advocating
13 against a gang database.

14 COUNCIL MEMBER STEVENS: Hi, how are you guys
15 doing? Thank you all for being here. Uhm, it's very
16 funny uhm that I'm on this side now. I used to sit
17 with these guys. Actually everyone on this panel
18 except this is the young lady who has been to a
19 number of my hearings, so shout out to you for being
20 civically engaged. So, we've been in this fight for
21 a long time and I guess for me Anthony, if you can
22 just talk to me a little bit about being a lawyer and
23 seeing the impact that it has because it was very
24 clear today that they kept saying like, we're just
25 storing it. We're just using it for preciseness and

1
2 no one else sees it and I mean I guess everyone on
3 the panel and anyone who has input but like, they you
4 know are trying to build a story that is just being
5 used for precise policing and that's the only time
6 it's being used. But if you guys can talk about how
7 it's actually impacting you know cases or whatever,
8 other areas of peoples lives. I think that would be
9 really important to kind of help close some of the
10 gaps.

11 ANTHONY POSADA: Sure Council Member, I can
12 actually give you an anecdote that is part of my
13 written testimony that highlights a lot of these
14 issues and in fact, it goes to show that being
15 labeled doesn't mean that your information sits in a
16 hard copy file in a detectives desk. You know it's
17 part of a larger electronic system, so that thousands
18 of police officers on patrol right now can pull up
19 their cellphones if they stop somebody and input that
20 information and boom, so now it's suddenly not
21 dormant. So, I mean it's not just information that
22 oh, it's very hidden like in some - I don't know
23 beneath the chamber or something and I can't see it.
24 No, that's not true at all. This young person who
25 reached out to us for help was a 28 year old Black

1
2 male who had been approached by officers who gave
3 them a cease fire letter in a very intimidating
4 fashion, such that he didn't want to go back to that
5 same neighborhood. He stopped going to that
6 neighborhood as a result of those encounters because
7 they were repeated. It wasn't just once.

8 He comes to us and says, "please help me find out
9 if I'm in the database because this keeps happening
10 to me." So, we submit a full request. During the
11 time that the police was denying every single of the
12 hundreds of requests that we were making to find out
13 if people were on it. They denied us all the way
14 until we had to file an Article 78 lawsuit. We did,
15 the case was settled and the records that we got; so
16 our clients own records of why he was added on the
17 database showed this. He was added when he was a
18 teenager for mentioning and putting in an emoji on a
19 social media post wishing somebody a happy birthday,
20 as a teenager right?

21 So, you would say well, now he's coming to us as
22 a 28 year old, why is he still on the database? It's
23 because of all these arrests that he was having with
24 the police. It had nothing to do with gangs or
25 violent crimes at all. Everything that Professor

1
2 Howell was just now describing, littering,
3 jaywalking, resisting arrest, obstructing
4 governmental administration, yet he was still
5 appearing on the database. Even decades and years
6 when he had no connection with any of those groups.
7 He was not involved. He was trying to get his life
8 together and move on. So, the label did not just
9 stay somewhere quietly. It wasn't dormant. It
10 wasn't part of a list that the police don't mind to
11 inform their decisions in real time. It is used in
12 real time. It does impact and in this case, it was
13 leading this young person to all these stop and frisk
14 and we can't get him off because people are on there
15 indefinitely, even with these alleged reforms.

16 COUNCIL MEMBER STEVENS: Yeah because I mean
17 today, that was pretty much being said. Like, no one
18 has access to it. No one sees it and even when I had
19 conversations they were saying like they've changed
20 their criteria. It's blind now so you know arresting
21 officers not doing it. It's someone else and so,
22 they're saying they're trying to do all these
23 different things but yeah absolutely.

24 KRAIG LEWIS: Council Member, I just also wanted
25 to add to you know earlier we heard some statement as

1 far as speaking to the victims right? Everyone you
2 see sitting here, all the communities that we work
3 with and out, they all are victims. When we talk
4 about, you know they mentioned earlier around harms.
5 You know I know some other colleagues will speak to
6 that a little bit later but this is why I bring it up
7 is because in my former tenure, we used to go to what
8 they had debriefings after rage that would happen in
9 all the developments throughout the city and we would
10 get invitations from NYPD themselves. And what would
11 happen is, we would go to these debriefings and the
12 folks who are in attendance are the community members
13 from these developments. And they were supposed to
14 be getting I guess a rundown of what rage is
15 happening in their community you know and these raids
16 are happening militarized style, the wee hours of the
17 morning, disrupting homes right? And the folks that
18 was sitting was asking NYPD questions, like so what
19 happened? And NYPD would encourage them that they've
20 taken the best of - I mean the worst of the worst out
21 of their communities. That's not what we saw in
22 those debriefings. In those debriefings were looking
23 at the mothers of these young men and women. We're
24 looking at the sisters, the aunts, the grandmothers
25

1
2 like for real, seriously. And when we talk about
3 victims, these are mothers who now are dealing with
4 permanent exclusion letters from NYCHA because their
5 loved one is on their lease who has been caught in a
6 raid and they're part of their lease.

7 We're also looking at grandmothers who are here
8 legally and now their grandson is being put up for
9 ICE or detention because of presumed guilt, not
10 presumed innocence, presumed guilt. So, I really
11 just want to highlight too when we talk about the
12 harms here, we can speak to lawyers and everybody but
13 the victims are the ones telling us this. The
14 victims are the entire communities. The victims are
15 the aunts or the neighbors who live on the same block
16 asking their neighbors, "Well, what can we do to
17 help?"

18 COUNCIL MEMBER STEVENS: I'm going to stop here
19 because I know I've been running my mouth and taking
20 up a lot of space but I'm just happy that you brought
21 up the Victims Services because that was one of the
22 things that I brought up in the conversation and they
23 were explicit that that does not happen. Although I
24 have had multiple conversations with families who
25 have been denied victim services. Like you said,

1
2 even in NYCHA now facing eviction because of the
3 aftermath of what this has created and again, I want
4 to state being in a gang is not a crime. And so,
5 that's the other piece around it. They have not been
6 charged with a crime. It is just a label that is
7 being policed on them.

8 BABE HOWELL I want to share one of the most
9 important effects that I've seen in court rooms of
10 the gang allegation and the NYPD is word playing. We
11 don't share the database but we will tell the
12 prosecutor so and so is in this crew or that crew.
13 So, they don't let you log in but they give the
14 information. It's also available to each one of
15 those 30,000 officers. However, in court rooms, it
16 has a tremendous effect. Young people are denied
17 youthful offender, ATI programs, offramps that are
18 supposed to be there for kids making the mistakes,
19 kids make that are supposed to give second changes
20 and bring us back to our communities. Not only are
21 they denied those offramps but in the Bronx 120
22 indictment and other of the Rico charges, they will
23 use predicate acts where you've already you know done
24 two days community service for selling weed in the
25 neighborhood and say, this shows that they are part

1 of this crew or gang. So, they'll use - in one case,
2 a youthful offender diversion, he finished the
3 program, he was congratulated. He went on, committed
4 no new crimes, and yet the two admitted robberies
5 that put him in the Youthful Offender Program that
6 got him into court as a teenager were used as
7 predicate acts for Rico, and he then gets punished
8 again when he has already gone through - the program
9 is living an entirely lawful life. So the gang
10 allegation you know getting rid of the gang database
11 is step one. We have to get rid of using this gang
12 allegation anywhere because it deprives you of due
13 process. It deprives you of alternatives that are
14 designed for just this kind- this population, kids
15 who are in trouble. They need our help, not our
16 labels and deprivation of all rights.

18 CHAIRPERSON SALAAM: Man, I'm so happy that this
19 aspect of the conversation is coming out. You know I
20 have one follow up question and this is maybe more of
21 a legal question because I didn't know that folks
22 could get labeled for life, like the parents and the
23 loved ones and so forth and so on just because
24 they're you know part of this. I'm wondering what
25 legal recourses do individuals have as a result of

1
2 them being I want to say adjacent right? My son, my
3 friend, my you know whoever, what legal recourses
4 does a person have if any? Because if they're
5 labeled for life, you know I can understand part of
6 the conversation that's held here is that in the best
7 of situations, children who are children do things
8 that children do. Once they become adults, they put
9 away all of those childish acts and they start moving
10 as adults do but when you have a situation that has
11 been created and then there's an agency like the NYPD
12 who is supposed to be protecting and serving, used as
13 the response to monitor what has been created by the
14 system, those same children won't be able to be doing
15 what normal children will be doing, right?

16 It's like you're in the margins of life. You're
17 in the struggle. Your back is against the wall. And
18 so, I'm just wondering like what legal recourse is
19 because we did speak about you know folks as young as
20 under the age of 18 being on the database and so
21 forth and so on you know. I'm more inclined to find
22 the solutions to these things and a lot of times it's
23 coming from us right? It's those who have been not
24 just in pain but close to the pain that can now have

1
2 a seat at the table to really articulate the issues
3 in the most powerful way.

4 BABE HOWELL: Let me say we need to abolish the
5 Gang Database. There is no recourse that can make
6 this up to you as you well know. No one can turn
7 back the time if you've been unfairly treated under
8 this because of these designations, because of this
9 database, because the NYPD tells them when you're a
10 gang member. There's no true fixing that.

11 So, question one, is there a legal recourse?
12 None that can make you whole. Secondly, there's very
13 little recourse anyway. I mean first, you take these
14 big Rico cases or any case where there's a gang
15 allegation, it is really, really hard to win. So,
16 unfortunately cases that if I had them when I was a
17 defender in 1994, I would get probation, youthful
18 offender, whatever. Now, it's like, no, that kids a
19 gang member and we have arrested him 20 times because
20 he's in our little database. We want him to do a
21 five year bid on that same case. And you know, I'm
22 begging for the one year.

23 So I was talking to lawyers in my class last week
24 you know and I asked them, isn't it hard to win these
25 cases? Aren't they so easy to prosecute and

1
2 difficult to defend? And one of the lawyers was
3 like, well you know if a person is facing life, then
4 ten years is a win. That shouldn't be. Where the
5 gang allegation just shifts the whole inquiry with
6 conspiracy or Rico charges you don't even have to
7 commit the crimes yourself, just be part of the
8 enterprise or part of the conspiracy.

9 So, the burden of proof shifts. The due process
10 is eliminated. There is no legal recourse. It's
11 just why we're asking to abolish the gang database.
12 There is no other root. The idea that people should
13 have noticed, then maybe they can find out. Wait a
14 minute you know, you know my landlord actually was
15 told that I was in this gang database. Like, there's
16 a world in which we're thinking that if people can
17 find out what the information is, and if it was ever
18 shared, they may be able to find out. You know hey,
19 I didn't get this job with Department of Corrections
20 or with the NYPD even because I was in the database.
21 Hopefully we'll find out some of the harms that were
22 done and by the way, while the DOI starts by saying
23 no harms were proven, on page 22 of the report, they
24 say we didn't even look for harms. That would have
25 been too difficult to figure out what the impact on

1 housing employment etc. is. So, you know in any
2 event, recourse is really hard, that's why we have to
3 stop labeling the kids in these ways. It's not
4 useful and they have said over and over, these are
5 neighborhood groups. These are not gangs.

7 ANTHONY POSADA: While there may be some reentry
8 programs in different fields that allow people to in
9 the case of NYCHA that you might have heard the
10 permanent exclusion, there is a field there for
11 people to be able to come back but it doesn't
12 separate or we're not yet done with this part of the
13 conversation, which is that policing in this way is
14 part of just a larger culture of treating Black and
15 Latino and communities of color in this fashion, and
16 so, the recourse is really abolishing the database.

17 KRAIG LEWIS: The only thing I will add is that
18 as advocates as well, by the time we are introduced
19 to a community member who has been impacted by gang
20 designation, the damage is already done. A lot of
21 times with folks and as you heard today, even from
22 NYPD themselves, there is no form of transparency.
23 No one is being notified and even to back up a little
24 bit further, as I keep mentioning in previous City
25 Council hearings, there was a push for notice to

1
2 minors thing and unfortunately we had really advocate
3 against that as well. Why? Because it's more than
4 just minors being impacted right? Even though today
5 I'm saying the voices of the youth is really going to
6 help us figure out that avenue but the things is
7 validating the harms already. Validating the
8 database to figure out another way to use it is a
9 harm. This is why we're all going to continue to say
10 abolition. The only other thing and again, it's not
11 even a legal recourse but even just for community
12 members to find out if they're on the database. I
13 know my colleagues at Legal Aid created a forum, not
14 even created but utilized the process just for New
15 Yorkers to see if they're even on the database to
16 begin with. The NYPD is already secret about and
17 we've done our due diligence. We've looked at other
18 states who have had similar issues and we've learned
19 from them. But today, there is no recourse
20 unfortunately. Abolition is truly the only route and
21 the last - oh man - yeah, I'll leave it to the rest
22 of my colleagues who will speak but I don't see any
23 avenue.

24 CHAIRPERSON SALAAM: Thank you for your
25 testimony. I'd like to call the next panel which is

1 uhm the panel for Civil Liberties and Civil Rights.

2 I call up to the witness table Yasmine Farhang, Jason
3 Taper, David Moss, Celine Zhu, Keli Young.

4 I'd just like to remind you that you have two
5 minutes to speak on Introduction 125 and Introduction
6 798. If you have written testimony, you can submit
7 that written testimony to the Sergeant at Arms at
8 testimony@council.nyc.gov within 72 hours of the
9 close of the hearing. Audio and video recordings
10 will not be accepted. Thank you and you may begin in
11 any order you like.

12 YASMINE FARHANG: How's that? Okay great. Thank
13 you Council Member Salaam. I also have testimony
14 that I want to share but also I think needed to
15 respond to one thing that was said earlier when we
16 heard from the Administration, from NYPD, which is
17 that the use of joint taskforces as this kind of
18 catch all rationale for NYPD to being able to share
19 information from the database and otherwise collude
20 with ICE is one that we have to scrutinize very
21 carefully. Because when we take a closer look, we'll
22 see that a joint taskforce that language is used as
23 an explanation for any time they work with Federal
24 Immigration Enforcement, and in many, many instances
25

1
2 where we see in fact afterwards, absolutely zero
3 evidence of any federal criminal investigation took
4 place. So, I just wanted to note that before
5 continuing.

6 My name is Yasmine Farhang. I'm the Director of
7 the Advocacy at the Immigrant Defense Project. We
8 were founded 27 years ago to fight for justice for
9 immigrants targeted by the criminal and immigration
10 legal systems and combat mass deportation. We join
11 the call from so many people today already to pass
12 Intro. 798 and abolish the criminal group database,
13 which is actively harming so many New Yorkers,
14 including so many immigrant New Yorkers.

15 As we have heard this secret list is nothing less
16 than racial discrimination and abuse of power, for
17 reasons as arbitrary as scars, tattoos, clothing, and
18 social media posts, often innocuous factors that
19 sentence those on the list to perpetual punishment
20 without due process. We need only to listen to those
21 who have already testified today to understand the
22 deep harms that flow from that database.

23 In New York City, we simply cannot talk about
24 these harms without also talking about the way that
25 these same categories have been long used by ICE to

1
2 profile, surveil, detain and deport immigrant New
3 Yorkers, using "confirmed or suspected gang members"
4 that category, as a justification for harming young
5 people and separating families. And in New York
6 City, any encounter with the NYPD that results in
7 finger-print sharing, is then shared with the FBI and
8 then with ICE, increasing risk of detention and
9 deportation, whether or not that person is ever
10 charged with a crime and even where a case is
11 dismissed.

12 With ICE raids increasing in volume and
13 aggression in our city daily including in a number of
14 instances where the NYPD was actively facilitating,
15 it is unconscionable to allow this database to be
16 used as an additional weapon against our immigrant
17 communities.

18 Under the reign of Trump, the gang member label
19 is being further exploited, classifying many tagged
20 as gang members as foreign terrorists. At least
21 eight gangs so far have been classified as foreign
22 terrorist organizations by Trump Executive Order.
23 Not only triggering detention and deportation but
24 putting immigrants in the unconscionable position of
25 having to prove a negative. That the terrorism bar

1 should not apply to them while any evidence is
2 happily taken as proof including inclusion in any
3 gang database. And just as we have heard today about
4 the overwhelmingly disproportionate impact to Black
5 New Yorkers of this database, it is also Black
6 immigrants who are disproportionately impacted by
7 detention and deportation.
8

9 Passing Intro. 798 is ultimately about racial
10 justice and we further implore to this Council to
11 support it to guardrail against the NYPD's
12 participation and ICE's cruelty. Just as we call for
13 passage of this bill, we also call for passage of the
14 New York City Trust Act, Intro. 214, which will
15 protect against the NYPD continuing to unlawfully
16 collude with ICE. Thank you.

17 CHAIRPERSON SALAAM: Thank you.

18 JASON TAPER: My name is Jason Taper of the
19 Surveillance Technology Oversight Project. This is
20 just an excerpt of my further submission for the
21 record, which I will submit soon.

22 The Gangs Database is a racist, inaccurate,
23 reincarnation of stop and frisk. It is racist
24 because as previously said, of all possible
25 definitions of gangs including White Supremacists.

1
2 99 percent in the database are Black and Latino. It
3 is inaccurate because it is entirely made up of
4 rumors and officers guessing, even if it is two
5 independent officers guessing the same thing, an
6 accusation does not make that accusation true.

7 You can be in a "gang" without any suspicion of
8 any crime even wishing happy birthday is something
9 the NYPD considers a self-admission, which gives it
10 away that self-admission is basically NYPD
11 ventriloquism. From these rumors, we get this
12 database and from this database, we get the harmful
13 surveillance we see in our communities. Surveillance
14 itself is traumatizing. When NYPD says things like
15 they did earlier, like "they need to be watched," it
16 leaves people afraid to walk out of their house and
17 into the gang database, and those are valid fears.

18 As my colleague says, ICE uses gang databases and
19 under this administration, we've seen violent raids,
20 imprisonment including on Quantanamo Bay. We've seen
21 US citizens swept up in these violent ICE raids. New
22 York City should not be complicit in a Trump police
23 state or in the inherent harms of surveillance.
24 There is no public safety benefit to this. Portland
25 and Chicago for example, abolished their gang

1
2 databases with no increase in the crime rate. When
3 there's no benefit and when the very existence of
4 this database is harmful inherently, only abolition
5 will suffice. That is why we are in support of
6 Introduction 798 to abolish the Gang Database and any
7 successor database like it. Thank you.

8 CHAIRPERSON SALAAM: Thank you.

9 CELINE ZHU: Hi, my name is Celine Zhu and I am a
10 Civil Rights Attorney at the Center for
11 Constitutional Rights. Thank you for the opportunity
12 to testify today regarding Intro. 798 which we urge
13 the City Council to pass. The Center for
14 Constitutional Rights and the Law Firm of Beldock,
15 Levine and Hoffman have served for have served for
16 over 12 years as plaintiffs' counsel in Floyd v. the
17 City of New York, a landmark civil rights class
18 action that successfully challenged the New York City
19 Police Department's racially discriminatory and
20 unconstitutional stop, question, and frisk practices
21 and resulted in the current supervision of the NYPD
22 by a court-appointed Monitor.

23 The NYPD's Gang Database is a digitized version
24 of Stop and Frisk. The two work hand in hand to
25 criminalize being Black and Brown in New York. 99

1 percent of the people in this Database we've heard
2 again and again, are Black or Latino. The NYPD
3 admitted that the historical threshold to being added
4 to the Database is as low as wearing the wrong
5 clothes, listening to the wrong music, or living in
6 the wrong place. You can fill in what wrong means.
7 From these criteria, 13-year-old children have been
8 deemed gang affiliated and added to the Database.
9

10 Where is the recourse for all the children who
11 were wrongly and arbitrarily criminalized or their
12 collateral consequences? How does the NYPD give them
13 back their childhoods? Now, the NYPD tells us that
14 their improved system gives us a new formula. We've
15 heard that today it takes two School Safety Officers
16 who have decided that that kid is friends with the
17 wrong person and they were in the wrong place at the
18 wrong time. Something children and youth often have
19 very little say because not every child has good
20 choices.

21 This directly leads to the widespread violations
22 of the rights of Black and Brown New Yorkers. For
23 example, entire NYCHA buildings used to be deemed
24 gang locations, and even if this is no longer an
25 explicit criteria to the Gang Database, we know they

1 still regularly over police these areas as high crime
2 areas.
3

4 And the Floyd - this is especially important
5 because the Floyd Federal Monitor found that in 2022,
6 only 77 percent of stops at NYCHA properties were
7 lawful. This is a systemized, racialized violation,
8 and the deprivation of the rights of Black and Brown
9 people. The existence of the Database also directly
10 translates into more dangerous police encounters.
11 Since the Database is accessible to any NYPD officer
12 on patrol, it gives officers cover to escalate
13 encounters with only Black and Brown New Yorkers who
14 appear in the Database, regardless of why they were
15 added.

16 This leads to more dangerous stops and harsher
17 court outcomes, and the Floyd team knows this to be
18 especially true because over the past few years we
19 have seen an increase in both unconstitutional stops
20 by the NYPD, and in the racial disparities of these
21 stops, with Black and Latinx New Yorkers making up
22 almost 90 percent of reported stops. And the Federal
23 Monitors most recent report on NYPD discipline shows
24 that they rarely, if ever, are disciplined for
25 unconstitutional stops. In the same way that Stop

1
2 and Frisk was deployed in Black and Brown communities
3 as a matter of NYPD policy, the Gang Database targets
4 the same communities by outright criminalizing their
5 culture, their kinship, and their community. This is
6 race-based profiling by the NYPD.

7 We know this is wrong, why else would places like
8 Chicago and Portland abolish similar databases?
9 Abolishing the Database will not impact public safety
10 since racial profiling does not reduce crime, and
11 neither of those cities reported related rises in
12 crime. The Gang Database especially hurts Black and
13 Brown children by criminalizing the circumstances of
14 their childhoods, particularly those who through no
15 choice of their own, grew up in public housing or as
16 immigrants.

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

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2 CHAIRPERSON SALAAM: Thank you. I'd like to
3 remind the public that we have a timer restraint and
4 if you have written testimony, you can certainly add
5 it to the testimony that will captured today. Thank
6 you.

7 KELI YOUNG: Good afternoon Chair Salaam. My
8 name is Keli Young and I am a State Policy Advocate
9 at the Innocence Project. Thank you for the
10 opportunity to testify in support of Intro. 798. As
11 you know all too well at the Innocence Project, we
12 see first hand the devastation wrought by wrongful
13 convictions. After fighting for years for their
14 freedom, our clients suffer the impact of their
15 wrongful convictions and incarcerations for the rest
16 of their lives. The repercussions of a wrongful
17 conviction are broader than just a single individual;
18 they ripple out, affecting families, friends and
19 entire communities.

20 NYPD's gang database serves as a catalyst for
21 wrongful convictions, creating a pipeline that
22 transforms routine law enforcement interactions into
23 life-altering injustices. The use of gang databases
24 flies in the face of the concept of individualized
25 justice. These databases don't track specific

1
2 criminal acts but rather create permanent pools of
3 suspects based on highly subjective criteria.

4 Once included, individuals face heightened
5 scrutiny and increased likelihood of arrest,
6 regardless of their actual conduct. Despite the
7 utter lack of transparency, we do know that innocent
8 people are swept into these databases and wrongly
9 arrested and convicted because of them.

10 The Bronx 120 case demonstrates how devastating
11 this system can be. Nearly half of the 120
12 defendants were not alleged to be gang members, yet
13 they were swept into a massive RICO case. Despite
14 two-thirds having no prior felony convictions, 115
15 defendants plead guilty to felonies, primarily due to
16 the threat of draconian RICO sentences.

17 Approximately 70 individuals became felons not
18 through their own direct criminal acts, but through
19 vicarious liability for the conduct of acquaintances
20 over nearly a decade. Research has shown that mere
21 association with gang allegations dramatically
22 increases the likelihood of conviction, even when
23 evidence is insufficient to meet the standard of
24 proof beyond reasonable doubt. This creates a
25 perfect storm where individuals are labeled as gang

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2 members based on non-criminal criteria, face enhanced
3 charges and sentences, and then encounter juries
4 predisposed to convict based solely on the gang
5 label. The human cost is devastating. I'll end by
6 saying, rather than enhance the collateral
7 consequences associated with being just added to the
8 database are insurmountable. The harms community
9 members endure from this designation is far reaching
10 and most of the time life altering. While I
11 understand that the DOI released a report stating
12 that they did not find any harms, please let me be
13 clear that their job was to investigate how the
14 database operates, not investigate the harms
15 themselves. Thank you.

16 CHAIRPERSON SALAAM: Thank you.

17 DAVID MOSS: Thank you Chair Salaam. My name is
18 David Moss, speaking on behalf of the Legal Defense
19 Fund. We really appreciate this opportunity to
20 testify in favor of Intro. 798. Through the Criminal
21 Group Database, the NYPD relies on biased and
22 unreliable information to indiscriminately designate
23 thousands of New Yorkers as members of gangs. This
24 results in racial profiling and civil liberties
25 violations that almost exclusively harm communities

1
2 of color, with particular risk to young people and to
3 public housing residents.

4 The database's active list, as we've heard,
5 includes over 13,000 New Yorkers, 99 percent of whom
6 are Black or Latino and as of the OIG report, fairly
7 recently, approximately 1,600 people on the list were
8 added when they were children.

9 Criteria for adding people has included wearing
10 gang colors, which according to NYPD training
11 materials can include black, gold, yellow, red,
12 purple, green, blue, white, brown, khaki, gray, and
13 orange. Every color of the rainbow. People have
14 been added for being in a gang location and you know
15 according to the OIG, officers have often designated
16 entire NYCHA developments in their entirety as a gang
17 location when using that criteria to add someone to
18 the database, meaning that a person can be added
19 based in part just by being in or around their own
20 home.

21 People can be added because of their social media
22 activity, whether it's posting on a friends page,
23 posting a picture of themselves wearing certain
24 colors, standing next to another person that the NYPD
25 suspects as being a gang member, quoting song lyrics,

1
2 using certain emoji's. Many other innocuous
3 behaviors on social media have been used to add
4 people to the gang database.

5 So, in short, the NYPD has given itself the
6 unfettered power and authority to add virtually
7 anybody it wants to the database and it uses that
8 discretion to exclusively target Black and Brown
9 people and particularly to target young people by
10 criminalizing culture and social media habits that
11 are common among Black and Brown youth and I really
12 also want to add the database does put people in
13 harms way. It does lead to more intense police
14 encounters, stops, arrests, longer detention. So, it
15 certainly certainly does harm people. As folks have
16 mentioned, Chicago, Portland have abolished their
17 gang database. LDF's Martial Institute did a study
18 where we investigated whether or not that had any
19 impact at all on crime rates and abolishing the
20 database did not impact crime in those cities. So,
21 which tells us that the Gang Database is not a
22 legitimate public safety tool.

23 So, I will just end there because I'm over time
24 but thank you so much for this opportunity.

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2 CHAIRPERSON SALAAM: Thank you as well for your
3 testimony. Thank you. I'd like to call up the third
4 panel, the Public Defenders, the Public Defense and
5 just remind everyone that this is a government
6 proceeding, decorum shall be observed at all times as
7 such, members of the public shall remain silent. The
8 witness table is reserved for the people who wish to
9 testify, no video recording or photography is allowed
10 from the witness table itself. Furthermore, members
11 of the public may not present audio or video
12 recordings as testimony but may submit transcripts of
13 such recordings to the Sergeant at Arms for inclusion
14 in the hearing.

15 If you wish to speak today at today's hearing and
16 have not done so, please fill out an appearance card
17 with the Sergeant at Arms and wait to be recognized.
18 When recognized, you will have two minutes to speak
19 on Introductions 125 and 798. Once you hear the
20 times up chime, please begin to conclude your
21 testimony.

22 If you have any written testimony or additional
23 statements that you would like to submit for the
24 record, please provide them to the Sergeant at Arms
25 and you may also email written testimony to

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2 testimony@council.nyc.gov within 72 hours of the
3 close of this hearing.

4 I now call up the third panel Public Defense
5 Ashanti Baptise, Talia Kamran, Michael Gross, and
6 Scott Foletta. And you can go in any order you would
7 like.

8 ASHANTI BAPTISE: Hello, my name is Ashanti
9 Baptise, I'm a Community Organizer with the Legal Aid
10 Society Community Justice Unit. Our duties are to
11 provide legal services to the Crisis Management Sites
12 and the broader community as well. Along with these
13 services we facilitate workshops, the Gang Database
14 being one that's targeting our children.

15 I have spoken directly with adolescents, young
16 adults, and parents while conducting workshops
17 spreading information about the gangs database and
18 every single individual, we ask differently but often
19 afraid, shocked and angry at the same time. CJU
20 facilitates gang database presentations across the
21 five boroughs and the greatest thing I enjoy about
22 engaging with the youth is experiencing that most of
23 them aspire to do great things, are very intelligent
24 and warm hearted but due to the circumstances of
25

1
2 being underserved, society molded them to be
3 complacent, irrational and very angry.

4 Black youth just want to be heard and the only
5 way they have been taught by the world we live in is
6 by violence. This countries history is based on
7 violence. Television, news, reality shows, video
8 games, all based on unleashing your frustrations
9 through violence. So, when [INAUDIBLE 04:00:59]
10 record label signed kids talking about [INAUDIBLE
11 04:01:01] what message is being presented and who is
12 being held accountable? Our youth is being held
13 accountable and not the labels.

14 Our teens suffered from PTSD during COVID, which
15 started the trend of wearing ski masks, a product of
16 the pandemic and now they are demonized for it. We
17 hear stories all the time of teens afraid at night
18 walking home by themselves because police prey on
19 them and that's exactly what the gang database is
20 executing. It's not a coincidence being on the
21 database. It takes away you financially, it raises
22 your bail with our priors or finds itself being
23 deported. We even discovered officers can deny
24 families financial assistance with deceased loved

1
2 ones for on the gang database. Why go to that
3 extreme?

4 I have been advocating in Brooklyn for two
5 decades and it seems every generation gets more
6 detached from reality. What they hunger for are
7 higher quality education curriculums in schools that
8 they can relate to and efficient jobs providing
9 entrepreneur training. With that said, gangs are not
10 illegal but media has made galvanism unlawful when
11 young Black youth a symbol for fun or boredom and we
12 need to eradicate that way of thinking. For those
13 that hear my voice as rhetoric, just know gangs have
14 been around since the 1800's in New York City.

15 Black people didn't create gangs when you have
16 with their life. Societies are for comfort to White
17 kids that commit mass shootings but Black kids
18 fighting to survive are labeled savages. I'm
19 disappointed the police was not required to stay but
20 I'm not surprised to hear the community speak. One
21 day they will be held accountable but until then, end
22 mass incarceration and the gang policing, invest in
23 our communities and our youth, and pass Introduction
24 798. Thank you.

25 CHAIRPERSON SALAAM: Thank you.

1
2 SCOTT FOLETTA: Good afternoon. My name is Scott
3 Foletta and I am the Interim Management Attorney for
4 the Immigration Defense Team at the Neighborhood
5 Defender Service of Harlem. I would like to speak
6 today about the particular dangers of the Gang
7 Database bill for immigrant New Yorkers. During the
8 previous Trump Administration, ICE used the specter
9 of gangs as a means to depict all immigrants as
10 dangerous. Allegations of gang membership were
11 levied indiscriminately against central American
12 young men to deport them in sweeps, and the validity
13 of the allegations did not matter, only the
14 Administration's ability to claim that it was
15 deporting as many individuals "associated with a gang
16 as possible."

17 This time around, the Trump Administration is
18 going even further by labeling those who already have
19 the gang association label on them as terrorists.
20 And applying anti-terrorism laws against them, these
21 are laws that have very low burdens of proof and very
22 high penalties. Members of the military, federal
23 agencies such as the DEA and FBI and even the
24 National Guard of red states are being activated to
25 create a massive deportation force, which the

1 Administration is threatening to unleash on sanctuary
2 cities like New York and with the Trump
3 Administration threatening to expand criminal
4 prosecutions for things such as simply failing to
5 register on an annual basis. The Department
6 statements earlier today that they were only going to
7 cooperate with ICE in cases where there is a criminal
8 prosecution, give me no comfort.
9

10 When a gang allegation gets into ICE's hands, it
11 alone can trigger deportation. If a person is
12 undocumented, ICE does not have to prove that they
13 have engaged in any criminal activity in order to
14 deport them, and the allegations alone have been used
15 to deny people bond and deny immigration benefits
16 such as asylum and special immigrant juvenile status.

17 The last Trump Administration struggled to find
18 enough non-citizens with criminal convictions to
19 support its narrative of depicting immigrants as
20 dangerous, so instead relied on allegations.

21 The only way to protect young New Yorkers from
22 their information getting into ICE's hands is
23 abolition of the database. Thank you.

24 CHAIRPERSON SALAAM: Thank you.
25

1
2 TALIA KAMRAN: Hi good afternoon. My name is
3 Talia Kamran, I'm a Staff Attorney with Brooklyn
4 Defender Services, Seizure and Surveillance Defense
5 Project. Unlike our colleagues and community member,
6 BDS strongly urges the Council to pass Intro. 798.

7 As public defenders, we know that often times the
8 NYPD uses the database to justify arrests based on
9 the suspicion of gang affiliation, which undermines
10 genuine evidence gathering police work and encourages
11 profile based policing instead. Inclusion also leads
12 to hardship bail determinations, plea negotiations
13 and sentencing, fueling our city's scourge of
14 racially disproportionate mass incarceration.

15 What's most at stake though is that the gang
16 database is a driving force behind racially bias,
17 unconstitutional stop and frisk. Based on what we've
18 seen in our office DCLM Gerber claim that the
19 Database is not the impetuous for stops is absolutely
20 incorrect. Policy doesn't equal practice and reality
21 and oversight does not mean compliance. We
22 frequently see that young boys of color are stopped,
23 questioned and even arrested for minor petty crimes
24 purely to seek information for the database. We see
25 youth arrested for violations like disorderly conduct

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2 and they should simply be issued at desk appearance
3 ticket but instead, they're interrogated for hours
4 about what gang they belong to and who they know.
5 NYPD then has a common practice of seizing their
6 phones in these instances, despite there being no
7 connection between any investigation of such a low
8 level offense and a cell phone. And it's clear that
9 these minor arrests simply serve as an opportunity to
10 seize data about youth, their friends and to add
11 their contacts to the database.

12 I'd also like to speak to something else that
13 DCLM Gerber mentioned in his Q&A. He said that the
14 Departments policy is to contact parents and allow
15 them in into the room when a child is undergoing
16 interrogation but again, policy and reality are
17 oceans a part for the NYPD. We frequently see that
18 parents are failing to access their kids in precincts
19 and when they're undergoing questioning and often the
20 police department will claim that they need to unlock
21 a phone to call a parent and then they'll take that
22 child's phone. We've seen children as young as 11
23 years old get stopped and frisked based on the gang
24 database and so, we strongly urge the Council to pass
25 798 and we thank you for this hearing.

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2 CHAIRPERSON SALAAM: Thank you all as well,
3 appreciate it. I'd like to call the last Advocates
4 and Public Defenders Group Alex Vitale, David
5 Siffert, Pillar Dejesus, Christina Chaise, and Lex
6 Colleen. You may begin.

7 DAVID SIFFERT: Good morning. Good afternoon
8 Chair Salaam and thank you to you and to the rest of
9 the committee and to your staff for putting this
10 hearing together. My name is David Siffert. I'm a
11 member of the Board of the Jim Owles Liberal
12 Democratic Club. The Jim Owles Liberal Democratic
13 Club formed to provide the New York LGBT community
14 with a progressive citywide democratic club or
15 mandate just to see to it that the rights of LGBTQIA+
16 community are protected and advanced. We support
17 Intro. 798 to abolish the NYPD Criminal Group
18 Database, also known as the Gang Database.

19 Nationwide LGBT individuals are more likely to be
20 arrested and incarcerated than our straight cisgender
21 peers. This begins with youth where queer youth are
22 over twice as likely to be involved in the juvenile
23 justice system and adults are twice as likely to be
24 arrested and three times as likely to be
25 incarcerated. In New York specifically, there's a

1 long history of police abuse of the LGBT population
2 from regular raids on gay establishments in the 60's
3 culminating in the Stonewall Riot to 1969. NYPD
4 treated queer community with unwarranted suspicion
5 and targeted queer New Yorkers with violence in the
6 basis of the sexual orientation and identities.
7 Throughout the 60's and 70's, NYPD engaged in a
8 program to surveil the queer community.
9

10 Surveillance and harassment continues to this
11 day. In 2013, the New York Times wrote a piece about
12 NYPD harassment at LGBT New Yorkers in Queens. In
13 2017, a transgender woman was arrested for giving
14 false identity to law enforcement when she gave both
15 her current and previous legal names.

16 In 2020, NYPD attacked New York City's Queer
17 Liberation March, beating marchers with batons and it
18 wasn't until 2021 that New York repealed its walking
19 wall trans law. The crime of loitering for the
20 purposes of prostitution which was used by NYPD to
21 round up transgender women indiscriminately.

22 In short, LGBT New Yorkers have an increased risk
23 of law enforcement surveillance stop and frisk arrest
24 and incarceration for decades. Unsurprisingly, these
25 risks are compounded for queer, Black and Brown New

1
2 Yorkers. And just very quickly, I want to say at
3 this time, when the federal government and other
4 states are cracking down so hard, especially on
5 transgender Americans and transgender New Yorkers,
6 it's really important that New York is a safe harbor
7 for these communities. And when we have a database
8 like this, that gives the police authority
9 effectively arbitrarily to increase surveillance,
10 increase police interaction, increase likelihood of
11 stop and frisk and arrest of communities, it's
12 extremely likely the LGBT community will be on the
13 wrong end of it and we urge you to erase the
14 database.

15 CHAIRPERSON SALAAM: Thank you.

16 PILLAR DEJESUS: Good afternoon. My name is
17 Pillar Dejesus, I'm a Senior Advocacy Coordinator
18 with Take Root Justice. I want to give a shout out
19 to me Take Root gang, gang, gang. I'm here today
20 before you not only to urge you to abolish the NYPD
21 Gang Database but to demand that we confront the
22 deeper truths about what the system represents.

23 This isn't about public safety; this is about
24 control. This is about surveillance. This is about
25 criminalizing Black and Latino youth before they even

1
2 have a chance to fully step into their own lives.
3 Over 95 percent of individuals in the database are
4 Black and Latino. That statistic alone should tell
5 you everything you need to know about its purpose.
6 It does not target crime, it targets people. It does
7 not serve justice; it serves as racial profiling. It
8 does not make New York safer. It ensures that
9 generations of young people, particularly those from
10 poor communities are kept under constant threat of
11 criminalization. Let's be clear, it's not illegal to
12 be in a gang and yet the NYPD treats inclusion in
13 this list as a scarlet letter. An invisible mark
14 that follows young people through their lives, often
15 without them knowing. A young person can be added to
16 something so arbitrary as to where they live, who
17 their friends are, or even how they dress. There's
18 no transparency, there's no oversight and there's no
19 way to challenge the inclusion, and once you're in
20 it, you're in. No due process, no appeal, just a
21 lifetime of high insure - certain security and
22 criminal suspicion.

23 If this database was truly about crime, why
24 aren't proud boy in it? Why don't you see wealthy,
25 White criminal organizations subject to the same

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2 surveillance or restrictions because it's not about
3 justice, it's about oppression. It's a digital form
4 of stop and frisk. A way to keep Black and Latino
5 communities under constant NYPD watch, feeding into
6 the cycle that limits opportunities, increases
7 interactions with the criminal legal system, and sets
8 young people up for failure before they even had a
9 chance to make choice. Let's talk about the long
10 term harm. A person in a NYCHA can be labeled as a
11 gang member simply because where they live. That
12 label can impact their ability to get jobs, access to
13 housing, and further education. Let's just try to
14 get to the root of the problem and let's really
15 abolish this database.

16 CHAIRPERSON SALAAM: Thank you.

17 CHRISTINA CHAISE: Good afternoon Chair Salaam.
18 I'm Christina Chaise, I'm a long term resident of New
19 York City, excuse me a lifelong and I'm also an
20 Advocacy Coordinator at Take Root Justice along with
21 Pillar.

22 I'm here today to center the concerns established
23 by one of our coalition partners, the Gangs Coalition
24 and to speak on and advocate for NYCHA families
25 disproportionately harmed by these practices and

1
2 policies and to demand for the abolition for the
3 Gangs Database.

4 I've lived in public housing since I was six.
5 Now, I'm raising my son in the community I grew up
6 in, Ravenswood Houses and he's two. I was taught and
7 I teach my son to say hello to all of his neighbors.
8 It scars me to think that my son Matheo can end up on
9 a list that criminalizes him simply for saying good
10 morning to his elders. Sorry, it infuriates me that
11 we have to live a different life because of being
12 public housing residents. A life of hyper
13 surveillance and a hyper policing. I'm sorry, I get
14 sensitive when I talk about my son.

15 It is part of our every day lives as NYCHA
16 residents to feel like we don't belong, to feel like
17 a criminal just for being, to feel like a second
18 class citizen and the Gangs Database is a living
19 document that substantiates this.

20 As we know being put on the Gang Database leads
21 to harsher sentences and higher bail bonds that
22 extinguish possibilities of a second chance, innocent
23 or not. It is a set up. Our children are placed on
24 this list hyper surveilled and then roped further
25 into a carceral system depending on who they know and

1
2 how they represent themselves. It is a set up. We
3 usually can't pay for the bonds and affirmatively
4 navigate the legal system. It is a set up. And then
5 we lose our child. We lose our child to a system
6 that never saw them as innocent. That never saw them
7 as a child. It is a set up.

8 I can only share with you my own experience and
9 my own gendered body, meaning I cannot convey to you
10 the experience of young Black and Brown boys and men
11 that have their childhood stolen, their innocence
12 erased and their spirits murdered the way they are
13 telling you here today. But I will still speak with
14 my own experience of having a home rated by police
15 for association with someone they are looking for.
16 My own experience as a young person that has been
17 stopped and frisked more than once. As a NYCHA
18 resident who fears the mistrust of the police because
19 of the violence I've endured and witnessed and as a
20 mom who weeps for every mother who lost their son,
21 her baby, to this carceral system.

22 This database does not lead to justice. It leads
23 to death metaphorically and literally. I implore you
24 to listen and respond to the testimonies you hear
25 today from the people of New York. Our children, our

1
2 brothers, our men, our fathers, our families need you
3 to step up Council Members. Abolish the Gang's
4 Database now. Thank you.

5 CHAIRPERSON SALAAM: Thank you. I appreciate
6 your testimony.

7 CHRISTINA CHAISE: Thank you.

8 CHAIRPERSON SALAAM: I'd like to call the next
9 panel. If you are in the room Markise Jenkins, Adam
10 Friedland, Sharon Brown, Emily Miller, Larry Nickens,
11 Louis Sterier. Thank you, you may begin in which
12 ever order you would like, just remember that when
13 the chime starts, try to conclude your testimony.
14 Thanks.

15 ADAM FRIEDLAND: Hello, hi. My name is Adam. I
16 prepared - if you will excuse me, I've never been to
17 a Committee session before. I've never been in the
18 City Council and in light of what we've heard today,
19 the gravity of the subject matter, I just, I don't
20 feel like it's - it feels trivial. It was about
21 something totally different.

22 I just want to let you guys know, a lot of
23 people, myself included, people have like kind of
24 lost faith in our institutions and uhm seeing people
25 standing up for children today and I'm inspired by

1
2 the work of the Chairman and Mr. Jumaane and
3 Councilperson Cabàn and Stevens. I don't want to
4 make my statement. You guys are awesome. I mean
5 this is awesome, so I support - I didn't even know
6 about this but I support it. I've just been
7 watching. Give it up for yourselves you guys are
8 awesome. Give it up for yourselves. This is really
9 cool. This actually matters. Most everything is
10 bullshit. This actually matters and I won't waste
11 any more of your time. I'm just inspired by all of
12 you great people here today and if by any chance the
13 person that did the graffiti by my house that said,
14 Jews suck, if by any chance he's watching, you know I
15 don't know if he likes the City Council but hopefully
16 he's watching and we could you know hang out or
17 something. We could talk about it and you know it
18 hurt my feelings but who am I to call out a fellow
19 citizen, especially in light of everything we've
20 heard today.

21 So, keep kicking ass everyone. Give it up for
22 yourself. Oh it's okay. Thank you a lot everyone.
23 Alright.

24 CHAIRPERSON SALAAM: Thank you.

25

1
2 SHARON BROWN: Hello, my name is Sharon Brown and
3 before I start, remember the hostages release the
4 hostages, let Yawa's people go, defend Israel. Okay,
5 so the public safety, we can always keep Israel
6 safety in the forefront. I believe that the
7 databases should also include Palestinians, they wear
8 the scarves and they target Israel. So, if they're
9 going to have a gang database, I think that that
10 should be included in the gang database. I think
11 that when people say that the databases are racist, I
12 don't know necessarily that that's true, that they're
13 racist but they can come across sometime as bias.
14 There needs to be a way to better that. So, if they
15 are going to use these kind of databases, they have
16 to have a better criteria for why they stop people.
17 They can't just stop people because of some kind of
18 bias. And someone that is wearing a Palestinian
19 scarf, that would not necessarily be a bias
20 considering the terrorism and things that have
21 occurred.

22 So something like that wouldn't necessarily be
23 racist or bias but setting up shop in one particular
24 community would not be beneficial because again, some
25 people have said it marks someone for a long time.

1
2 They can't get housing; they can't get jobs and
3 things like that. So, we know what does not work in
4 our community. As far as the police and the
5 community, they need to get together and make some
6 criteria for these databases. So, they should have
7 some kind of overall meeting where they determine
8 what and how the databases should be used. I don't
9 know that we need to throw it away completely but we
10 do need to make sure that it's not done in a way
11 that's bias and again, remember Israel, defend
12 Israel, release the hostages.

13 CHAIRPERSON SALAAM: Thank you. Oh, just press
14 the button, yes.

15 EMILY YINSHING MILLER: Good afternoon Chair
16 officers, oh no, you're Public Safety. Anyway, good
17 morning sir. Good afternoon sir. My name is Emily
18 Yinshing Miller and I'm very touched and invigorated
19 on the other hand, by a lot of speakers to reflect
20 all of those various issues in the community.

21 As a community leader that was invited in 1990 to
22 help America, I feel for all of what you said. You
23 know actually I graduated from grad school here in
24 Manhattan and I also lived in Manhattan for 37 years
25 and unfortunately I was - when I was fighting for our

1
2 community, I also got injured when I was in Brooklyn
3 and I was like Salaam mentioned about people who live
4 in a particular zip code get racially profiled or
5 discriminated. So, I had been always lived in
6 equivalent of Madison Avenue kind of a neighborhood
7 in my parents' home and I was always representing
8 people from senior to adolescent and in here I happen
9 to live in a zip code everybody thought was not too
10 bad. So, they fear for being attacked or racially
11 profiled and would always ask me, because when I show
12 my driver's license, probably would help them being
13 less discriminated so that's why they always - well,
14 they're working hard. They always have me to
15 represent them and instead I got badly beaten because
16 of my appearance as an Asian. So, I really think all
17 of you brought out very, very important, crucial
18 issues about how this leading city of the world
19 should treat our people that's from a very
20 diversified background and different age groups.

21 Recently I also encountered situations about
22 people who actually married US citizens for green
23 card, which I always warmly embrace them if they
24 truthfully love this America lady and just like they
25 love our country. But instead, some of them are not

1 cooperative. They do have a temper issue that leads
2 them to violence and I do hope our city would do
3 something about it and I did have some reports
4 submitted to District Attorney; I believe is, what is
5 her name? I'm talking to my hand; it's in my email.
6 But anyway, thank you very much for listening.
7

8 CHAIRPERSON SALAAM: Thank you as well. Than
9 you. I'd also like to call up Yvon. Just press the
10 button. Thank you.

11 UNIDENTIFIED: It's on? Hi sir, honorable to the
12 Committee. It's an issue that unfortunately started
13 May 11, 2006, stalking issue. I'm having the pain
14 since Saturday over my heart. I had a heart attack
15 June 25, 2024. I'd say it's caused from the man
16 above me doing something with electricity that makes
17 me very, very sick. I went to the emergency room and
18 when I went to the emergency room from 11:00 until 3
19 in the morning, the wonderful stay, I marched back
20 and forth while I moaned in pain and my pressure went
21 to 216/109. But the stalking is pretty bad because
22 I'm on the property of MTA and paying my fair and
23 minding my business and you're harassing me. I leave
24 this building; no you march at me who I don't know,
25 harass me and it's now 20 years. Now, I struggle

1
2 like that- I don't do drugs and the wonderful man who
3 wants to be dictator has an issue with drug dealers
4 but then I don't understand why all those complaints
5 to Bloomberg, de Blasio, I can't even get to it now.
6 I'm lost. I'm lost at the amount of Police
7 Commissioners. I'm lost at IEB CCRB that doesn't
8 handle stalking Mr. Dosh nice man and the rest of
9 them. They don't handle stalking. I cannot come up
10 to you, grab at you, reach at you, touch you, assault
11 you and police stand and watch. Big problem sir and
12 I tried to reach you before you became who you became
13 but I couldn't reach you. I called your office last
14 year and spoke to Shannie and I had a letter for you
15 to see but since 2009, Liz had gone to Presidents.
16 Every bus and train camera seen those letters. They
17 have been given to White House staff in the days of
18 Obama, Foster, Marshel and one to Ronald L. Davis of
19 Cops Division. That's the White House. Many people
20 differ the governor - Governor Patterson. One year
21 left with Obama, one year left. I see Governor
22 Patterson and I say, My name is Ms. Janice and until
23 your last day in office I reached out to you. You
24 remember Ms. Katie? He said yeah. You remember
25 Larry? He said yeah. It's a stalking issue and he

1
2 went on to say because you know he's blind. He went
3 on to say that he worked in the Brooklyn DA but this
4 is not how many years ago? Ten years ago? This is
5 now 20 years but he got all those calls and emails.
6 I wonder where they all go?

7 CHAIRPERSON SALAAM: Because your time is up, I
8 want to offer - I have my Chief of Staff here who
9 will help you and will connect with you to figure out
10 ways forward.

11 Yes, I just want to speak to you if you had a
12 moment. Greatly appreciate it because I did speak to
13 the wonderful lady a moment ago but if I could speak
14 to you, greatly appreciate it. If you can, okay.
15 Thank you. Very urgent, thank you.

16 CHAIRPERSON SALAAM: Thank you. We will now turn
17 this over to our virtual panelists. For virtual
18 panelists, once your name is called, a member of our
19 staff will unmute you and the Sergeant at Arms will
20 set the timer and give you the go ahead to begin.
21 Please wait for the Sergeant at Arms to announce that
22 you may begin before delivering your testimony. I
23 will now call our first virtual panelists, Lisa
24 Freeman.

25 SERGEANT AT ARMS: You may begin.

1
2 LISA FREEMAN: Good afternoon. Thank you so much
3 Chair Salaam for your patience with this hearing. I
4 am only going to be specifically testifying about INT
5 - oh I don't have my camera on I see, apologies, here
6 we go. There we go. I'm only going to be testifying
7 about INT 125 today. Other folks from the Legal Aid
8 Society have spoken about the Gang Database. I am
9 the head of our Juvenile Rights Practice, Special
10 Litigation and Law Reform unit. The issue of the
11 taking of minors DNA without parental consent is an
12 incredibly important issue. As you may know the
13 Legal Aid Society has sued to stop the NYPD's
14 unlawful DNA index, which includes DNA taken
15 surreptitiously from adults as well as children. The
16 whole concept that anybody can abandon their DNA is I
17 think completely a false concept and one that's in
18 fact unlawful.

19 But we vigorously support Council Member Ayala's
20 bill but believe there are several necessary
21 amendments. First, I just want to mention that
22 children who are charged as juvenile delinquents can
23 never be included in the lawful state DNA index
24 because they statutorily cannot be convicted of a
25 crime. So, anyone whose not convicted cannot be in

1
2 the state DNA index. So, the whole concept that NYPD
3 has its own index that includes people who are not
4 convicted is unlawful and completely problematic but
5 they certainly should not be including children.

6 One of the you know, under New York State law the
7 Law Enforcement has to obtain a warrant or a court
8 order before getting a DNA sample from anybody unless
9 the person consents but the idea that a child can
10 consent to the taking of their DNA, that they can
11 understand what that means and the long term
12 consequences of that action is a completely flawed
13 notion.

14 SERGEANT AT ARMS: Thank you. Time is expired.

15 LISA FREEMAN: Can I just finish one sentence
16 please? I will be submitting written testimony but
17 our problem with regard to 125 is that we don't
18 believe that parents are in a position to consent for
19 their children because all too often, they are not
20 able to look out for their child's best interest and
21 instead we think an attorney should be provided to
22 the child if in fact they're going to not get a court
23 order for that child's CNA. Thank you very much.

24 CHAIRPERSON SALAAM: Thank you. I'd now like to
25 call Tanesha Grant.

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2 SERGEANT AT ARMS: You may begin.

3 TANESHA GRANT: Hello, thank you for this. My
4 name is Tanesha Grant and I am the Executive Director
5 of Parent Support and Parents New York. Thank you
6 Chair Salaam and Public Safety Committee for this
7 important hearing.

8 We fully support Intro. 798 and Intro. 125. The
9 Gang Database has been a way for NYPD to racially
10 profile and criminalize our children and young
11 people. If it wasn't, it wouldn't be 95 percent
12 Black and Brown people on it. As Council Member
13 Stevens mentioned, we have many gangs of different
14 ethnic groups. Yet all resources are focused on our
15 communities, which leads a false narrative about our
16 youth. We are very pleased that the New York City
17 Council is trying to address these racially systemic
18 issues that have been a curse on our communities for
19 decades. The NYPD aren't really concerned about
20 public safety. They are concerned about locking up
21 our children and labeling them as gang bangers.

22 I hear this talk about at risk youth but the
23 Community Affairs Department will send the NYPD that
24 is supposed to engage with our youth and communities,
25 have a very low budget. It is time that the Gang

1 Database and taking DNA from minors be stopped
2 immediately. We also need to talk about how guns get
3 into our communities in the first place. Often
4 times, guns and gangs are in a same sentence. The
5 unlawful over policing and criminalization of Black
6 youth has a severe toll on our youths mental health.
7 We must stop the over funding of the police and start
8 really putting resources and real opportunities into
9 our community.
10

11 I will send the rest of my testimony you know to
12 you. Thank you so much.

13 CHAIRPERSON SALAAM: Thank you. I call
14 Christopher Leon Johnson.

15 SERGEANT AT ARMS: You may begin. You may begin.

16 CHRISTOPHER LEON JOHNSON: Hello? Hello? Can
17 you hear me?

18 COMMITTEE COUNSEL: We can hear you.

19 CHRISTOPHER LEON JOHNSON: Yeah hello, hey my
20 name is Christopher. Hi, my name is Christopher Leon
21 Johnson. I'm here to be in opposition to the Gang
22 Database abolition bill and I'm going to tell you
23 why. It's because these bills benefit nothing but
24 the corrupt nonprofits. It benefits these nonprofits
25 that just want the money from what they spend in the

1
2 Gang Database. I spoke about it before. I know what
3 this bill is about. This was like the last time,
4 when I was in the rain, testifying in the rain in
5 Brooklyn. Like I said, this is nothing but a redone,
6 a redo of the last bill that he did. Okay, you can't
7 - the Gang Database bill is controversial so let's
8 now call it Criminal Organization. Now what's next?
9 You all are just redoing bills just to say like,
10 well, we get this one bill done, we'll get rid of
11 Gang Database.

12 Look, we need this bill. Like I said Vicki
13 Paladino hit it on the head and said that look,
14 there's a criminal micro problem in the City of New
15 York and we need this. We need this for the criminal
16 migrants in the city but I want to give a shout out
17 to Nantasha Williams about what she said about the
18 explorer situation, that look, yeah there's a gang
19 problem in the city. There's a lot of bad people in
20 the city that needs their help and the resources but
21 she was correct about the explorer program when it
22 comes to the youth outreach where they don't select
23 the bad kids. They only select the cream of the
24 crop, which mean the good kids.

25

1
2 I understand we want to cure violence in the City
3 of New York. We want to cure violence everywhere but
4 how are we going to cure violence when you're only
5 picking the good people? That's like having a thorn
6 on your nail or a thorn on your tip of your finger
7 and you need to get it pulled out and the only way
8 you can pull it out is by the use of your finger,
9 like prick or like a tweezer and take the thorn out
10 of your finger. At the same time, you're saying
11 let's put water on. I mean it's stupid. It's
12 counterproductive. Well, she's right about that.
13 Nantasha Williams is correct about the whole explorer
14 situation that needs to be fixed. You need to start
15 recruiting all the bad kids and putting them in
16 programs -

17 SERGEANT AT ARMS: Your time is expired.

18 CHRISTOPHER LEON JOHNSON: So, thank you so much.
19 Enjoy your day, I got to go.

20 CHAIRPERSON SALAAM: Thank you. We've now heard
21 from everyone who has signed up to testify. If we
22 inadvertently missed anyone who would like to testify
23 in person, please visit the Sergeant at Arms table
24 and complete a witness slip now. If we inadvertently
25 missed anyone who would like to testify virtually,

1
2 please use the raise hand function in Zoom and a
3 member of our staff will call you in the order of the
4 hands raised.

5 Seeing no one left, I would like to note again
6 that written testimony, which will be reviewed in
7 full by Committee Staff may be submitted to the
8 record up to 72 hours after the close of this hearing
9 by email sending it to testimony@council.nyc.gov.

10 This hearing is now concluded. Thank you. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 14, 2025